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COURT OF COURT
COURT OF OHIO

Probate
Division

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**PROBATE DIVISION
LAWRENCE COUNTY, OHIO
RULES OF COURT OF COMMON PLEAS**

RULE 1: Sessions of Court

1. The Court Offices will be open for transaction of business from 8:00 a.m. to 4:00 p.m., Monday through Friday, each week with legal holidays as provided by law to be observed.
2. The Probate Office, at the discretion of the Judge, may be open at other hours for matters of extraordinary importance.
3. Court sessions shall be held at the Lawrence County Court House. Sessions may be held at such other places in this County as may be provided by order of the Judge from time to time or for special cases as the interests of justice may require.
4. Sessions shall be held in the privacy of chambers or in the courtroom or in such other place within this County as may be ordered. In every case of an adult charged with a criminal offense, the right of public trial and hearing will be observed with the right to trial by jury as provided by law or the Ohio Rules of Criminal Procedure (hereinafter the "Criminal Rules").
5. In order to facilitate the transaction of the Court's business, the Court shall, on its own motion, set cases for pre-trial hearings when deemed appropriate and necessary by the Court, and shall notify and require the attendance the parties involved and the attorneys representing said parties at said hearings.

6. Sessions may be adjourned from time to time as the justice of the case may require, and for the Court to have an opportunity to obtain additional evidence or testimony.

RULE 2: Conduct in the Court

1. Proper decorum in the Court is necessary to the Administration of justice and the Court's functions. Any conduct which interferes, or tends to interfere, with the proper administration of justice and/or the Court's business is prohibited. No radio or television transmission, voice recording device (other than a device used by the court reporter making a record in a proceeding before the court), or the making or taking of pictures shall be permitted, unless authorized by the Court pursuant to Rule 19 Rules of Superintendence for Common Pleas Court (C.P. Sup.R.19).
2. In order to facilitate the transaction of the Court's business, each case shall be assigned, inter alia, a hearing date and time. To the greatest degree possible, the Court will adhere to this hearing schedule. It is expected that the attorneys involved in a particular case will be on time for and present in court at the date and time of scheduled hearing or trial. Failure of a party or counsel to appear at the scheduled time for trial or hearing shall be deemed a contempt of court. Unless such failure is authorized or excused by the Court, a fine may be imposed by

the Court in addition to any other penalties imposed.

RULE 3: Failure to Apply for Administration

If a person entitled to administer the estate of an intestate fails without good cause to apply for letters of administration for three months after the death of the intestate, that persons right to priority shall be deemed lost and the court on the motion of any interested party, after the issuance of a citation as provided by Section 2113.06, Revised Code, may commit the administration of said estate to any one of the person's next in order, or, if there are none such, then to some other suitable person.

RULE 4: Bonds and Sureties

1. Neither a practicing attorney nor his/her spouse shall be permitted to become surety on the bond of any fiduciary to be appointed by this court in excess of One Hundred (\$100.00) Dollars, except for his/her spouse or children.
2. Private sureties, other than a registered bonding or insurance company, may be permitted for an administrator or executor who resides in Lawrence County, or in a county adjoining Lawrence County
3. In any individual matter, the combined value of the unencumbered Ohio real estate of the private or personal sureties must be equal to double the amount guaranteed. The following standards will be used in determining the value of said real estate.

- a. For Lawrence County real estate, twice the County Auditor's appraised value thereof less any encumbrances of record.
- b. For real estate located elsewhere in the State of Ohio, twice the appraised value thereof as determined as by the County Auditor of the county in which said real estate is located less any encumbrances of record. Proof must be submitted to the court of said valuation in the case of real estate located outside of Lawrence County. Notice of the bond shall be filed in the County Recorder's office of the situs of the real estate.

4. Private sureties will not be accepted for any trustee to be appointed by this court, nor for the guardian of an incompetent person, nor for the guardian of a minor when by virtue of the age of said minor or minors, at the time the trusteeship or guardianship becomes operative it appears it will last for a period in excess of five years.
5. Where a will names an executor and requests that no bond be required of that person, none will be required provided such executor resides in Lawrence County or in a county adjacent to Lawrence County (whether in Ohio or an adjacent state) and further where such request has been made, no bond will be required of next of kin or

spouse. In all other events a bond will be required.

