



RULES OF PRACTICE
WOOD COUNTY COURT OF COMMON PLEAS
PROBATE DIVISION
DAVID E. WOESSNER, JUDGE
EFFECTIVE DATE JUNE 24, 2020

TABLE OF CONTENTS

L. RULE 5.1	ADOPTION OF LOCAL RULES	1
L. RULE 5.2	JURY MANAGEMENT	1
L. RULE 8.1	ADOPTION ASSESSOR	1
L. RULE 9.01	COURT SECURITY.....	3
L. RULE 9.02	WEAPONS PROHIBITED	3
L. RULE 16.01	MEDIATION	4
L. RULE 16.02	REFERRAL AND PARTICIPATION IN MEDIATION	4
L. RULE 16.03	PROCEDURES	5
L. RULE 16.04	MEDIATION CASE SUMMARY	5
L. RULE 16.05	REPORT OF MEDIATOR	6
L. RULE 16.06	EFFECT OF ONGOING COURT ORDERS ON MEDIATION.....	6
L. RULE 16.07	DOMESTIC VIOLENCE MATTERS	6
L. RULE 16.08	DEFAULT OF CONFIDENTIALITY.	7
L. RULE 16.09	REFERRAL TO RESOURCES	7

L. RULE 26.1	RECORD RETENTION	7
L. RULE 38.1	ANNUAL CASE INVENTORY	8
L. RULE 53.1	HOURS OF THE WOOD COUNTY PROBATE COURT.	8
L. RULE 54.1	CONDUCT IN COURT.	9
L. RULE 56.1	APPLICATIONS FOR EXTENSIONS AND CONTINUANCES	9
L. RULE 57.1	FILINGS	9
L. RULE 57.12	AFFIDAVITS FROM FACILITIES INITIATING MENTAL ILLNESS CASES.	10
L. RULE 57.2	CERTIFICATION OF RELATED CASE	10
L. RULE 57.3	MOTIONS	10
L. RULE 57.4	DISPENSE WITH FURTHER ADMINISTRATION	11
L. RULE 57.5	PERSONAL INFORMATION	11
L. RULE 57.7	SUBSTITUTION OF COUNSEL	12
L. RULE 57.8	WITHDRAWAL OF COUNSEL	12
L. RULE 57.9	FILING BY ELECTRONIC SUBMISSION	13
L. RULE 57.10	NAME CHANGES	16

L. RULE 57.11	SERVICE OF PLEADINGS AND OTHER PAPERS SUBSEQUENT TO THE ORIGINAL COMPLAINT	16
L. RULE 58.1	DEPOSITS AND BONDS	17
L. RULE 58.2	REFUNDS.....	17
L. RULE 59.1	CERTIFICATION OF NO OTHER WILL	17
L. RULE 59.2	DESIGNATION OF ANCIENT WILLS	18
L. RULE 60.1	SAFE DEPOSIT BOX AUTHORIZATION	18
L. RULE 61.1	APPROVED APPRAISERS.....	18
L. RULE 61.2	APPRAISALS FOR OUT OF COUNTY REAL ESTATE	19
L. RULE 62.1	PRESENTMENT OF CLAIMS	19
L. RULE 62.2	SUMMARY INSOLVENCY	19
L. RULE 64.1	ACCOUNTS OF GUARDIANS AND CONSERVATORS	20
L. RULE 64.2	ACCOUNTS OF TESTAMENTARY TRUSTEES AND OTHER FIDUCIARIES ..	20
L. RULE 64.3	PHOTOCOPIES OF VOUCHERS WITH APPLICABLE ACCOUNTS	21
L. RULE 64.4	NOTICE OF ACCOUNT HEARINGS	21

L. RULE 64.5	RETURN OF VOUCHERS AND DOCUMENTATION	21
L. RULE 64.6	PARTIAL ACCOUNT ATTORNEY FEES	21
L. RULE 64.7	DISTRIBUTIONS VIA POWER OF ATTORNEY	21
L. RULE 64.8	PARTIAL ACCOUNT BANK CERTIFICATIONS	21
L. RULE 65.1	EVIDENCE OF TITLE	22
L. RULE 65.2	NECESSARY PARTIES AND SERVICE	22
L. RULE 66.1	GUARDIANSHIP BACKGROUND CHECKS	22
L. RULE 66.2	GUARDIANSHIP BONDS	22
L. RULE 66.3	STATEMENT OF PERMANENT ADDRESS OF GUARDIAN	22
L. RULE 66.4	GUARDIAN'S REPORT	23
L. RULE 66.5	SUBSEQUENT STATEMENTS OF EXPERT EVALUATIONS	23
L. RULE 66.6	EMERGENCY GUARDIANSHIPS	23
L. RULE 66.7	GUARDIAN PERFORMANCE	24
L. RULE 68.1	MINOR INJURY CLAIMS - LOCAL PROCEDURES	25
L. RULE 69.1	ADULT WARD INJURY CLAIMS - LOCAL PROCEDURES	25

L. RULE 71.1	REQUEST FOR ATTORNEY FEES AND PARTIAL ATTORNEY FEES	26
L. RULE 71.2	ATTORNEY FEE HEARINGS	27
L. RULE 71.3	ATTORNEY FEE GUIDELINES	27
L. RULE 71.4	EXTRAORDINARY FEES	27
L. RULE 71.5	FEES WHEN ACTING AS BOTH FIDUCIARY AND ATTORNEY.	27
L. RULE 72.1	EXECUTOR AND ADMINISTRATOR FEE SCHEDULE	27
L. RULE 73.1	GUARDIAN FEE SCHEDULE	28
L. RULE 73.2	REDUCTION OR DENIAL OF GUARDIAN FEES	28
L. RULE 73.3	ATTORNEY FEES FOR NON-INDIGENT GUARDIANSHIPS.	28
L. RULE 74.1	TRUSTEE'S FEES	29
L. RULE 78.1	INVENTORY	29
L. RULE 78.2	SURVIVING SPOUSE'S RIGHT OF ELECTION	30
L. RULE 78.3	ACCOUNTS OF GUARDIANS AND CONSERVATORS	30
L. RULE 78.4	ACCOUNTS OF TESTAMENTARY TRUSTEES AND OTHER FIDUCIARIES . .	31
L. RULE 78.5	COMMISSIONER'S REPORT	31

L. RULE 78.6	STATUS REPORTS	32
L. RULE 78.7	GUARDIAN'S REPORT AND STATEMENT OF EXPERT EVALUATION	32
L. RULE 78.8	CASE MANAGEMENT OF ADVERSARY PROCEEDINGS	33

**IN THE COURT OF COMMON PLEAS OF WOOD COUNTY, OHIO
PROBATE DIVISION**

**LOCAL RULES OF COURT
(EFFECTIVE 6/24/20)**

**SUP. RULE 5
(LOCAL RULES)**

**L. RULE 5.1
(ADOPTION OF LOCAL RULES)**

The Wood County Probate Court adopts the following Local Rules as authorized by Rule 5 of the Rules of Superintendence for the Courts of Ohio.

**L. RULE 5.2
(JURY MANAGEMENT)**

All jury trials in Wood County Probate Court are governed by the jury management procedure of the General Division of the Wood County Court of Common Pleas. All jury trial requests shall be in compliance with Civ. R. 38 and 39.

**SUP. RULE 8
(COURT APPOINTMENTS)**

**L. RULE 8.1
(ADOPTION ASSESSOR)**

As required by law, adoption assessors shall conduct home studies for the purpose of ascertaining whether a person or persons seeking to adopt a minor is/are suitable to adopt. A written report of the home study shall be filed with the Court at least ten days before the petition for adoption is heard. The report shall contain the opinion of the assessor as to whether the person(s) who is the subject of the report is suitable to adopt a minor as well as additional material as is required under the laws of Ohio.

Upon Order of the Court, the costs of the home study and other proceedings shall be paid by the person seeking to adopt, and, if the home study is conducted by a public agency or public employee, portions of the costs representing any services and expenses shall be taxed as costs and paid into the State treasury or County treasury, as the Court may direct.

The Wood County Probate Court uses the following cost schedule:

Birth Parent Counselling: A fee of \$100 shall be assessed by the Court when an assessor is appointed to carry out duties specified in R.C. 3107.082, relating to the assessment of the biological/birth parents prior to the execution of consent.

At this time the assessor will also be required to complete a Social & Medical history of each (in-state) consenting biological parent.

Home Study Basic Fee: The basic fee for a home study is \$250. This basic fee is for a home study report resulting from a single home visit. During this visit the assessor makes face-to-face contact with the prospective adoptive parent and the minor to be adopted, as well as all other children or adults residing in the prospective adoptive home.

Prefinalization Report: The fee for the prefinalization report is included in the cost of the home study and provides an assessment of the minor and the petitioner(s). Pursuant to R.C. 3107.12, the assessor shall file the prefinalization report with the court not later than 20 days prior to the date of the final hearing; unless, the court determines that there is good cause to file report at a later date.

Additional Visits and Cost of Additional Visits: Additional home visits are required for most private adoptions. The assessor, no later than seven days after a minor to be adopted is placed in a prospective adoptive home pursuant to section 5103.16 of the Ohio Revised Code, shall conduct an additional adoptive home visit in that home. These additional visits are to continue every thirty days, until the Court issues a final decree of adoption.

The Court charges a fee of \$30 per additional home visit. A typical adoption includes 6 additional pre-final hearing visits at \$30 resulting in typical additional visit fees of \$180.00.

Extraordinary Fees: The Court may Order an additional fee in certain instances including:

1. Upon Application of Assessor: An adoption assessor may make Application to the Court if they believe that additional fees should be assessed.
2. Adoption which would require extensive traveling: If the assessor must travel extensively (i.e. out of state or a considerable distance within the State), the Court, on a case by case basis, may issue an Order directing the Petitioner to pay an amount over and above any standard fee.
3. Adoption with 3 or more adoptees: If an assessor must prepare home studies for 3 or more minor adoptees, the Court shall issue an Order requiring the Petitioner(s) to pay an additional fee over and above the basic homestudy fee.

**SUP. RULE 9
(COURT SECURITY PLAN)**

**L. RULE 9.01
(COURT SECURITY)**

The Wood County Probate Court has worked in conjunction with the Wood County Court of Common Pleas Court General Division in adopting and maintaining Court Security procedures as required in Sup. R. 9 and as set forth in Rule 2.05 of the Local Rules of the Wood County Court of Common Pleas General Division.

**L. RULE 9.02
(WEAPONS PROHIBITED)**

- A. No person, with the exception of those persons listed in section B of this rule, may convey or attempt to convey, possess or have under his or her control a deadly weapon or dangerous ordnance in the Wood County Courthouse or in another building or structure in which a Wood County Courtroom is located. This prohibition includes those persons licensed to carry a concealed weapon pursuant to R.C. 2923.125 or 2923.1213.
- B. The following persons are permitted to convey, possess or have under their control a deadly weapon or dangerous ordnance in the Wood County Courthouse or in another building or structure in which a Wood County Courtroom is located:
1. A judge or magistrate of a court of record of Ohio
 2. A peace officer who is authorized to carry a deadly weapon or dangerous ordnance, who possesses that weapon or ordnance as a requirement of that peace officer's individual duties, and who is acting within the scope of his or her duties at the time of possession or control
 3. A person who conveys, attempts to convey, possesses or has under his or her control a deadly weapon or dangerous ordnance that is to be used as evidence in a pending criminal or civil action or proceeding
 4. A bailiff of the court or court constable authorized to carry a firearm by R.C. 109.77 who possess or has under his or her control a firearm as a requirement of his or her duties and who is acting within the scope of his or her duties at the time of possession.
 5. A prosecutor appointed by a county prosecuting attorney, who is authorized to carry a deadly weapon or dangerous ordnance in the performance of his or her duties, who possesses or has under his or her control a deadly weapon or dangerous ordnance as a

requirement of his or her duties, and who is acting within the scope of his or her duties at the time of possession or control.

