

PROBATE COURT OF MONTGOMERY COUNTY, OHIO

**INFORMATION SHEET FOR SUMMARY
RELEASE FROM ADMINISTRATION**

THE FOLLOWING INFORMATION SHEET IS INTENDED TO SERVE ONLY AS A GENERAL GUIDE AND SHOULD NOT BE RELIED UPON AS A COMPLETE LIST OF ALL STEPS THAT MAY BE NEEDED IN A SUMMARY RELEASE FROM ADMINISTRATION. CIRCUMSTANCES IN EACH CASE MAY REQUIRE ADDITIONAL STEPS OR ACTIONS THAT ARE NOT LISTED BELOW.

STEP ONE: WHEN TO USE A SUMMARY RELEASE FROM ADMINISTRATION

A summary release from administration may be used when:

There is no surviving spouse **and:**

- a) The value of the assets to be probated does not exceed \$5,000.00;
- b) The applicant paid a funeral bill equal to or greater than the assets, or
- c) The applicant paid or is obligated in writing to pay the decedent's funeral and burial expenses that are equal to or greater than the assets to be probated.

or

There is a surviving spouse **and:**

- a) The value of the estate assets do not exceed \$45,000.00;
- b) The surviving spouse paid or is responsible in writing to pay the decedent's funeral and burial expenses, **and;**
- c) The surviving spouse is also entitled to the entire allowance of support provided for under Section 2106.13 of the Revised Code.

STEP TWO: ASSETS SUBJECT TO PROBATE

You must determine the assets that must pass through Probate Court.

Generally, any asset held solely in the name of the person who has died must pass through the probate process.

Assets held in a joint survivorship form, payable on death form or in a transfer on death form are generally not subject to the probate process.

Assets, such as life insurance, that are paid to a beneficiary generally do not have to pass through the probate process.

STEP THREE: DETERMINING THE VALUE OF PROBATE ASSETS

Once you have determined the assets that have to pass through the probate process, you must value these assets.

Bank accounts are valued by using the balance in the account on the date of death. Be careful with checking accounts as there may be outstanding checks that have not cleared the bank. Also, be careful if the deceased person was receiving social security payments as the last check may have to be repaid to the government.

Stocks that are publicly traded can be valued using the closing value for the stock on the date of death. The local library may have a newspaper for the date of the person's death. Use the opening value on Monday if the person died on Saturday or Sunday.

Real estate may be valued by using the tax value for the decedent's interest in the real estate. If the real estate is located in Montgomery County you can find the tax value on the following website: www.mcrealestate.org. You may also have the real property appraised by a court approved appraiser.

Motor vehicles may be valued by using the average trade-in book value for the vehicle or you can have the vehicle valued, in writing, by a local car dealership. You can obtain the book value for the vehicle from the local library or on the internet at www.NADA.com.

The applicant should also bring to the Probate Court the additional documents that apply that are listed on the Documents That May Be Needed form that you can access on this website.

The applicant must bring cash or a money order to pay court costs. The Court does not accept personal checks or credit cards. Please check with the Clerk's Office to determine the current filing fee that is required.

STEP FOUR: COMPLETING THE PROBATE FORMS

ALL FORMS MUST BE COMPLETED IN INK OR TYPEWRITTEN. THE FORMS MUST BE LEGIBLE AND MEET THE COURT'S STANDARDS TO IMAGE. THE COURT MAY REJECT ANY FORM THAT DOES NOT MEET THESE STANDARDS.

The applicant must complete the following Standard Probate Forms to file a summary release from administration:

1. Form 5.10 – Application for Summary Release From Administration. THIS FORM MUST BE NOTARIZED OR SIGNED IN FRONT OF A DEPUTY CLERK.
2. Form 1.0 – Surviving Spouse, Children, Next of Kin, Legatees and Devisees. The front side of this form lists the persons who would inherit if

there is no will. The backside of this form list the persons named in any will. Complete addresses must be provided.

3. Form 5.11 – Entry Granting Summary Release From Administration.
4. Form 12.0 - Application For Certificate of Transfer and Form 12.1 - Certificate of Transfer if real estate is an asset of the estate. The Form 12.1 must be prepared in duplicate.

STEP FIVE: WHEN THE FORMS ARE COMPLETED

When the forms are complete, take the forms to the Clerk's counter at the Probate Court located at 41 N. Perry Street, Dayton, Ohio 45402. Your case will be assigned to a Magistrate. You will then take the forms to the Magistrate's Office for review. Once the forms have been reviewed, they will be taken to the Judge for approval and signature. The forms must then be returned to the Clerk's counter to be filed. You will need a certified copy of the Entry, Form 5.11 and the Application, Form 5.10.

Make additional copies of the forms for your records before filing the documents with the court. The Clerk's office charges a fee to make copies.

STEP SIX: WHEN THERE IS REAL ESTATE

If there is real estate, you must correct the real estate records to reflect the proper owner of the real estate due to the person's death. Take any Certificate of Transfer issued by the Court to the County Auditor's Office on the Third Floor of the County Administration Building, 451 W. Third Street, Dayton, Ohio and then to the Recorder's Office on the Fifth Floor of the County Administration Building to record the Certificate of Transfer. There will be additional costs and forms to complete at the Auditor and/or Recorder's office.

Ohio Estate Tax forms may also need to be filed. The Ohio Department of Taxation can be contacted at 1-800-977-7711.

THE JUDGE AND THE EMPLOYEES OF THIS COURT ARE PROHIBITED BY LAW FROM PROVIDING YOU WITH LEGAL ADVICE OR ASSISTING YOU IN THE SELECTION OR PREPARATION OF LEGAL FORMS. IF YOU NEED ADDITIONAL ASSISTANCE YOU SHOULD CONTACT AN ATTORNEY. IF YOU DO NOT KNOW AN ATTORNEY YOU MAY WISH TO CONTACT THE DAYTON BAR ASSOCIATION REFERRAL SERVICE AT (937) 222-7902.