RULE 5: Residence Qualifications of Fiduciaries

1. Pursuant to R.C. 2113.05, in the discretion of the Court, Letters

Testamentary may be issued to a surviving spouse or one of the next of kin of decedent even though such persons are nonresidents of the county or of the state. Subject to Rule 4 paragraph 5, in such instances, the Court may require a statutory surety bond pursuant to R.C. 2109.04 et seq.

2. An applicant for appointment as guardian who is a resident of this state but not of Lawrence County will be appointed provided that person resides in a county adjacent to Lawrence County and except that pursuant to R.C.2109.21, a nonresident of the county or of the state may be appointed a guardian, if named in a Will by a parent of a minor.

RULE 6: Preparation and Filing of Papers

1. All papers prepared for filing in this court will be typewritten on the forms provided by or approved by the Court. The name of the Attorney shall appear on the top of each form the Judge is to sign. Case numbers if assigned shall be placed at the top of each form.

2. All entries, except those appointing fiduciaries and approving inventories and accounts will be prepared in full prior to submission to the court for approval. No unfilled blanks will be left in either a printed

form or a form or pleading prepared by the parties. If the same are not appropriate to the proceedings in question they may be stricken.

3. The court reserves the right to reject any form, document or other filing not prepared in accordance with this rule.

4. No filings will be accepted from any attorney an any case where that attorney has removed the file jacket from the Deputy Clerk's Office until such file jacket is returned.

5. All filings will be on "8 1/2 X 11" paper. All initial fillings in the Court shall contain the name, address and telephone number of the counsel representing the fiduciary, or any other party in the case, and in the absence of such counsel, the name, address and telephone number of the fiduciary or the party making the filing. The filing of any paper not containing the above requirement may be refused by the Court.

6. Failure of the fiduciary to notify the Court of that persons current address shall be grounds for the fiduciary's removal.

7. Filings containing partially or wholly illegible signatures of counsel, parties or officers administering oaths may be refused by the Court, or, if filed, may be stricken from the files, unless the typewritten or printed name of the person whose signature it purports to be appears below it.

8. The provisions of this rule shall also apply to sureties on bonds.

RULE 7: Attorneys of Record

As provided in Rule 6, the application for the appointment of a

fiduciary shall contain the name, address and telephone number of the attorney, if any, representing the fiduciary. If such attorney shall resign, the attorney and the fiduciary shall immediately notify the Court, and the fiduciary shall forthwith submit the information required for the successor attorney. All such information shall be in writing. In any instance where an attorney files an application to withdraw as counsel for a fiduciary, it will be necessary that the matter be set for hearing and the fiduciary be notified and be present for the hearing, unless notice and hearing is dispensed with by the Court.

RULE 8: Attorney's Approval on Instruments Filed

Each judgment entry presented to this Court for filing for and on behalf of any fiduciary, acting by virtue of an appointment by this court, except on forms approved by this Court, shall be endorsed thereon the approval of the attorney at law designated by such fiduciary to represent him in matters relating to the trust, in the following form:

Approved:

Attorney for Fiduciary

Such endorsement shall constitute a representation to the court that the same was prepared by and/or examined by the attorney. If such attorney's endorsement is lacking, the same shall be refused and denied filing in this Court.

RULE 9: Removal of papers from Probate Court Files, Examination of Probate Files, Records and other Documents

1. The Deputy Clerks shall permit any party to an action, or his or her attorney, or agent, to examine and make copies of any pleading or paper on file in any case, except adoption proceedings and mental illness proceedings, in which case permission must first be obtained directly from the Judge.
2. No case file, tapes or records shall be removed from the office of the Clerk of Probate Court without first obtaining permission from the Judge.
3. Copies of any open records may be obtained at a cost per page as authorized by the Court and any changes shall be noticed to the attorneys of the Lawrence County Bar.
4. All adoption case files and mental illness case files are confidential, and are not open to inspection or copying or removal, except as provided by law or with specific permission of the Judge.
5. A citation for contempt of court may be issued against anyone who divulges or receives confidential information from files of adoption or mental illness proceedings without authorization of the Judge.