- C. This courthouse does not provide the service of securing handguns, except to authorized law enforcement personnel.

**SUP. RULE 16
(MEDIATION)**

**L. RULE 16.01
(MEDIATION)**

The Wood County Probate Court incorporates by reference ORC 2710, the "Uniform Mediation Act" (UMA) and Rule 16 of the Ohio Rules of Superintendence.

(DEFINITIONS)

1. Mediation: Any process in which a neutral third party facilitates communication and negotiation between parties to assist them in reaching a voluntary agreement regarding their dispute.
2. Mediation communication: A statement, whether oral, in a record, verbal or nonverbal, that occurs during a mediation or is made for the purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.
3. Mediator: A neutral third party who conducts mediation.
4. Non-party participant: A person, other than a party or mediator, that participates in mediation.

**L. RULE 16.02
(REFERRAL AND PARTICIPATION IN MEDIATION)**

The court has discretion to encourage parties to use mediation in all contested matters within the Probate Court which may be mediated. Mediation is a voluntary and non-binding option for resolving contested matters before the Court which is open to parties who wish to participate. There is no additional cost for mediation provided that the parties utilize the Wood County Common Pleas Court Mediator. Parties who wish to utilize mediation may be accompanied by their attorneys and other designated individuals subject to the discretion of the Mediator.

Prior to the initial pre-trial in a contested matter, counsel shall discuss the appropriateness of mediation with their client and with opposing counsel. After discussion of mediation with their client, counsel may submit a written request for mediation. Upon review of the case, the Court, if appropriate, may issue an order to refer the case to mediation. The Court reserves the right to refer a case to mediation on its own. Any

party opposing a written request for mediation shall file a written response within seven (7) days of receiving notice of the request for mediation.

- (a) Exceptions. Mediation is prohibited in the following:
- (i) As an alternative to the prosecution or adjudication of domestic violence;
 - (ii) In determining whether to grant, modify, or terminate a protection order;
 - (iii) In determining the terms and conditions of a protection order;
 - (iv) In determining the penalty for violation of a protection order.
- (b) Nothing in this division shall prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the provisions of a protection order; or in a juvenile court delinquency case, even though the case involves juvenile-perpetrated domestic violence.

L. RULE 16.03 (PROCEDURES)

In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the Court and the Court Mediator, mediation will be scheduled. A mediator may meet with parties individually prior to bringing the parties together for any reason including but not limited to further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.

1. The court shall utilize procedures for all cases that will:
 - Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.
 - Screen for domestic violence both before and during mediation.
 - Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.
 - Prohibit the use of mediation in any of the following:

As an alternative to the prosecution or adjudication of domestic violence;

In determining whether to grant, modify or terminate a protection order;

In determining the terms and conditions of a protection order; and

In determining the penalty for violation of a protection order.

**L. RULE 16.04
(MEDIATION CASE SUMMARY)**

Each party shall submit to the mediator a summary of facts and circumstances of the dispute together with any arguments in support of their case. Parties shall provide any additional information or material which they believe will aid the mediator in understanding the dispute or which the mediator requests relevant to the issues at hand.

**L. RULE 16.05
(REPORT OF MEDIATOR)**

At the conclusion of any mediation, the mediator shall inform the Court in compliance with ORC 2710.06 who attended the mediation and whether the case has settled. This report shall be submitted by the mediator within 10 days of the conclusion of the mediation.

**L. RULE 16.06
(EFFECT OF ONGOING COURT ORDERS ON MEDIATION)**

Ongoing Court Orders such as discovery or temporary Orders remain in effect throughout the mediation process. Further, specific Orders of the Court as to a particular case may supersede these general mediation rules.

**L. RULE 16.07
(DOMESTIC VIOLENCE MATTERS)**

The Wood County Probate Court does not exercise jurisdiction over domestic violence cases. However, contested cases within the Probate Court oftentimes involve family disputes. Counsel shall advise the Court prior to any mediation of any known domestic violence history involving the Probate Court litigants or interested parties. The Court on its own volition may also inquire into issues which may provide information impacting the potential for domestic violence before and during any mediation. As needed, referrals may be made by the Court to legal counsel or support services for parties including victims of and suspected victims of domestic violence.

**L. RULE 16.08
(DEFAULT OF CONFIDENTIALITY)**

(a) General. All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act. Mediation communications are confidential, and no one shall disclose any of these communications unless all parties and the mediator consent to disclosure. This court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should first be addressed with the mediator or mediation department where possible.

By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

(b) Exceptions. All mediation communications are confidential with the following exceptions:

- (i) Parties may share all mediation communications with their attorneys;
- (ii) Certain threats of abuse or neglect of a child or an adult;
- (iii) Statements made during the mediation process to plan or hide an ongoing crime;
- (iv) Statements made during the mediation process that reveal a felony.

**L. RULE 16.09
(REFERRAL TO RESOURCES)**

The Court Mediator will maintain information for the public, mediators, and other staff as appropriate. The information will include: 1) attorney referral contact information, 2) information regarding Adult Protective Services and Children Services and 3) resource information for local domestic violence prevention, counseling, substance abuse and mental health services

--Revised per Sup. R. 16 through 16.43 effective 1-1-2020--

**SUP. RULE 26
(COURT RECORDS MANAGEMENT AND RETENTION)**

**L. RULE 26.1
(RECORD RETENTION)**

The Wood County Probate Court has adopted the Local Record Retention Schedule attached as Appendix I, which will be followed in conjunction with Rule 26 of the Rules of Superintendence for the Courts of Ohio.

**SUP. RULE 38
(ANNUAL PHYSICAL CASE INVENTORY)**

**L. RULE 38.1
(ANNUAL CASE INVENTORY)**

- A. On or before the first day of October of each year, the Court shall complete an annual physical inventory of cases reported as pending on the applicable statistical report forms. Within three months of initial election or appointment to the bench, a new Judge shall complete a physical case inventory with subsequent inventories being due on or before the first day of October of each ensuing year.
1. The inventory involves the review of each case file to ensure an accurate count of pending cases. The Probate Judge will decide whether physically checking closed or inactive cases is necessary, but pending cases must be reviewed.
 2. The inventory should give the status of each case.
 3. A computer printout of cases may be used to begin the process of verifying pending cases, but a physical review of case files shall be conducted.
 4. Documentation of the physical inventory requires reporting the date of the most recent inventory in the box provided on the statistical report forms.

**SUP. RULE 53
(HOURS OF THE COURT)**

**L. RULE 53.1
(HOURS OF THE WOOD COUNTY PROBATE COURT)**

The Probate Court and its offices shall be open for the transaction of business from 8:30 A.M. to 4:30 P.M. daily except Saturday, Sunday, and legal holidays and as may be modified by Order of the Court.

**SUP. RULE 54
(CONDUCT IN COURT)**

**L. RULE 54.1
(CONDUCT IN COURT)**

Any conduct which interferes or tends to interfere with the proper administration of the Court is prohibited. Non-party spectators may not be allowed in the courtroom without the consent of the Court. Food, beverages (with the exception of water or other approved beverages), and smoking are prohibited in the courtroom during all hearings. No person carrying a bag, case or parcel shall be permitted to enter or remain in the courtroom without first submitting such bag, case or parcel to the Court Constable for inspection. No pagers, mobile phones, or other electronic devices shall be allowed in the courtroom, unless the audible signal is turned off. The Court reserves discretion to limit the use of any electronic device which interferes with or violates rules or Orders of this Court.

**SUP. RULE 56
(CONTINUANCES)**

**L. RULE 56.1
(APPLICATIONS FOR EXTENSIONS AND CONTINUANCES)**

All applications for extensions of time and continuances must be signed by both the fiduciary (if applicable) and/or the party, and the attorney of record.

All applications for continuances of hearings, pretrials and trials shall be submitted to the Court and sent to any adverse party or counsel at least 7 days prior to the scheduled date for the event sought to be continued, absent emergency or cause deemed sufficient by the Court.

**SUP. RULE 57
(FILINGS AND JUDGMENT ENTRIES)**

**L. RULE 57.1
(FILINGS)**

- A. All filings, except wills, shall be on eight and one-half by eleven-inch paper, without backings, of stock that can be microfilmed.
- B. All filings shall contain the name, address, telephone number, and attorney registration number of the individual counsel representing the fiduciary and, in the absence of counsel, the name, address, and telephone number of the fiduciary. In addition, if an attorney or non-represented party wishes to receive notice by email, all filings shall contain the attorney or party's email address. Any filing not containing the above requirements may be refused.

- C. All fiduciaries (including executors, administrators, commissioners, guardians, and trustees - unless statutorily excepted), must file a Statement of Permanent Address consistent with ORC 2109.21(F), except where the required language is already contained within the application.
- D. Filings containing partially or wholly illegible signatures of counsel, parties or officers administering oaths may be refused, or, if filed, may be stricken, unless the typewritten or printed name of the person whose signature is purported to appear is clearly indicated on the filing.
- E. All pleadings, motions, or other filings are to be typed or printed in dark blue or black ink and correctly captioned.

**L. RULE 57.12
(AFFIDAVITS FROM FACILITIES INITIATING MENTAL ILLNESS CASES)**

In order to facilitate compliance with R.C. 5122.11, an affidavit intended to initiate a proceeding under R.C. 5122.11 may be filed by a licensed medical or mental health provider by email transmission to specific Probate Court email addresses.

**L. RULE 57.2
(CERTIFICATION OF RELATED CASE)**

Upon the filing of an application for the appointment of a fiduciary or the filing of a complaint or petition, the attorney of record shall certify that there is no related case on file in this Court. If there is a related case on file, the attorney shall certify the number, type of case and attorney of record of the related case. This shall be done on a form in the Clerk's Office. (See Appendix G)

**L. RULE 57.3
(MOTIONS)**

- A. Unless otherwise allowed, each Motion must be submitted by separate pleading with representations of fact to support the motion and containing citations of authority in support of the motion.
- B. If the Motion is one to continue a matter, to vacate a hearing or trial, or a similar motion where citations are not necessary, the memorandum must include representations of fact verified by the attorney or an affidavit in support of the motion.
- C. Motions may be accompanied by a separate proposed Order.
- D. The following Motions may be considered *ex parte*:

1. Amend pleading
 2. File a Third Party Complaint
 3. Withdraw as attorney of record
 4. Vacate a trial or hearing date
 5. Substitute parties
 6. To intervene
 7. For leave to answer or otherwise plead
 8. Motions for admission Pro Hac Vice
 9. Any Motion for good cause shown
- E. For all motions not specified in (D) or (F) of this Rule, an opposing counsel or party may file and serve any desired response within 14 days after service (as defined in the Ohio Rules of Civil Procedure) of the initiating filing unless otherwise ordered or addressed in these Rules.
- F. An opposing party shall have twenty-eight (28) days after service (as defined in the Ohio Rules of Civil Procedure) to respond to a Motion for Summary Judgment.
- G. Motions shall be deemed submitted at the conclusion of any response time. If counsel requests a hearing, it must be endorsed upon the motion and included in the caption.
- H. Any motion to file an amended pleading shall have a copy of the proposed amended pleading attached thereto.

**L. RULE 57.4
(DISPENSE WITH FURTHER ADMINISTRATION)**

Where an estate is opened for purposes of admitting the Will only or filing an estate tax return only or both and no further administration is contemplated, the attorney shall so advise the Court in writing at the time of filing. The Wood County Probate Court's Notice to File Without Probate, Form 2.3N fulfills this requirement.

**L. RULE 57.5
(PERSONAL INFORMATION)**

Upon the filing or submission of a case document, a party shall omit personal identifiers from the document.

- A. "Personal Identifiers" means social security numbers, except for the last four digits; financial account numbers, including but not limited to debit card, charge card, and credit card numbers; employer and employee identification numbers; and a juvenile's name in an abuse, neglect, or dependency case except for the juvenile's initials or a generic abbreviation such as "CV" for "child victim"
- B. When personal identifiers are omitted from a case document submitted to the court, the party shall submit or file that information on a separate form. The

parties may use a form provided by the court or a form of their own. Redacted or omitted personal identifiers shall be presented to the court upon request or to a party by motion.

- C. The responsibility for omitting personal identifiers from a case document submitted to the court or filed with a clerk pursuant to this rule shall rest solely with the party. The Court or clerk is not required to review the case document to confirm that the party has omitted personal identifiers, and shall not refuse to accept or file the document on that basis.

**L. RULE 57.7
(SUBSTITUTION OF COUNSEL)**

Substitution of counsel may be approved only upon submission of the following to the Court:

- A. A certification from the attorney transferring the case stating:
 - 1. New counsel has been retained and the name, address and telephone number of newly retained counsel;
 - 2. That the newly retained counsel or the client has received the transferring attorney's entire file on the case, or that the client or retained counsel has been given express written notice of where and when the entire file may be examined; and
 - 3. That a written notice containing all Court dates and deadlines has been given to the newly retained counsel or to the client who wishes to proceed *pro se*.
- B. A proposed entry of substitution.
- C. Counsel accepting the substitution shall, upon acceptance, file with the Court a notice of substitution of counsel.

**L. RULE 57.8
(WITHDRAWAL OF COUNSEL)**

Withdrawal of counsel may be approved only upon submission of the following to the Court:

- A. A certification from the attorney seeking to withdraw from the case stating:
 - 1. The reason for the need to withdraw;
 - 2. That the client has received the withdrawing attorney's entire file on the case, or that the client has been given express written notice of where and when the entire file may be examined;

3. That a written notice containing all Court dates and deadlines has been given to the client; and
 4. That the attorney has given the client an explanation of the case and the consequences of this action; including notice to the client that if he/she fails to appear personally, or through counsel, at any scheduled event in the case, the Court may hold the client in contempt of Court.
- B. A proposed entry.

**L. RULE 57.9
(FILING BY ELECTRONIC SUBMISSION)**

Pleadings may be filed with the Probate Court by facsimile transmission to (419) 354-9357 or e-mail transmission to probatecourt@woodcountyohio.gov subject to the following conditions:

A. Applicability and Exceptions

- 1.01) These rules apply to all proceedings in the Wood County Probate Court.
- 1.02) Documents required to be certified, notarized, or documents intending to initiate a case, such as but not limited to complaints, applications to probate will and accompanying documents, application for relief from administration, applications to change name, marriage license applications, applications to appoint guardian, application for emergency guardianship, applications for minor settlement, application for removal of fiduciary, documents required to be notarized, or any other documents the Probate Clerk deems necessary are not permitted to be filed via electronic submission.
- 1.03) The probatecourt@woodcountyohio.gov e-mail address is for the exclusive purpose of filing pleadings and should not be used for general inquiries. In the alternative, court users should not use individual staff e-mails to submit pleadings that are intended to be filed with the court.

B. Original Filing

- 2.01) All documents submitted via electronic submission are accepted as the effective original document in the Court file.
- 2.02) The person submitting the document shall maintain the original document and make it available to the Probate Court upon demand for inspection. The document shall be retained by this person for

the requisite time period until opportunities for post judgment relief are exhausted.

C. Requirements

3.01) All filings shall conform to the requirements of Civil Rule 10 and shall include an electronic transmission sheet conforming to the requirements of Rule 3.02 of this section. See cover sheet Form 3.01.

3.02) All electronic filings shall include a cover page as designated in Form 3.01. The cover page shall include:

- a. the name of the Court
- b. the caption of the case
- c. the case number
- d. the description of the document being filed (e.g. Defendant's Answer to Doe's Amended Complaint, Plaintiff Smith's Response to Defendant's Motion to Dismiss, Plaintiff's Notice of Filing Exhibit G)
- e. the date of transmission
- f. the transmitting fax number
- g. the indication of the total number of pages included in the transmission, including the cover page
- h. if a judge or case number has not been assigned, state that fact on the cover page
- i. the name, address, telephone number, fax number, Supreme Court registration number, if applicable, and the email address of the person filing the document if available
- j. if applicable, a statement explaining how the costs are being submitted

3.03) The Probate Clerk's Office is not required to notify the transmitting party of a failed fax filing, but may notify if practical to inform the party.

D. Signature

4.01) All electronic filings shall include a signature or indication of the party filing such document as controlled by this rule.

- 4.02) Any signature on electronically submitted documents shall be considered that of the attorney or the party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken.
- 4.03) Any document in which the original signature does not or will not appear on the electronic copy shall include the notation /s/ followed by the name of the signer on the source document to indicate that the original document contains the signature in the place specified.

E. Exhibits

- 5.01) If an exhibit is not included in the electronic filing the appropriate box shall be checked on the cover sheet.
- 5.02) An insert page shall be inserted in the place of such exhibit explaining why the exhibit is not being transmitted. Unless the Court otherwise orders, the filer is to provide a copy of the missing exhibit to the court not later than five business days following the electronic filing.
- 5.03) Failure to adhere to the above rules regarding the filing of exhibits may result in the Court striking the document and/or exhibit.
- 5.04) Any exhibit filed pursuant to Rule 5.02 shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, caption of the case, the case number, name of the judge, and the title of the exhibit being filed (e.g. Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this Court. See Form 5.04 as an example.

F. Time for Filing

- 6.01) Subject to the provisions of these rules, all documents sent by electronic submission and accepted by the Clerk shall be considered filed with the Probate Court as of the date and time the Clerk time stamps the document received, as opposed to the date and time of the transmission. For purposes of this rule, the office of the Clerk shall be deemed to receive electronic transmissions of documents on the basis of 24 hours per day seven days a week including holidays. Electronic submissions received on weekends, after normal business hours, or on holidays will not be file stamped until the next business day.

- 6.02) **The risks of transmitting a document electronically to the Probate Court shall be borne entirely by the sending party. Anyone using electronic submission may verify receipt by contacting the Clerk's Office, checking the online docket, or viewing pleadings through the court's web portal.**

G. Document/Filing Requirements

- 7.01) All electronic submissions of filings shall include a proposed judgment entry when appropriate.
- 7.02) No electronic submissions shall exceed twenty-five (25) pages in length.
- 7.03) Pleadings sent to probatecourt@woodcountyohio.gov shall be filed as attachments to the e-mail and must be in Microsoft Word (.doc), Adobe Acrobat (.pdf) or Tagged Image (.tif) file format.

H. Fees and Costs

- 8.01) No additional fee shall be assessed for filing electronically.
- 8.02) It is the responsibility of the person filing to determine whether sufficient monies are on deposit with the Court to cover filing fees associated with the filing.
- 8.03) If insufficient monies are on deposit to cover all filing fees associated with a filing - payment shall be due within seven (7) days of the date in which the document was transmitted to the Court for filing. Payment may be made in person or sent via United States Postal Service.

**L. RULE 57.10
(NAME CHANGES)**

Children under 7 years of age are excused from the hearing on an application to change their name. Persons who are 7 years of age and older must attend the hearing on the application to change their name. Attendance may be waived for good cause shown.

L. RULE 57.11

(SERVICE OF PLEADINGS AND OTHER PAPERS SUBSEQUENT TO THE ORIGINAL COMPLAINT)

Service upon counsel and parties of pleadings and other papers subsequent to the summons and original complaint shall be made pursuant to Rule 73 and Rule 5(B) of the Ohio Rules of Civil Procedure, and may include service by email per Civ. R. 5(B)(2)(f). A party who is not represented by an attorney may state an email address

for service by electronic means under Civ. R. 5(B)(2)(f). Service by email is effective upon transmission of the document, unless the serving party learns that it did not reach the person served.

**SUP. RULE 58
(DEPOSIT FOR COURT COSTS)**

**L. RULE 58.1
(DEPOSITS AND BONDS)**

- A. Deposits in the amount set forth in Appendix A shall be required upon the filing of all actions and proceedings listed therein. Otherwise, the filings will not be accepted by the Court. The balance of any Court costs shall be paid when the final account or any partial account is filed.
- B. Court costs as set forth in the Schedule of Court Costs contained herein as Appendix A-1 shall be charged and collected, if possible, and shall be in full for all services rendered in the respective proceedings.
- C. Every fiduciary, unless otherwise provided by law, order, or local rule, prior to the issuance of the fiduciary's letters, shall file in the Probate Court in which the letters are to be issued, a bond with a penal sum of twice the amount of the personal property and the annual real property rentals that will come into the possession or under the control of the person as a fiduciary.
- D. When the bond is filed, the bonding company's name, address, and telephone number must be included.

**L. RULE 58.2
(REFUNDS)**

At the termination of any case, the Clerk shall not bill any party for costs due to Probate Court when the balance is \$5.00 or less. Conversely, the Clerk shall not refund any deposit when the amount remaining at the conclusion of a case is \$5.00 or less, unless a written request is received within 14 days of the date the case is closed. Any remaining deposit shall be paid into the county general fund.

**SUP. RULE 59
(WILLS)**

**L. RULE 59.1
(CERTIFICATION OF NO OTHER WILL)**

Upon the filing of an Application for Probate of Will, or an Application to Appoint a Fiduciary for a decedent's intestate estate or relief there from, the attorney shall certify

that no Will or later will is on deposit with the Court pursuant to R.C. 2107.07. (See Appendix G)

**L. RULE 59.2
(DESIGNATION OF ANCIENT WILLS)**

In May of each year, the Court shall review all Wills which have been on deposit with the Court for more than 100 years. These Wills shall be designated "Ancient Wills", opened by the Court, and a notice shall be run in a newspaper of general circulation in Wood County, listing these Ancient Wills that have not been claimed. If the Testator is living, the Will may be released to a person offering proof that the Will should be released to them, or by request, the Will may remain on deposit with the Court. Thirty days after the notice, any Ancient Wills that are not claimed, or all Ancient Wills about which the Court receives no direction or request from any interested party, shall be filed with the Court and the original and copies of the Ancient Wills shall be disposed of in any manner the judge finds feasible. The judge shall retain an electronic copy of the will prior to its disposal.

**SUP. RULE 60
(APPLICATION FOR LETTERS OF AUTHORITY TO
ADMINISTER ESTATE AND NOTICE OF APPOINTMENT)**

**L. RULE 60.1
(SAFE DEPOSIT BOX AUTHORIZATION)**

Prior to the appointment of a fiduciary, authority to open a safe deposit box shall only be granted to an attorney at law, licensed to practice law in the State of Ohio, who has been appointed by the Court as commissioner to report on the contents of a safe deposit box.