RULE 10: Entries:

1. All pleadings are to be clearly titled, i.e., Entry Approving Inventory, Entry Denying Motion for New Trial, etc.

2. Counsel for the party in whose favor an Order, Decree or a Judgment is announced, shall prepare the proper Judgment entry and submit the same to Counsel for any opposing party, who shall approve or take exception thereto, and file objections, all as prescribed by the Ohio Rule of Superintendence 57F.
3. When approved by Counsel, or no objection is taken by opposing Counsel, the entry will be approved as submitted pursuant to Ohio Rule of Superintendence 57F.
4. Upon failure to comply with this rule, the matter may be dismissed for want of prosecution or the Court may prepare and file the appropriate entry.
5. A Judgment entry or order bearing evidence of erasures or containing longhand interlineations will not be accepted unless approved by the Court.
6. All judgments or orders which are final appealable orders (F.A.O.) shall contain a direction to the clerk of this court that, "The Clerk shall mail a copy of this Judgment/Order to all counsel of record and to each party not in default who is not represented by counsel and make note of the service in the Appearance Docket." The Judgment/Order shall be accompanied by a separate form which shall be attached to said Judgment/Order and list the name and address of all parties to receive a copy. Further, the appropriate number of copies of said Judgment/Order

along with pre-addressed stamped mailers shall be delivered to the clerk with the filing of the Judgment/Order indicating a return address of the Clerk.

RULE 11: Hearings and Continuances

1. No matter shall be heard before the Court unless there is a written pleading filed with the Clerk. When an interested party in a proceeding pending before the Court desires a hearing by the Court, such request shall be by application by the party or his counsel requesting the Court to fix a date for hearing, excepting hearings on accounts and inventories, and, when such date is set by entry, shall give reasonable notice thereof to counsel for the adverse party, if represented by counsel, and, if not, to the adverse party.
2. Continuances, except on the Court's own motion, shall not be granted without reasonable notice to or consent by counsel for the adverse party, if represented by counsel, and, if not, by the adverse party. After such notice, however, failure to object to a continuance shall be deemed a consent thereto.
3. If a hearing is not to proceed at the time designated, the Court must be notified of that fact. Upon unexcused failure to appear the Court may at its discretion, dismiss the cause or continue the matter or proceed to hear the matter upon the evidence submitted.
4. Submission of a matter upon briefs without oral hearing shall be

by written stipulation of counsel.

5. All hearings will be docketed for 30 minutes unless the Clerk is advised by the parties at least 5 days prior to the hearing that a longer time is needed.

RULE 12: Court Costs

1. Deposits for court costs shall be required for the actions and proceedings in the amounts set out in Appendix A attached to these Rules. Such amounts are subject to revision from time to time hereafter by Court Order.
2. Applications accompanied by an affidavit of the applicant of inability to prepay or give security for court costs shall be accepted without the necessity of such deposit as a condition for filing, provided that the applicant for fiduciary of an estate shall exert diligent efforts to make funds available from such estate for the security deposit and pay the deposit into court as soon as possible.
3. In any civil proceedings, costs and fees in full must be paid upon completion of such proceedings.

RULE 13: Wills

With respect to the opening of safety deposit boxes for the purpose of removing the Will therefrom, upon application of an interested party,

the agent or employee of the Bank where the safety deposit box is located, is authorized to remove the Will from said box and transport the same to the office of the Probate Court for safekeeping purposes.

RULE 14: Schedule for Filings

1. The time schedule established by law for filing of papers, pleadings, inventories and appraisals, accountings, etc. will be strictly applied and followed in all cases, unless extended by court order upon the timely filing of motion and memoranda.
2. If any case becomes delinquent for any such filing as required by law, the court shall first notify the attorney of record in writing of such delinquency and the mailing of such notice shall be docketed in the case.
3. If the delinquency is not cured within a reasonable time, not to exceed 30 days from the date of said notice, the court shall send a second notice of delinquency to the attorney of record and a copy to the fiduciary whom the attorney represents, and the mailing of such notices shall be docketed in the case.
4. If the delinquency is still not resolved within 30 days of the date of the second notice, the court may cite both the fiduciary and attorney into court to explain their failure and to determine a date certain on which such failings shall be made.
5. The court at its discretion may grant an extension of time to make any

filing, upon receipt of an appropriate application which sets forth the reason an extension is desired. The fiduciary, the attorney, or both, may be removed for failure to timely file such pleadings, or cure the delinquencies.