**SUP. RULE 61
(APPRAISERS)**

**L. RULE 61.1
(APPROVED APPRAISERS)**

The following persons may be approved by the Court as qualified appraisers of real estate:

- A. State of Ohio licensed real estate brokers and similarly licensed real estate salespersons who are active in the trade or profession, or
- B. Members of National or State of Ohio recognized appraiser associations who are active in the trade or professions.

The Court will maintain an alphabetical list of all such approved persons, available to the general public in the selection of real estate appraisers for filings in this Court. The

Court may from time to time add to and delete from this list in its discretion based on the above qualifications.

When it is necessary to determine the value of specialized property other than realty, including but not limited to coins, stamps, books, and art, there shall be submitted to the Court an independent application for an appraiser in that particular field along with a statement of his/her qualifications in such specialty. The Court's approval of the application shall be based upon the information admitted in each case.

**L. RULE 61.2
(APPRAISALS FOR OUT OF COUNTY REAL ESTATE)**

When it is necessary to determine the value of real estate located outside of Wood County, the attorney for the fiduciary shall file an application for appointment of appraiser which includes an affidavit stating that the appraiser meets the standards set forth by the Probate Court of the county in which the real estate is located.

**SUP. RULE 62
(CLAIMS AGAINST ESTATE)**

**L. RULE 62.1
(PRESENTMENT OF CLAIMS)**

All creditors having claims against the estate shall present their claims in either of the following ways: (a) in writing to the executor or administrator, or (b) in a writing to the executor or administrator with a copy being sent to the Probate Court.

**L. RULE 62.2
(SUMMARY INSOLVENCY)**

The standard insolvency procedure and forms need not be filed if the decedent's date of death and value of assets are as follows:

Prior to October 12, 2006	\$4,000.00 or less
On or after October 12, 2006	\$8,000.00 or less

If a spouse or minor child(ren) claim an allowance for support, then no hearing is required and no insolvency forms need be filed based upon dates of death and values or assets as follows:

On or before March 17, 1999	\$27,000.00 or less
On or after March 18, 1999 and prior to October 12, 2006	\$42,000.00 or less

On or after October 12, 2006

\$48,000.00 or less

In either situation, the estate may be relieved from administration with the creditors and amounts owed listed on the assets and liabilities form (form 5.1). The attorney shall add language to the form that the estate is insolvent and the estate is proceeding under this rule. Creditors shall be paid in accordance with R.C. 2117.25. Each creditor who has not received payment in full shall be notified accordingly by letter or otherwise; proof of such notification is not required.

This same exception applies in an estate where a full administration has been opened and the fiduciary has determined that the estate is insolvent. The fiduciary may either relieve the estate from further administration and proceed as set forth above or they may file a fiduciary's account indicating that the estate is insolvent and pay creditors pursuant to R.C. 2117.25. Creditors shall be notified by letter or otherwise; proof of notification is not required when applying this exception to the insolvency proceeding.

**SUP. RULE 64
(ACCOUNTS)**

**L. RULE 64.1
(ACCOUNTS OF GUARDIANS AND CONSERVATORS)**

- A. The first guardianship account is due one year after the appointment of the guardian of the estate and all other accounts are due annually thereafter. If the guardianship is for the person only, no account is required.
- B. The first conservatorship account is due one year after the appointment of the conservatorship and all other accounts are due annually thereafter.

**L. RULE 64.2
(ACCOUNTS OF TESTAMENTARY TRUSTEES AND OTHER FIDUCIARIES)**

- A. The first testamentary trusteeship account is due one year after the appointment of the trustee and all other accounts due annually thereafter.
- B. The first account for other fiduciaries is due one year after the appointment and all other accounts due annually thereafter.
- C. Every commissioner shall file a report of distribution within thirty (30) days of appointment.

**L. RULE 64.3
(PHOTOCOPIES OF VOUCHERS WITH APPLICABLE ACCOUNTS)**

In the event that vouchers are required for a particular account, and in the event that the financial institution does not return original vouchers to the account holder, photocopies of canceled checks are acceptable for filing with the Court in all applicable accountings on the condition that: (i) the photocopies are complete copies of the originals, (ii) the photocopies are clearly legible, and (iii) the front and back of said checks are photocopied.

**L. RULE 64.4
(NOTICE OF ACCOUNT HEARINGS)**

Notice of the hearing on all accounts shall take place through publication in a newspaper of general circulation.

**L. RULE 64.5
(RETURN OF VOUCHERS AND DOCUMENTATION)**

Pursuant to Rule 26.04 (D) (1) of the Ohio Rules of Superintendence, after the Court has reviewed and reconciled the vouchers or checks or other evidence filed in support of expenditures or distributions stated in an account, the vouchers, proof, or other evidence filed in support of the expenditures or distributions stated in an account will be returned to the fiduciary.

**L. RULE 64.6
(PARTIAL ACCOUNT ATTORNEY FEES)**

An application and Order must be submitted for any attorney fees taken on a partial account.

**L. RULE 64.7
(DISTRIBUTIONS VIA POWER OF ATTORNEY)**

A receipt for a distributive share executed on behalf of his/her principal by a person holding a valid power of attorney may be accepted if a copy of the valid power of attorney is attached to the account.

**L. RULE 64.8
(PARTIAL ACCOUNT BANK CERTIFICATIONS)**

Bank certificates must be filed with applicable partial accounts.

**SUP. RULE 65
(LAND SALES - R.C. CHAPTER 2127)**

**L. RULE 65.1
(EVIDENCE OF TITLE)**

Evidence of title for land sale proceedings shall be a Guaranteed Certificate of Title, a Title Guaranty Policy or an Owner's Policy of Title Insurance.

**L. RULE 65.2
(NECESSARY PARTIES AND SERVICE)**

All interested parties in a land sale proceeding shall be named as defendants in the complaint (including the Treasurer of Wood County or the Treasurer of any other Ohio County if selling land outside of Wood County) and no order of sale shall be issued by the Court unless the Rules of Civil Procedure have been complied with regarding service of process and answers by defendants.

**SUP. RULE 66
(GUARDIANSHIPS)**

**L. RULE 66.1
(GUARDIANSHIP BACKGROUND CHECKS)**

An applicant for guardianship must complete a criminal background check which is suitable to the Court. The Court may accept a certificate of good standing with disciplinary information within one year of issuance in lieu of a criminal background check if the applicant is an attorney at law licensed by the Supreme Court of Ohio. An attorney applicant is required to report any change of disciplinary status with the Court.

**L. RULE 66.2
(GUARDIANSHIP BONDS)**

When a bond is filed, the bonding company's name, address and telephone number must be included so that the Court can send a bond release at the appropriate time. The bond requirements of Local Rule 58.1 apply to guardianship bonds.

**L. RULE 66.3
(STATEMENT OF PERMANENT ADDRESS OF GUARDIAN)**

The guardian or the attorney for the guardian must file a report of change of address for the ward within 14 days of such change of address. A guardian must comply with Local Rule 57.1(C) and file and update as necessary, a Statement of Permanent Address consistent with ORC 2109.21(F).

**L. RULE 66.4
(GUARDIANS REPORT)**

The first guardian’s report is due one year after the appointment of the guardian and due annually thereafter.

**L. RULE 66.5
(STATEMENTS OF EXPERT EVALUATIONS)**

In all guardianships based on incompetence, unless otherwise waived by the court, a statement of expert evaluation prepared by a Licensed Physician or a Licensed Clinical Psychologist shall be filed at the time of the submission of the application for appointment of a guardian. This initial statement of expert evaluation must be executed within sixty days of its submission to the court.

In all guardianships based on incompetence, unless otherwise waived by the court, a statement of expert evaluation prepared by a Licensed Physician, Licensed Clinical Psychologist, Licensed Social Worker or Board of Developmental Disabilities Team shall be filed by the guardian one year after the appointment of the guardian and subsequent statements of expert evaluation are due annually thereafter. The subsequent statement of expert evaluation must be executed within sixty days of its submission to the court.

**L. RULE 66.6
(EMERGENCY GUARDIANSHIP)**

Consistent with Rule 66.03 of the Rules of Superintendence for the Courts of Ohio, the following process is established for emergency guardianships in the Wood County Probate Court.

In general, the following forms shall be completed and filed with the Court. (All forms can be accessed at the Court’s website located at www.probate-court.co.wood.oh.us.)

<u>Form #</u>	<u>Name</u>
Appendix G	New Case Information Sheet
Statepermaaddr	Statement of Permanent Address
Affofapp	Affidavit of Applicant
30.0	Application for Appointment of Emergency Guardianship
15.0	Next of Kin of Proposed Ward
17.1	Statement of Expert Evaluation
17.1A	Supplement for Emergency Guardian of Person
15.2	Fiduciary’s Acceptance-Guardian
17.A	Affidavit of Indigency
17.AE	Ex-Parte Judgment Entry-Appointment of Counsel for Indigent Ward

30.5E	Ex-Parte Judgment Entry-Appointment of Emergency Guardian for Incompetent Person
15.4	Letters of Guardianship
17.9E	Motion for Appointment of Process Server
30.1	Notice to Ward of 72-hour Appointment of Emergency Guardian
30.4	Motion for 30 Day Extension
30.2	Notice to Ward of Hearing
15.1	Waiver of Notice and Consent
30.6	Notice of Hearing for Extension of an Emergency Guardianship of Alleged Incompetent Person
30.3	Oath of Emergency Guardian

At the time of filing, a filing fee of \$136 is required. This filing fee may be waived if an Affidavit of Indigency is filed with the Court and the Court declares the guardianship indigent.

As provided by statute, the initial emergency guardianship shall extend for seventy-two hours. A motion to extend an emergency guardianship for an additional thirty days may be filed. Form 30.4 -- a Motion for 30 Day Extension -- may be completed and filed at the time of the filing of the initial emergency guardianship paperwork or within the seventy-two hour emergency guardianship period.

L. RULE 66.7 (GUARDIAN PERFORMANCE)

Consistent with Rule 66.03(B) of the Rules of Superintendence for the Courts of Ohio, the Wood County Probate Court establishes the following process for submitting comments or complaints regarding the performance of guardians appointed by the Court and for considering such comments and complaints.

- The Probate Court Office Manager is designated to accept and consider comments and complaints submitted to the Wood County Probate Court concerning guardians.
- Comments or complaints may be submitted in writing or electronically via the following email address: jkrobson@co.wood.oh.us.
- Upon receipt of a comment or complaint, the Court will provide a copy to the guardian who is the subject of the comment or complaint. A certificate of service will be filed in the subject matter case file showing that this step has taken place. Time permitting, the guardian may be given the opportunity to respond to the comment or complaint.
- The comment or complaint will then be forwarded to the probate court judge for prompt consideration and appropriate action, if any is necessary.

- The Court shall maintain a written record in the guardianship case file regarding the nature and disposition of the comment or complaint.
- The Court shall notify the person making the comment or complaint and the guardian of the disposition of the comment or complaint.