6. No account will be accepted for filing until the inventory on which such accounting is based has been formally approved.

RULE 15: Relieving Estates from Administration

1. When an application to relieve an estate from administration has been filed, at least five days' notice in writing of the hearing on the application shall be given to the surviving spouse and the heirs at law, unless said notices are waived or found unnecessary. Notice shall also be given to other interested parties as required by the appropriate statute, unless waived.
2. In cases of estates entitled to be relieved from administration, and where there is a will, such will shall nevertheless be presented for probate. If the will is admitted to probate, an application for an order relieving the estate from administration may then be filed in lieu of the appointment of the executor named in the will. If probate of the will is denied, an application for an order relieving the estate from administration and making distribution under the laws of intestate succession may be granted by the Court. Where no heirs are known to the applicant, the court shall set the application for hearing not less than

three weeks from the date of such filing and shall require publication pursuant to the appropriate statute.

RULE 16: Application to Probate Will

If a will creates a charitable trust which subsequently may be required to be registered with the Attorney General of Ohio under R.C. 109.26, there shall be included in the application to probate the will, a concise statement setting forth the item number of the will which creates such trust, the name of the trustee or trustees designated therein, and the general nature of the trust.

RULE 17: Reserved

RULE 18: Appointment and Compensation of Appraisers

1. When required by law there will be one suitable and disinterested appraiser.
2. The name and address of each appraiser will be indicated on the inventory.
3. The Court shall maintain a list of approved appraisers. Appraisers not on the list must first obtain separate approval from the Court.
4. The appraiser shall be selected by the attorney for the fiduciary. Credit may be taken for payment in the next regular account as provided by court, subject to all exceptions which may be thereafter filed.
5. Compensation:

Executors or administrators may allow to the appraiser, as compensation for his services, a reasonable amount agreed upon between the fiduciary and the appraiser, subject to the approval of the Court, with a minimum fee of Fifty Dollars (\$50.00).

6. Consideration in Determining Fee:

In agreeing upon the amount of compensation, executors or administrators and the appraiser shall take into consideration the amount of time and work reasonably required in appraising the assets of the estate as well as the type and character of the property appraised.

7. Expert Appraisers:

If, by reason of the special and unusual character of the property to be appraised, the fiduciary is of the opinion that the appraisal requires the services of persons expert in the evaluation of such property, such expert opinion may be secured and reasonable compensation paid therefore, subject to the approval of the Court.

8. Land Sale:

In land sale proceeding the appraiser or appraisers appointed by the Court may be compensated for their services in the same manner as provided for estate appraisers, with a minimum fee of Fifty Dollars (\$50.00) for each appraiser, provided that the amount to be paid each appraiser shall be set forth in the entry of distribution and be subject to the approval of the Court.

9. Waiver of Fee:

An appraiser may waive all or any part of the compensation to which he may be entitled under this Rule.

10. Application to Court for Allowance:

Where questions arise in the interpretation of this Rule, or the amount of compensation cannot be agreed upon, the fiduciary shall file an application for allowance of compensation to each appraiser. Otherwise, no Court order is necessary and credit may be taken for payment in the next regular account as provided by law, subject to all exceptions which may be thereafter filed.

RULE 19: Reserved

RULE 20: Schedule of Debts

When ordered by the Court, or unilaterally by an Executor or Administrator, an executor or administrator shall prepare and file a schedule of all claims against the estate he/she represents that have been presented and all other debts of the estate of which he/she has knowledge. The schedule shall state the name and address of the claimant as it appears on the claim, the amount claimed, the date of presentation of the claim, the class into which it falls for payment, the security held for it, the date of maturity if not yet due, whether allowed

or rejected by executor or administrator and the date of allowance or rejection.

RULE 21: Application to Sell Personalty

In addition to the requirements of the statutes, except when approved by the Will, a judgment entry and order of sale shall include an adequate description of the property to be sold and shall provide that the sale be had at the best price currently obtainable or at a price fixed by the Court. Except for good cause shown, an order of sale shall not be granted prior to the approval of the inventory or inventory and appraisalment. No sale shall be confirmed until affidavit is filed as required by R.C. 2109.45 and 2113.42. (CPR Prop. #31).

RULE 22: Insolvent Estates

When there are presented to an executor or administrator valid claims in excess of the amount of assets in the fiduciary's hands, the fiduciary shall report in writing to the Court that the estate is insolvent, setting forth the facts relating to such insolvency. Upon filing the schedule of claims in accordance with sections 2117.16 and 2117.25, Revised Code, and Rule 20, the executor or administrator shall, by application and entry, set for hearing both the determination of insolvency and an application for an order in connection therewith (R.C.2117.15).

RULE 23: Filing by Electronic Means. (FAX)

1. All Pleadings may be filed by facsimile pursuant to Ohio Rules of Civil

Procedure 5(E). The Clerk shall charge the party filing such papers sufficient sums to cover the cost and may additionally charge the filing party for the expense of copying additional papers required, if multiple copies of pleadings are required. These fees shall not be taxed as costs. In addition after the fax has been accepted for filing, the Clerk shall require the party filing papers by facsimile to forward the original and the required number of copies within three (3) days of the fax.

2. The party filing by electronic means shall obtain a case number from the Clerk and shall include that number on all subsequent papers transmitted or delivered to the Clerk.
3. Filing by electronic means should be limited to filings of an emergency or time critical nature. In the event the Court determines that papers filed by electronic means are not of such nature, it may, on the motion of the responding party or on its own motion, order such papers stricken.

RULE 24: Accounts

1. Final accounts of fiduciaries shall not be accepted for filing before the expiration of the applicable period as required by law.
2. In the event a fiduciary, represented by an attorney at law in this Court, is unable to make a timely filing of an account in accordance with the statutes and the rules of this court, it shall be the duty of the attorney to state the reason and notify the court in writing on or before the date the

account is due.

3. Extension of time within which to file an account or inventory may be granted on application for good cause shown.
4. Upon order of the Court there shall be submitted with the fiduciary's account vouchers or proof supporting disbursement as required by R.C.2109.30, which vouchers of proof shall be keyed into the accounts by number, and, after verification by the Court with the account, will be returned to the fiduciary. In addition, fiduciaries' accounts shall include all transactions affecting the income or principal account during the accounting period.
5. If land has been sold by the fiduciary during the accounting period, the account shall show the land sale proceeding case number.
6. Where a guardian is accounting for several minors, the account shall show each ward's proportionate share of the credits and debits and separately state each ward's property at the end of the accounting period. Separate banking accounts shall be maintained for each ward's funds.
7. Receipts for distributive shares signed by persons holding power of attorney will be accepted, provided a photostatic copy of the power is attached to said account.
8. Exhibiting assets. Cash balances may be verified by exhibiting a bank statement, passbook or letter from the banking institution in which such

funds are deposited certifying as to the funds on deposit to the credit of the fiduciary. Assets held in safe deposit boxes of fiduciaries or by surety companies on fiduciaries' bonds may be exhibited by filing an inventory thereof certified by the manager of the safe deposit box department of the bank leasing such safe deposit box or by a qualified officer of the surety company if such assets are held by such surety. If such assets are held by a bank, trust company or by a brokerage firm, such exhibition may be made by proper certification as to the assets so held. For good cause shown, the Court may designate a deputy clerk of the Court to make an examination of the assets located in this county not physically exhibited to the Court or may appoint a commissioner for such purpose if such assets are located outside the county. Such commissioner shall report his findings to the Court.

9. No final and distributive account shall be approved until all Court costs have been paid and all inheritance or estate taxes have been determined and paid or the estate found not subject to tax. Where there has been a Federal Estate Tax determination, the closing letter shall be filed as soon as practicable.

10. Notice and hearing on accounts

- a. Notice to all heirs, devisees or other interested parties of the filing and date and place of hearing of all accounts of fiduciaries shall be by Certified Mail. Notice of a hearing on any final account will

also be made by publication, once only, in a newspaper of general circulation within this county.