**SUP. RULE 68
(SETTLEMENT OF INJURY CLAIMS OF MINORS)**

**L. RULE 68.1
(MINOR INJURY CLAIMS - LOCAL PROCEDURE)**

- A. The presence of the minor and his or her parents is required for the hearing on the application for approval. Attendance may be waived only upon proper written motion for good cause shown.
- B. A formal record shall be made of all hearings.
- C. In structured settlements the Court shall receive, in addition to the requirements of Sup. R. 68, the following:
 - 1. A copy of the doctor's current examination report.
 - 2. A proposed cost of Plaintiff's annuity.
 - 3. A proposed cost of Defendant's annuity.
 - 4. A rating of the Insurance Company through Best Rating Service.
 - 5. A copy of the fee contract of the Plaintiff's attorney.
- D. The party requesting the hearing date is to advise all interested parties, including the minor and the minor's parents, of said hearing date.

**SUP. RULE 69
(SETTLEMENT OF CLAIMS OF OR AGAINST ADULT WARDS)**

**L. RULE 69.1
(ADULT WARD INJURY CLAIMS - LOCAL PROCEDURE)**

- A. The presence of the ward and guardian is required for the hearing on the application for approval. Attendance may be waived only upon proper written motion for good cause shown.
- B. A formal record shall be made of all hearings.

- C. In structured settlements the settlement agreement shall contain, in addition to the requirements of Sup. R. 69, the following:
1. A copy of the doctor's current examination report.
 2. A proposed cost of Plaintiff's annuity.
 3. A proposed cost of Defendant's annuity.
 4. A rating of the Insurance Company through Best Rating Service.
 5. A copy of the fee contract of the Plaintiff's attorney.
- D. The party requesting the hearing date is to advise all interested parties, including the ward and guardian, of said hearing date.

**SUP. RULE 71
(COUNSEL FEES)**

For purposes of attorney fees incurred in proceedings in the Wood County Probate Court, all provisions of Sup. R. 71 shall be followed unless modified herein.

**L. RULE 71.1
(REQUEST FOR ATTORNEY FEES AND PARTIAL ATTORNEY FEES)**

Counsel fees for the administration of a decedent's estate may be requested at the time of the submission of a final account and should be included within the submitted proposed account.

Upon written motion, the court may approve payment of partial attorney fees for the administration of estates before the final account is prepared for filing. The motion for partial payment must be substantiated with either an hourly rate charge multiplied by the number of hours or a calculation of the percentage of the estate that has been completed multiplied by the total fee permitted by the suggested schedule in Appendix B. The motion for partial attorney fees shall include the consent of the estate fiduciary and, in the event there have been or are contested estate proceedings, shall be sent to all interested parties in the contested matter. The payment of fees to attorneys representing fiduciaries who are delinquent in filing any account required by R.C. 2109.30 will not be allowed. All payments of partial attorney fees are discretionary with the court.

**L. RULE 71.2
(ATTORNEY FEE HEARINGS)**

Hearings may be held on the issue of attorney fees if the Court deems necessary.

**L. RULE 71.3
(ESTATE ATTORNEY FEE GUIDELINES)**

Counsel fees for the administration of a decedent's estate calculated using Appendix B of these Local Rules may serve as a guide in determining total fees to be charged to the estate for ordinary legal services. FEES CALCULATED USING APPENDIX B, HOWEVER, ARE NOT TO BE CONSIDERED AS MINIMUM OR MAXIMUM FEES, NOR WILL THEY BE AUTOMATICALLY APPROVED.

**L. RULE 71.4
(EXTRAORDINARY FEES)**

A separate application must be submitted in order for the Court to approve extraordinary fees. Such an application must include an application for attorney fees, an itemized bill outlining the extraordinary services provided, the reason the extraordinary fees were necessary, the consent of the estate fiduciary and, in the event there have been or are contested estate proceedings, shall be sent to all interested parties in the contested matter.

**L. RULE 71.5
(FEES WHEN ACTING AS BOTH FIDUCIARY AND ATTORNEY)**

When an attorney is appointed as executor, administrator, or guardian, AND that attorney or other attorney with the same law firm is acting as attorney for the fiduciary, the total fees allowed for the attorney/fiduciary may not exceed the approved fiduciary commission plus one-half of the approved counsel fee absent good cause shown.

**SUP. RULE 72
(EXECUTOR'S AND ADMINISTRATOR'S COMMISSIONS)**

**L. RULE 72.1
(ESTATE EXECUTOR AND ADMINISTRATOR FEE SCHEDULE)**

Unless otherwise provided by law or ordered by the Court, an estate executor or administrator may charge for his/her ordinary services in an amount computed in accordance Appendix B-1.

**SUP. RULE 73
(GUARDIAN'S COMPENSATION)**

**L. RULE 73.1
(GUARDIAN FEE SCHEDULE)**

A guardian may apply for fees at the time of the submission of the annual or final account and the requested fees should be included within the submitted proposed account.

Unless otherwise provided by law or ordered by the court, a guardian may apply for fees for ordinary services. Guardian fees may be calculated for the administration of a guardianship as set forth in Appendix C-1. Any fee is subject to the approval of the court. Compensation computed on income will not be allowed on balances carried forward from one accounting period to another, nor will an investment of funds or the final distribution of unexpended balances to a ward at the close of a guardianship be considered as an expenditure. The principal at the beginning of the initial guardianship accounting period shall be used only once in calculating fees per the court's schedule.

**L. RULE 73.2
(REDUCTION OR DENIAL OF GUARDIAN FEES)**

The Court may deny or reduce compensation to the guardian if there is a delinquency in the filing of an inventory, account, guardian's report, or statement of expert evaluation, or if, after hearing, the Court finds that the guardian has not faithfully discharged the duties of the office or that the fees are contrary to law.

**L. RULE 73.3
(ATTORNEY FEES FOR NON-INDIGENT GUARDIANSHIPS)**

Counsel fees for an attorney representing a guardian in a non-indigent guardianship may be requested at the time of the submission of the annual or final account and the requested fees should be included within the submitted proposed account.

Counsel fees for an attorney representing a guardian in a non-indigent guardianship may be calculated as set forth in Appendix C. Any fee is subject to the approval of the court. Compensation computed on income will not be allowed on balances carried forward from one accounting period to another, nor will an investment of funds or the final distribution of unexpended balances to a ward at the close of a guardianship be considered as an expenditure. The principal at the beginning of the initial guardianship accounting period shall be used only once in calculating fees per the court's schedule.

ATTORNEY FEES FOR NON-INDIGENT GUARDIANSHIPS CALCULATED PURSUANT TO APPENDIX C, HOWEVER, ARE NOT CONSIDERED AS MINIMUM OR MAXIMUM FEES TO BE CHARGED, NOR WILL THEY BE AUTOMATICALLY APPROVED

**SUP. RULE 74
(TRUSTEE'S COMPENSATION)**

**L. RULE 74.1
(TRUSTEE'S FEES)**

Except where the instrument creating a trust makes provisions for compensation, a testamentary trustee may charge an annual fee for the ordinary services performed by the trustee in connection with the administration of each separate trust as established by Appendix D and D-1.

For the purpose of computing trustee's compensation as herein provided, the fair market value of the principal of the trust property shall be determined by the trustee as of the date of the trustee's appointment and as of each anniversary thereafter. The compensation so determined may be charged during the ensuing year. The annual fair market value of the principal shall be adjusted from time to time to reflect additions and withdrawals from the principal of the trust estate, and the compensation for the remaining portion of the annual period shall be similarly adjusted to reflect such revised valuations.

Additional compensation for extraordinary service may be allowed upon application. The Court may require that such application be set for hearing and notice thereof be given to interested parties in accordance with Civil Rule 4.1. Such notice shall contain a statement of the amount of such compensation applied for.

A separate schedule of the computation of trustee's compensation shall be filed conforming to the form in Appendix D and filed with the Court at the time of payment of said fee.

**SUP. RULE 78
(CASE MANAGEMENT IN DECEDENT'S ESTATES, GUARDIANSHIPS, & TRUSTS)**

**L. RULE 78.1
(INVENTORY)**

- A. Notice of the filing of inventory shall be given in accordance with R.C. 2115.16 and may be published one time, as a group, in a newspaper of general circulation in the county, or advertised separately as the Court elects in each case. The notice required here shall be deemed notice to each person or class of persons entitled thereto, without specifically naming such person or class of persons.
- B. The statutory time for filing of an inventory shall be adhered to and citations may be issued when filings are late unless an application for an extension of time for filing has been granted. Applications for an extension shall set forth the time needed and be accompanied by a proposed judgment.

- C. The Schedule of Assets shall contain the legal description and the parcel number of all real estate included in the inventory of the estate.

- D. Notice shall go out timely to the fiduciary to file the inventory.
 - 1. One month before the time required by R.C. sections 2115.02, 2111.14 and 2109.58 for the filing of the inventory, a notice is sent to the fiduciary and a copy of the notice is sent to the fiduciary's attorney to indicate that an inventory will be due.
 - 2. One month after the time required by R.C. sections 2115.02, 2111.14 and 2109.58 for the filing of the inventory, a notice is sent to the fiduciary and a copy is sent to the fiduciary's attorney to indicate that an inventory was due.
 - 3. If the inventory is not filed within one month after the notices are sent, a citation is issued to the fiduciary and to the fiduciary's attorney pursuant to Sup. R. 78(A).
 - 4. If the fiduciary fails to file the inventory timely, the fiduciary is subject to removal and a successor may be appointed.
 - 5. The Court may grant an extension of time for good cause shown.

**L. RULE 78.2
(SURVIVING SPOUSE'S RIGHT OF ELECTION)**

Unless waived in writing by the surviving spouse, after the initial appointment of an administrator or executor of the estate, the Probate Court shall issue a citation to the surviving spouse, if any is living at the time of the issuance of the citation, to elect whether to exercise the surviving spouse's rights under Chapter 2106 of the Revised Code, including, after the probate of a will, the right to elect to take under the will or under section 2105.06 of the Revised Code.

The Court will notify the spouse of his or right of election.

**L. RULE 78.3
(ACCOUNTS OF GUARDIANS AND CONSERVATORS)**

The first guardianship account is due one year after the appointment of a guardian of the estate and all other accounts are due annually thereafter. If the guardianship is for the person only, no account is required, except upon an order of the Court that the Court issues for good cause shown either at its own instance or upon the motion of any person interested in the estate.

The first conservatorship account is due one year after the appointment of a conservator and all other accounts due annually thereafter.

**L. RULE 78.4
(ACCOUNTS OF TESTAMENTARY TRUSTEES AND OTHER FIDUCIARIES)**

- A. The first trusteeship account is due one year after the appointment of the trustee and all other accounts due annually thereafter.
- B. Accounts for other fiduciaries are due one year after the appointment and all other accounts due annually thereafter.
 - 1. One month before the time required for the filing of any account, a reminder is sent to the fiduciary and a copy is sent to the fiduciary's attorney to indicate that an account will be due.
 - 2. One month after the time required for the filing of an account, a notice is sent to the fiduciary and a copy of the notice is sent to the fiduciary's attorney to indicate that an account was due.
 - 3. If an account is not filed within one month after the notices are sent, a citation is issued to the fiduciary and the fiduciary's attorney pursuant to Sup.R. 78 (A).
 - 4. If the account is not timely, the fiduciary is subject to being removed with a successor fiduciary being appointed.
 - 5. When a final account is filed and approved and all Court costs paid, the case will be closed.

**L. RULE 78.5
(COMMISSIONER'S REPORT)**

- A. A Commissioner's report is due thirty days after the Court signs the entry relieving the estate from administration.
 - 1. Thirty days after the time required by Wood County Local Rule 64.3 (C) for the filing of a commissioner's report, a notice is sent to the commissioner and a copy of the notice to the commissioner's attorney to indicate that a commissioner's report was due.
 - 2. If a commissioner's report is not filed within thirty days after the notice is sent, a citation is issued to the commissioner and the commissioner's attorney pursuant to Sup.R. 78(A).

3. When the commissioner's report is filed and approved and all Court costs paid, the estate is closed.
4. The Court is able to accommodate extensions of time for the filing of a commissioner's report.

**L. RULE 78.6
(STATUS REPORTS)**

- A. A status report is due on or before the first anniversary of the appointment of the fiduciary for all estates that remain open for one year.
 1. At the time required by Sup.R. 78 (C) for the filing of a status report (one year), a notice is sent to the attorney for the fiduciary and a copy of the notice is sent to the fiduciary.
 2. If the status report is not filed within thirty (30) days after the notice, at the Court's discretion, the fiduciary, and the attorney shall appear for a status review.

**L. RULE 78.7
(GUARDIAN'S REPORT AND STATEMENT OF EXPERT EVALUATION)**

- A. Wood County Local Rule 66.4 requires that the guardian's report be filed one year after the appointment of the guardian and is due annually thereafter unless waived by the Court.
- B. Thirty (30) days before the time required by Wood County Local Rule 66.4 for the filing of a guardian's report, a reminder is sent to the guardian and a copy of the reminder is sent to the guardian's attorney to indicate a report will be due.
- C. Thirty (30) days after the time required by Wood County Local Rule 66.4 for the filing of a guardian's report a notice is sent to the guardian and a copy of the notice is sent to the guardian's attorney to indicate a report was due.
- D. If the guardianship is for the estate only, a guardian's report is not required.
- E. Wood County Local Rule 66.5 requires that a statement of expert evaluation prepared and signed by a Licensed Physician, Licensed Clinical Psychologist, Licensed Social Worker, or Mental Retardation Team is to be filed one year after the appointment of a guardian of an incompetent and annually thereafter.
- F. The Court may be able to accommodate extensions of time for filing the guardian's report and the statement of expert evaluation.

L. RULE 78.8
(CASE MANAGEMENT OF ADVERSARY PROCEEDINGS)

- A. The following are primary categories of adversarial proceedings:
1. Will Contest, Declaratory Judgment, Determination of Heirs, Construction of Will, Concealment of Assets, Land Sales, Complaint to Purchase, Complaint for Judgment Entry Declaring Will Valid, Presumption of Death Appropriations, and Complaint for Instructions.
- B. Notice of the pretrial conference shall be given to all attorneys of record by mail.
- C. At the conclusion of the pretrial conference, the Court may prepare a pretrial order setting forth:
1. Discovery deadline date.
 2. Exchange of witness list deadline date.
 3. Pleading and briefing schedules.
 4. A trial date.

**APPENDIX A
DEPOSITS FOR COURT COSTS**

Adoption	368.00
If necessary:	
Additional Fee for Private Adoption Home Study	180.00
Birth Counseling Fee	100.00
Publication of Notice	50.00
Adversary Proceedings	100.00
Counterclaims	75.00
Estates-Full Administration	225.00
Foreign Will	Exact Costs
Guardianship: Minor	136.00
Incompetent	236.00
Conservatorship	136.00
Jury Deposit	300.00
Minor's Settlement	77.00
Name Change	95.00
Release from Administration	100.00
Summary Release	60.00
Subpoena: served by Court/Sheriff	10.00
Served by attorney	5.00
Wrongful Death	77.00

DEPOSITS MUST ACCOMPANY ALL INITIAL FILINGS OF NEW CASES. OTHERWISE, THE PAPERS WILL NOT BE ACCEPTED FOR FILING. ALL DEPOSITS WILL BE APPLIED TOWARD FINAL COSTS. THE COURT MAY REQUIRE ADDITIONAL DEPOSITS.

**APPENDIX A-1
SCHEDULE OF COURT COSTS**

I.	R.C. 2101.16 Fees; cost of investigations; advance deposit	
(A)	The fees enumerated in this division shall be charged and collected, if possible, by the Probate Judge and shall be in full for all services rendered in the respective proceedings:	
1	Account, in addition to advertising charges.....	\$12.00
	Proof of notice of hearing on account..... Determined by publisher	----
2	Account (or Report) of Distribution.....	7.00
3	Adoption of Child, Petition for (includes OPFR fee).....	50.00
4	Alter or Cancel Contract for Sale or Purchase of Real Estate, Petition to.....	20.00
5	Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section.....	5.00
6	Appropriation Suit, per day, hearing on.....	20.00
7	Birth, Application for Registration of.....	20.00
8	Birth Record, Application to Correct.....	20.00
9	Bond, Application for New or Additional.....	5.00
10	Bond, Application for Release of Surety or Reduction of.....	5.00
11	Bond, Receipt for Securities Deposited in Lieu of.....	5.00
12	Certified Copy of Journal Entry, Record, or Proceeding, per page, minimum fee \$1.00 §(2101.16 (A)(12). Fees)	1.00
13	Citation and Issuing Citation.....	8.00
14	Change of Name, Petition for.....	20.00
15	Claim, Application of Administrator or Executor for Allowance of Administrator's or Executor's Own.....	10.00
16	Claim, Application to Compromise or Settle.....	10.00
17	Claim, Petition for Authority to Present.....	10.00
18	Commissioner, Appointment of.....	5.00
19	Compensation for Extraordinary Services and Attorney's Fees for Fiduciary, Application for	5.00
20	Competency, Application to Procure Adjudication for.....	20.00
21	Complete Contract, Application to.....	10.00
22	Concealment of Assets, Citation for.....	10.00
23	Construction of Will, Petition for.....	20.00
24	Continue Decedent's Business, Application to..... Monthly Reports of Operation.....	10.00 5.00
25	Declaratory Judgment, Petition for.....	20.00
26	Deposit of Will.....	25.00
27	Designation of Heir.....	20.00
28	Distribution in Kind, Application, Assent, and Order for.....	5.00
29	Distribution under §2109.36 of the Revised Code, Application for an Order of.....	7.00
30	Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee \$15.00.....	15.00
31	Exceptions to any Proceeding Named in this Section, Contest of Appointment or.....	10.00
32	Election of Surviving Partner to Purchase Assets of Partnership, Proceedings Relating to...	10.00
33	Election of Surviving Spouse Under Will.....	5.00
34	Fiduciary, Including an Assignee or Trustee of an Insolvent Debtor or any Guardian or Conservator Accountable to the Probate Court, Appointment of.....	35.00
35	Foreign Will, Application to Record..... Record of Foreign Will, additional per page.....	10.00 1.00
36	Forms, when supplied by the Probate Court - not to exceed.....	10.00
37	Heirship, Petition to Determine.....	20.00
38	Injunction Proceedings.....	20.00
39	Improve Real Estate, Petition to.....	20.00
40	Inventory with Appraisalment.....	10.00
41	Inventory without Appraisalment.....	7.00

42	Investment or Expenditure of Funds, Application for.....	10.00
43	Invest in Real Estate, Application to.....	10.00
44	Lease for Oil, Gas, Coal, Other Mineral, Petition to.....	20.00
45	Lease or Lease and Improve Real Estate, Petition to.....	20.00
46	Marriage License.....	12.00
	See R.C. 3113.34 for additional \$17.00 charge, R.C. 2101.19 for \$1.00 charge, and R.C. 2101.162(B) for \$10.00 computerization fee. The total cost for the Marriage Application is \$40.00.	
	Certified abstract of each marriage.....	2.00
47	Minor or Mentally Ill Person, Etc., Disposal of Estate Under \$25,000.....	10.00
48	Mortgage or Mortgage and Repair or Improve Real Estate, Petition to.....	20.00
49	Newly Discovered Assets, Report of.....	7.00
50	Nonresident Executor/Administrator to Bar Creditors' Claims, Proceedings by.....	20.00
51	Power of Attorney or Revocation of Power, Bonding Company.....	10.00
52	Presumption of Death, Petition to Establish.....	20.00
53	Probating Will.....	15.00
	Proof of Notice to Beneficiaries.....	5.00
54	Purchase Personal Property, Application of Surviving Spouse to.....	10.00
55	Purchase Real Estate at Appraised Value, Petition of Surviving Spouse to.....	20.00
56	Receipts in Addition to Advertising Charges, Application and Order to Record.....	5.00
	Record of those receipts, additional, per page.....	1.00
57	Record in excess of fifteen hundred word in any proceeding in the Probate Court, per page	1.00
58	Release of estate by mortgagee or other lienholder.....	5.00
59	Relieving estate from administration.....	60.00
60	Removal of Fiduciary, Application for.....	10.00
61	Requalification of Executor or Administrator.....	10.00
62	Resignation of Fiduciary.....	5.00
63	Sale Bill, Public Sale of Personal Property.....	10.00
64	Sale of Personal Property and Report, Application for.....	10.00
65	Sale of Real Estate, Petition for.....	25.00
66	Terminate Guardianship, Petition to.....	10.00
67	Transfer of Real Estate, Application, Entry and Certificate Fee.....	7.00
68	Unclaimed Money, Application to Invest.....	7.00
69	Vacate Approval of Account or Order of Distribution, Motion to.....	10.00
70	Writ of Execution.....	5.00
71	Writ of Possession.....	5.00
72	Wrongful Death, Application and Settlement of Claim for.....	20.00
73	Year's Allowance, Petition to Review.....	7.00
74	Guardian's Report, Filing and Review of.....	5.00

- (B) (1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under Section 2111.49 of the Revised Code, the Probate Court, pursuant to Court order or in accordance with a Court Rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to Section 2111.041 or division (A)(2) of Section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the Court finds that an alleged incompetent or a ward is indigent, the Court may waive the costs, fees, and expenses of an investigation.
- (2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the Probate Court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to Section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the Court finds that the guardian or applicant is indigent, the Court may waive the costs, fees, and expenses of an investigation.

- (3) In relation to the filing of an affidavit of mental illness for a mentally ill person subject to court order, the court may waive the fee under division (A)(75) of this section if the court finds that the affiant is indigent or for good cause shown.
- (C) Thirty dollars of the \$35 dollar fee collected pursuant to division (A)(33) of this section and \$20 of the \$60 fee collected pursuant to division (A)(58) of this section shall be deposited by the county treasurer in the indigent guardianship fund created pursuant to Section 2111.51 of the Revised Code.
- (D) The fees of witnesses, jurors, sheriffs, coroners, and constables for services rendered in the Probate Court or by order of the Probate Judge, shall be the same as provided for like services in the Court of Common Pleas.
- (E) The Probate Court, by rule, may require an advance deposit for costs, not to exceed \$125, at the time application is made for an appointment as executor or administrator or at the time a will is presented for Probate..... 125.00
 Recommended additional costs associated with administering an estate (including inventory, account, and publication fees). 100.00
 Average cost to administer a full administration estate 225.00
- (F) Thirty dollars of the \$50 fee collected pursuant to division (A)(2) of this section shall be deposited into the "Putative Father Registry Fund", which is hereby created in the state treasury. The Department of Human Services shall use the money in the fund to fund the department's costs of performing its duties related to the Putative Father Registry established under Section 3107.062 of the Revised Code.