- b. On the day set for hearing the accounts will be examined by the court as provided by law and the court will make such order thereon as is provided by law. If on any account a formal hearing is requested, by exceptions or otherwise, such matters will be continued for formal hearing as provided by law.

11. Except for good cause shown, counsel fees will not be allowed to attorneys representing fiduciaries who are delinquent in filing accounts. Except for good cause shown, Commissions will not be allowed Executors, Administrators, Guardians or Trustees who are delinquent in filing an account.

RULE 25: Land Sales

In cases involving public sales, prior to the issuance of an order of sale, a certificate must be filed by the attorney for the plaintiff setting forth that all known parties having a claim, interest or lien on the property have been made parties to said cause, and that the attorney has examined the record title to said real estate from the time said real estate was acquired by decedent. Sup R #33 must be followed.

RULE 26: Counsel Fees

1. Counsel fees for administration of a decedent's estate shall be set by the Probate Court and must be upon application made by the fiduciary and upon judgment of the Court. Neither compensation for a fiduciary nor the fiduciary's attorney shall be paid before a final account is prepared for filing except with Court approval of any partial payment of such fees for good cause shown to the Court. The schedule of compensation will be posted by the Clerk of Court from time to time. This schedule is not, under any circumstances to be considered as a schedule of minimum fees or a schedule of maximum fees to be charged and may be amended from time to time by entry of the Court. It is recognized by the Court that this schedule may, under particular circumstances, result in injustice if literally applied, and such disparity or injustice may be reviewed either on the Court's own motion or upon motion of an interested party.
2. With respect to fees to be allowed on non-probate property which is subject to Ohio Estate Tax, see Posting by Clerk of Court. Non-probate assets include joint and survivorship property, property in Inter-Vivos Trust, property subject to a power of appointment, transfers in contemplation of death, life estates, transfer on death accounts, payable on death accounts, annuities, or pension or profit sharing plans subject to Ohio Estate Tax, and to the non-probate property, (except where no Federal Estate Tax insurance proceeds are to be paid to a designated

beneficiary). In estates requiring the filing of a Federal Estate Tax return, counsel shall be entitled to additional compensation provided that he or she prepared the Federal Tax Return as approved by the Court.

3. The Court shall allow both an Attorney fee and a Fiduciary fee when the fiduciary is an Attorney, only upon application and approval by the Court of both fees.
4. Applications for attorney fees for representation of indigent clients in Probate matters shall be filed not later than thirty days after the last day of the month in which the case is terminated, upon penalty of forfeiture of the requested compensation.

RULE 27: Guardian and Trustees Compensation and Counsel Fees:

1. Unless otherwise provided by law or ordered by the Court, a Guardian or Trustee may charge for his or her ordinary services in an amount as hereinafter set forth.
2. An application shall be filed with the Court for the allowance of counsel fees for services rendered to a Guardian. The application may be filed by the Guardian or the Counsel and shall set forth a statement of the services rendered and the amount claimed. The application shall be governed by DR 2-106 of the Code of Professional Responsibility and will be submitted pursuant to Ohio Rule of Superintendence 71.

3. For purposes of determining a Trustee's Compensation the following shall apply:

- (a). A Trustee may charge for his/her ordinary services in an amount computed equal to commissions charged by Executors and Administrators as set forth in Section 2113.35 of the Ohio Revised Code. For purposes of determining the Trustees' compensation, the fair market value of the estate shall be determined by the Trustee following his or her appointment, and at each anniversary date thereafter. Additional compensation, reimbursement for expenses incurred and fees of a Trustee shall be allowed.
- (b). Where the instrument creating the trust makes provision for compensation, a Testamentary Trustee may charge annually for services performed by the Trustee in accordance with the provision set forth in the will, unless the Court should find such amount to be excessive.

4. Compensation of Co-Guardians or Co-Trustees in the aggregate shall not exceed the compensation which would have been payable had there been only one Guardian or Trustee.
5. For ordinary services performed for the fiduciary, compensation for counsel shall be computed at 125% of the compensation allowable to

the fiduciary during the accounting period.

6. Compensation for extraordinary services or above normal time spent by the attorney for requirements of the fiduciary must be approved by the Court.