II. R.C. 2101.18, 2303.20

- (A) Fees applicable to all cases except estates, guardianships, trusts, and adoptions:
 - 1. Issuing notices, each..... 2.00
 - 2. Issuing summons, each..... 2.00
 - 3. Calling a jury, each cause..... 25.00
- (B) Fees applicable to all cases:
 - 1. Docketing and indexing each petition to vacate, revive, or modify judgment, including the filing and noting of all necessary documents..... 15.00
 EXCEPTION: For each motion to vacate approval of account or order of distribution
see Section 1(A), Item 68
 - 2. Appeals
 - a. Docketing and indexing each appeal, including the filing and noting of all necessary documents (R.C. 2303.20, 2303.31, 2101.18)..... 25.00
 Additional charge for computer legal research (R.C. 2101.162(A)(1))..... 3.00
 Additional charge for computerization (R.C. 2101.162(B)(1))..... 10.00
 - b. Deposit payable to Clerk of Court of Appeals (Rule 7 of Local Appellate Rules)..... 150.00

III. R.C. 2301.21

- (A) Service of court reporter (or video taping), each case (including wrongful death settlement) 25.00

IV. R.C. 2335.06 (witnesses); 2313.34 and Commissioners' Resolution 99-2693 (jurors)

- (A) Witness fees - each witness shall receive the following fees
 - 1. Half-day attendance..... 6.00
 - 2. Full-day attendance..... 12.00

(B)	Juror fees-each juror shall receive the following	
	1. Half-day.....	20.00
	2. Full-day.....	40.00

V. Other Fees

(A)	Application for Placement of Child (includes \$26.00 for legal aid and \$3.00 for computer research fee).....	39.00
(B)	Certified Copy of Probate Birth Certificate (R.C. 3109.14, 3705.24).....	4.50
(C)	Certified Copy of Probate Death Certificate (R.C. 3109.14, 3705.24).....	4.50
(D)	Certified Copy of Marriage Record.....	2.00
(E)	Certified Copy of Naturalization Record.....	3.00
(F)	Certified Mail base rate (plus \$2.00 for notice, if applicable).....	USPS Rate
(G)	Complaint for Will Contest.....	20.00
(H)	Computer Legal Research Fee (R.C. 2101.162(A)(1), each case or appeal.....	3.00
(I)	Copies of pleadings, records or files, each page.....	.05
(J)	Counterclaims or cross-claims.....	20.00
(K)	Docketing and recording fees (in lieu of Items 30 and 57 of R.C. 2101.16(A)	
	1. Estates.....	48.00
	2. Guardianships.....	21.00
	3. Trusts.....	21.00
	4. Wrongful Death.....	15.00
	5. Minor's Settlement.....	15.00
	6. Adversary.....	15.00
(L)	Guardianship Application.....	5.00
(M)	Guardianship Inventory.....	7.00
(N)	Home Study: Adoption	
	1. Private adoption home studies.....	430.00
	2. All other home studies.....	250.00
(O)	Legal Aid (name change, guardianship, adoption and estate cases) R.C. 2303.201(C)...	26.00
(P)	Marriage Applications (R.C. 2101.16(A), 3113.34, 2101.19, 2010.162(A).....	40.00
(Q)	Publication of Inventory & Appraisal and Accounts in the Sentinel Tribune (prices determined by publisher)	---
(R)	Publication Notices - appointments for date of death prior to Mary 30, 1990 (prices determined by publisher)	---
(S)	Subpoena Fee:	
	1. If served by Court/Sheriff.....	0.00
	2. If served by attorney.....	0.00
(T)	Praecipe Fee.....	5.00
(U)	Re-Open Case, Application to (other fees may apply).....	5.00
(V)	Ohio Estate Tax Return - residents and non-residents.....	0.00
(W)	Donation of Land, Application.....	20.00
(X)	Insolvency Hearing, Application.....	20.00
(Y)	Seal a Filing, Application to.....	25.00
(Z)	Conduct of Business (adoptions and marriage licenses only - R.C. 2101.19).....	1.00
(AA)	Computerization Fee, each cause of action or appeal (R.C. 2101.162(B)(1).....	10.00
(AB)	Faxed documents (+1.00 per page).....	2.00
(AC)	Certificate of Termination.....	10.00
(AD)	Handling Fee - Returned Check.....	Determined by bank
(AE)	Certificate of No Marriage.....	0.00

APPENDIX B
IN THE PROBATE COURT OF WOOD COUNTY, OHIO

Case Name: _____ Case Number: _____

Accounting period of: _____, _____ to _____, _____

APPLICATION FOR ESTATE ATTORNEY FEES

Now comes the undersigned attorney who makes application for the allowance of attorney fees in the total amount of \$_____. This amount is based on the following:

I. Fees on Total Probate Estate Assets and Income:

Total Probate Estate Assets and Income: \$_____

- | | |
|---|-----------------|
| 1.) \$0 to \$3,500 | \$250.00 (min.) |
| 2.) Fees on the next \$10,000 of assets and income @ 5% | \$_____ |
| 3.) Fees on the next \$15,000 of assets and income @ 4% | \$_____ |
| 4.) Fees on the next \$71,500 of assets and income @ 3.5% | \$_____ |
| 5.) Fees on the balance of assets and income @3% | \$_____ |

Fees on Total Probate Assets \$_____

II. Fees on Non-Probate Assets

Total Non-Probate Estate Assets: \$_____

- | | | | |
|---------------------------------------|---------|------------|---------|
| 1.) Joint and survivorship property | \$_____ | Fee @ 1.5% | \$_____ |
| 2.) Value of inter vivos trusts | \$_____ | Fee @ 1.5% | \$_____ |
| 3.) Value of other non-probate assets | \$_____ | Fee @ 1.5% | \$_____ |

Fees on Total Non-Probate Assets \$_____

Any Extraordinary Fees Shall Be Requested and Approved By Separate Application and Order. The fiduciary must sign any request for extraordinary fees.

*** THIS FEE SCHEDULE IS NOT A MANDATORY MINIMUM OR MAXIMUM FEE SCHEDULE ***

TOTAL ORDINARY FEE REQUESTED: \$ _____
LESS PREVIOUSLY APPROVED PARTIAL FEES: (-) \$ _____
TOTAL FEES REQUESTED APPROVED AT THIS TIME: \$ _____

Attorney for the Estate

Executor/ Administrator

JUDGMENT ENTRY

This matter came to be heard on the application for authority to pay attorney fees. Having reviewed the application and information properly before the Court, the Court finds the fees reasonable and approves the following fees.

IT IS ORDERED that ordinary attorney fees in the amount of \$ _____ are approved.

Judge David E. Woessner

APPENDIX B-1
IN THE PROBATE COURT OF WOOD COUNTY, OHIO

Case Name: _____ Case Number: _____

Accounting period of: _____, _____ to _____, _____

APPLICATION FOR ESTATE FIDUCIARY FEES

Now comes the under signed fiduciary for the estate who makes application for the allowance of fiduciary fees in the total amount of \$_____. This amount is based on the following:

I. Total Estate Assets and Income:

Personal property (principal value on date of death): _____
Income from estate personal property: _____
Gross proceeds from real property SOLD: _____

TOTAL ASSETS AND INCOME: \$ _____

II. Fees

- 1) Fees on first \$100,000 of total estate assets and income @ 4% \$ _____
- 2) Fees on the next \$300,000 of total estate assets and income @ 3% \$ _____
- 3) Fees on the next \$400,000 of total estate assets and income @ 2% \$ _____
- 4) Real estate NOT SOLD \$_____. Fees @ 1%. \$ _____
- 5) Fees on property not subject to administration and that is includable
for purposes of computing the Ohio estate tax, except joint and
survivorship property @ 1% [R.C. 2113.35(B)] \$ _____

TOTAL ORDINARY FEE REQUESTED: \$ _____

Attorney for the Estate

Executor/Administrator

JUDGMENT ENTRY

This matter came to be heard on the application for allowance of fiduciary fees. Having reviewed the application and information properly before the Court, the Court finds the fees reasonable and approves the following fees.

IT IS ORDERED that ordinary fiduciary fees in the amount of \$_____ are approved.

Judge David E. Woessner

APPENDIX B-2 EXAMPLES OF EXTRAORDINARY SERVICES

Examples of extraordinary services which may be compensated in addition to the foregoing suggested guidelines on ordinary fees include, but are not limited to, the following:

- A. In a Court other than the Probate Court.
- B. In a contested matter in the Probate Court.
- C. In connection with the preparation or filing, audit, protest or contest of an income or gift tax return, or liability incurred by the decedent or personal representative.
- D. In connection with the settlement of estate or inheritance taxes with respect to insurance not payable to the estate, gifts in contemplation of death, or general testamentary powers of appointment not exercised by the decedent, and other negotiation not represented by assets included in the "gross value" of the estate.
- E. With respect to problems of valuation or taxability of property for estate and inheritance taxes or to the protest of such taxes.
- F. Preparation and filing of the federal estate tax returns.
- G. In connection with matters which are unusual or excessive for the size of the estate involved.
- H. In connection with the performance of duties normally performed by the personal representative, but which fall to the lawyer because of personal representative's inexperience, lack of ability, or absence from the place from which the assets of an estate must be managed.
- I. Sale of business or business assets.
- J. Proceedings to determine heirship.
- K. Proceedings involving partnership.
- L. Sale of real estate by land sale or election of spouse to take at appraisal value.

APPENDIX C

IN THE PROBATE COURT OF WOOD COUNTY, OHIO

Case Name: _____ Case Number: _____

Accounting period of: _____, _____ to _____, _____

APPLICATION FOR NON-INDIGENT GUARDIANSHIP ATTORNEY FEES*

*(THIS IS NOT A MANDATORY FEE SCHEDULE)

Now comes counsel for the guardian who makes application for the allowance of attorney fees in the total amount of \$_____. This amount is based on the following:

I. Principal at the Beginning of Initial Accounting Period (to be used at time of initial fee request only):

\$_____

Fees on \$0-\$3,500 of initial principal (Minimum \$250.00) \$_____

Fees on the next \$10,000 of initial principal @ 5% \$_____

Fees on the next \$15,000 of initial principal @ 4% \$_____

Fees on the next \$71,500 of initial principal @ 3.5% \$_____

Fees on the balance of initial principal @ 3% \$_____

TOTAL INITIAL PRINCIPAL FEES: \$_____

II. Total Income or Added Principal During Current Accounting Period (Excludes balance from principal carried over from prior accounting periods or new investments of existing principal. Excludes income from rental property managed by guardian – see III below.): \$_____

1) Fees on the first \$0- \$1,000 of income or added principal @ 4%: (250.00 min.) \$_____

2) Fees on income or added principal over \$1,000 @ 3%: \$_____

III. Total Gross Rental Income: \$_____

1) Fees on Total Gross Rental Property Income @10%: \$_____

IV. Total Expenses During Current Accounting Period (expenses do not include final distributions or distributions to a successor guardian or attorney): \$_____

1) Fees on the first \$0- \$1,000 of expenses @4%: \$_____

2) Fees on expenses over \$1,000 @3%: \$_____

TOTAL FEE REQUESTED: \$_____

Attorney for the Guardianship

Guardian

**APPENDIX C
IN THE PROBATE COURT OF WOOD COUNTY, OHIO**

Case Name: _____ Case Number: _____

Accounting period of: _____, _____ to _____, _____

JUDGMENT ENTRY

This matter came to be heard on the application for authority to pay attorney fees. The Court finds the requested fees reasonable.

IT IS ORDERED that attorney fees in the amount of \$_____are approved.

Judge David E. Woessner

APPENDIX C-1

IN THE PROBATE COURT OF WOOD COUNTY, OHIO

Case Name: _____ Case Number: _____

Accounting period of: _____, _____ to _____, _____

APPLICATION FOR GUARDIAN FEES

Now comes the guardian who makes application for the allowance of guardian fees in the total amount of \$ _____. This amount is based on the following:

I. Principal at the Beginning of Initial Accounting Period (to be used at time of initial fee request only):
\$ _____

Fee based on \$3.00 per thousand dollars of initial principal: \$ _____ (\$50.00 min.)

II. Total Income or Added Principal During Current Accounting Period (Excludes balance from principal carried over from prior accounting periods or new investments of existing principal. Excludes income from rental property managed by guardian – see III below. For income derived from Veteran’s Administration benefits, see R. C. 5905.13 for maximum):
\$ _____

1) Fees on the first \$0- \$1,000 of income or added principal @ 4% : \$ _____ (\$50.00 min.)

2) Fees on income or added principal over \$1,000 @ 3%: \$ _____

III. Total Gross Rental Income : \$ _____

1) Fees on Total Gross Rental Property Income @10%: \$ _____

IV. Total Expenses During Current Accounting Period (expenses do not include final distributions or distributions to a successor guardian):
\$ _____

1) Fees on the first \$0- \$1,000 of expenses @4%: \$ _____

2) Fees on expenses over \$1,000 @3%: \$ _____

TOTAL FEE REQUESTED: \$ _____

Attorney for the Guardian

Guardian

JUDGMENT ENTRY

This matter came to be heard on the application for authority to pay guardian fees.

IT IS ORDERED that guardian fees in the amount of \$ _____ are approved.

Judge David E. Woessner

**APPENDIX D
TRUSTEE'S FEE COMPUTATION
IN THE PROBATE COURT OF WOOD COUNTY, OHIO**

Case Name: _____

Case Number: _____

I. Gross Annual Income from Personal Property times (x) .04 Total Fee from Personal Property Income	\$ _____ .04	\$ _____
II. a. Gross Income from Real Property Managed by the Trustee times (x) .10 Total Fee for Trustee Managed Real Property	\$ _____ .10	\$ _____
II. b. Adjusted Gross Income from Other Real Property times (x) .01 Total Fee to Trustee on Other Real Property Income	\$ _____ .01	\$ _____
III. Principal times (x) .002 Fee on Principal	\$ _____ .002	\$ _____
IV. Principal Distribution times (x) .01 Fee on Principal Distribution	\$ _____ .01	\$ _____
V. Management Fee		\$ _____

RECAPITULATION

Item I. Fee	\$ _____	
Item IIa. Fee	\$ _____	
Item IIb. Fee	\$ _____	
Item III. Fee	\$ _____	
Item IV. Fee	\$ _____	
Item V. Fee	\$ _____	
Extraordinary Fees (from application)	\$ _____	
Total Fees Requested		\$ _____

ATTORNEY'S SIGNATURE

FIDUCIARY'S SIGNATURE

Typed or Printed Attorney's Name

Typed or Printed Fiduciary's Name

Date Approved by the Court

David E. Woessner, Probate Judge

**APPENDIX D-1
TRUSTEE FEE GUIDELINES**

Income During Period

I. On income from personal property

4% of gross income

II. On income from real property

a. 10% of gross income on property managed by trustees

b. 1% of adjusted gross income on property managed by someone else provided that management fees and trustee's fee combined do not exceed 10% of gross income.

Adjusted gross income is gross income less operating expenses before depreciation and management fees deducted.

III. On Principal

\$2.00 per \$1,000.00 principal

IV. On Distribution of Principal (other than termination)

1% of reasonable market value of principal property distributed, to be paid from the distribution.

V. Management Fee

VI. Extraordinary Fees

May be awarded upon application at discretion of the Court.

**APPENDIX G
NEW CASE INFORMATION SHEET
IN THE PROBATE COURT OF WOOD COUNTY, OHIO**

In the Matter of: _____ Case Number: _____

Case Information: **Please check all that apply:**

Estate: Full Administration: Citation to surviving spouse (is) (is not) required.
 Release from Administration Summary Release
 2.3 N Notice to File w/out Probate (Tax and/or Will Only) Foreign Ancillary
 Real Estate Only
 Pursuant to R.C. 2107.07 and Sup. R. 59, the undersigned certifies the wills on deposit have been examined and no later will was found on deposit for this decedent.

Guardianship: Incompetent Minor Emergency Conservatorship

Trust: Testamentary Special Needs Other

Adoption: Stepparent/Grandparent Private Agency Adult Interstate Foreign

Civil: Will Contest Land Sale Declaratory Judgment Term/Modification of Trust
 Concealment of Assets Other _____

Misc.: Name Change Minor Settlement Birth Registration/Correction
 Structured Settlement Other _____

Is this case related to another pending Court case? no yes

Name of Court _____ Related case name/number: _____

*By providing my e-mail address, I agree to receive pleadings and other papers filed subsequent to the summons and original complaint by e-mail pursuant to Civil Rule 5(B) and Wood County Probate Court Local Rule 57.1.

*Attorney's E-mail Address *	Applicant's E-mail Address
Attorney's Name Applicant's	Name
Attorney's Address Applicant's	Address
Attorney's Phone Number Applicant's	Phone Number
Attorney's Signature Applicant's	Signature

PROBATE COURT OF WOOD COUNTY, OHIO
David E. Woessner, Judge

In the Matter of: _____

Case No: _____

Date: _____

APPLICATION TO EXTEND TIME

The undersigned attorney and fiduciary hereby make application to extend the time for filing the:

- Inventory
- Account
- Commissioner's Report
- Guardian's Report
- Other (explain) _____

in this matter, which first became due on _____, 20____, for the following reasons

_____.

An Extension of Time is hereby requested to file said _____
by _____.

Fiduciary's Signature

Attorney's Signature

(Type/Print Fiduciary's Name)

(Type/Print Attorney's Name)

Prepared by:
Attorney's Name _____
Address _____

Phone # _____
Registration # _____

PROBATE COURT OF WOOD COUNTY, OHIO
David E. Woessner, Judge

In the Matter of: _____

Case No: _____

Date: _____

JUDGMENT ENTRY TO EXTEND TIME

Upon application of the attorney and the fiduciary and for good cause shown, application is hereby granted and time for filing the:

- Inventory
- Account
- Commissioner's Report
- Guardian's Report
- Other (explain) _____

_____ is hereby extended to _____, 20____.

Date Journalized

David E. Woessner, Probate Judge

Prepared by:
Attorney's Name _____
Address _____

Phone # _____
Registration # _____

PROBATE COURT OF WOOD COUNTY, OHIO
David E. Woessner, Judge

Estate of: _____
Case No. _____

APPLICATION TO EXTEND ADMINISTRATION

[R.C. 2109.301, Sup. R. 78(B) and (C)]

The undersigned fiduciary applies to extend the administration of the estate beyond six months. The fiduciary states it would be detrimental to the estate and its beneficiaries or heirs to file a final and distributive account or certificate of termination within that time for the following reason(s) (state with specificity):

Attorney
Attorney Registration No. _____

Fiduciary

ENTRY

Upon consideration of the application, the Court orders;

- An account or certificate of termination shall be due not later than 13 months after the appointment of the fiduciary.
- A final and distributive account or certificate of termination is due _____.
- The motion is denied.
- Other: _____

A status letter shall be filed with each partial account or waiver of partial account.

David E. Woessner, Probate Judge



APPENDIX I
WOOD COUNTY PROBATE COURT RECORDS RETENTION SCHEDULE

<i>Record Title</i>	<i>Retention Period</i>	<i>Media Type</i>
<u>Administrative</u>	Sup. Rule 26.01	
Bank Records	3 years (and completed audit)	Paper
Cash Books	3 years (and completed audit)	Paper
Daily Correspondence (messages, notes, emails not essential to case file)	Destroyed in course of business	Various
Supreme Court (Annual) Report	2 copies kept permanently	Paper
Employment applications	2 years for posted positions	Paper
Employee Benefit and Leave (insurance info/applications)	3 years (and completed audit)	Paper
Employee History and Discipline	10 years after termination	Paper
Fiscal (budgets and purchasing)	3 years	Paper
Payroll Records	3 years	Paper
Receipts and Cashbook Balancing	3 years (and completed audit)	Paper
Requests for Proposals, Bids, and Contracts Resulting from RFPs	8 years after contract expires	Paper
All Other Written Contracts	8 years after contract expires	Paper
<u>Case Records</u>	Sup. Rule 26.04	
Adoptions	Permanent	Paper
Birth Records	Permanent	Paper
Death Records	Permanent	Paper
Estates	Permanent	Microfilm
Civils	Permanent	Microfilm

Marriage

Permanent

Paper

Record Title

Retention Period

Media Type

**Non-adj. Civil
Commitments**

Destroyed upon
dismissal

Paper

Civil Commitments

3 Years after Closing

Paper

Trusts

Permanent

Microfilm

Guardianships

Permanent

Microfilm

Name Changes

Permanent

Microfilm

All Other Case Types

Permanent

Microfilm

**Indexes, Journals,
Dockets**

Permanent

Electronic and
Paper

**Audio, Video, Steno,
Transcripts (any media
used to record a hearing)**

10 Years

Video/Audio

Exhibits

45 days following
expiration of appeal
time

Various



**Wood County Court of Common Pleas
Probate Division**

Wood County Courthouse
Bowling Green, Ohio 43402
(419) 354-9230

**David E. Woessner
Probate Judge**

Electronic Filing Cover Sheet Form 3.01

File Stamped Copy Requested

Exhibits to be Filed Per Rule 5.01-5.04

SENDING PARTY INFORMATION:

Attorney Name: _____

Supreme Court Registration Number: _____

Office/Firm: _____

Address: _____

Telephone Number: _____

Fax Number: _____

E-Mail Address (if applicable): _____

CASE INFORMATION:

Caption of Case: _____

Case Number: _____

Description of Document: _____

FILING INFORMATION:

Date of Electronic Transmission: _____

Number of Pages: _____

Statement explaining how Court Costs will be submitted:

WOOD COUNTY LOCAL RULE 57.9(F)(6.02)

IN THE COURT OF COMMON PLEAS OF WOOD COUNTY, OHIO
PROBATE DIVISION
DAVID E. WOESSNER, JUDGE

In the Matter of the Estate of:

*

Case # 20140000

John Doe

*

Judge David Woessner

PLAINTIFF SMITH'S NOTICE OF FILING OF EXHIBIT G
TO
PLAINTIFF SMITH'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS

Plaintiff Smith, through counsel, hereby files Exhibit G to Plaintiff Smith's Response to Defendant's Motion to Dismiss. The referenced pleading was filed by facsimile transmission with the Court on [date]. Exhibit G could not be accurately transmitted by fax and is being timely filed as a separate document with the Court pursuant to Local Rule 57.9(F)(6.02).

Respectfully Submitted,

Attorney Name (Supreme Court Number)
Office/Firm
Address
Telephone Number
Fax Number
E-mail
Counsel for Plaintiff John Smith

Certificate of Service

I certify that a copy of the Notice of Filing of Exhibit G was sent by ordinary mail on [date] to counsel for the defendant [name/address of recipient].

Attorney Name
Counsel for Plaintiff John Smith