RULE 28: Estates of Minors and Incompetents of \$10,000.00 or less (R.C. 2111.05)

1. Application concerning matters relating to minors shall be by the parent or parents or by the person having custody of such minor. A parent who is not the applicant shall be notified in writing to the application. If either or both parents are deceased, or their whereabouts unknown, such facts shall be noted in the caption. If parents are divorced or separated, and custody has been awarded to the applicant, the applicant shall so state.
2. When the matter involves more than one minor, only one application shall be filed in behalf of all minor children of the same parents, and the application shall indicate the amount of money or property to which each minor is entitled, and to whom such money or property shall be paid or delivered.
3. Application on behalf of incompetents, will not be entertained until such time as the incompetent has been adjudicated mentally ill or mentally retarded, and the application shall be appropriately captioned,

i.e. "In re John Doe mentally ill".

RULE 29: Estates for Minors or Settlement of Claims for Injuries to Minors (R.C.2111.18):

1. Applications involving the payment of \$10,000.00 or less shall be by the parent or parents or by the person having custody of the minor, and shall be captioned in the name of the minor(s). If either or both parents are deceased, or their whereabouts unknown, such facts shall be noted in the caption. If the parents are divorced or separated, and custody has been awarded to the applicant, the application shall so state. A parent who is not the applicant must be notified to the application in writing.
2. In any application by a guardian for approval of a settlement or an action for personal injuries to his ward, Sup. Rule #36 and 37 shall be followed.
3. All applications shall state what arrangement has been made in respect of counsel fees, which fees shall be subject to review of the Court. Prior approval of such fees is not required.

RULE 30: Settlement of Claims for Wrongful Death (See Sup. Rule #38)

1. Application for approval of a settlement of a claim for wrongful death shall contain a concise statement of facts including the amount to be received in settlement of the claim and the amount, if any, to be

received in settlement of the right of action for conscious pain and suffering. The statement shall also include the proposed allocation of the compensation to be received in settlement of the action for wrongful death.

2. The Court may require that the application and proposed allocation be set for hearing and written notice thereof be given to all interested parties in the manner required by the Court.
3. The application shall also state what arrangements, if any, has been made in respect of counsel fees, which fees shall be subject to review by the Court.

RULE 31: Counsel Fees in Connection with Settlement of Claims for Wrongful Death, Conscious Pain and Suffering, Claims for Personal Injuries to Persons Under Guardianship, and Settlement of Personal Injuries to Minors Under R.C.2111.18

In cases where representation is on a contingent contract, counsel will be allowed fees based upon such contract, normally not to exceed 1/3 of the settlement or court ordered amount. Additional compensation, however, may be granted by the Court on a showing of extraordinary services. Such showing shall be by an application supported by a detailed statement and upon hearing in the event of opposition.

RULE 32: Expenditures, Distribution, or Sale of Property:

No expenditures, distribution, or sale of any property, whether real or personal, will be ordered until an Inventory and Appraisalment, or, in an appropriate case, an Inventory without appraisalment, is first filed.

RULE 33: Administration of Real Estate:

1. It is well settled law in Ohio that real estate descends to and vests in the heirs or devisees immediately upon the death of ancestor or testator. Accordingly, until an administrator obtains an order of sale, or an executor takes steps to exercise a power of sale, he has no responsibility or authority over the real estate of which decedent died seized unless he first invokes the provisions of Section 2113.311R.C.
2. The heirs or devisees may agree to having the administrator or executor function as their agent for the management of real estate during the administration of the estate. As such agent, the fiduciary's authority is derived directly from such heirs or devisees, and not from any Letter issued by the court. Any accounting required of this agent concerning managerial activities with regard to such real estate should be made directly to such heirs or devisees, and should not be included as a part of the fiduciary accounting to the Court.

RULE 34: Miscellaneous:

1. No attorney, fiduciary, or other person shall use or remove or alter the

Court's "file" stamp or "signature" stamp. It is the duty of the Deputy Clerk to stamp file all papers presented to the Court for filing. Only the Deputy Clerks and the Judge shall use the Judge's signature stamp.

2. A person who cannot read, write and speak the English language shall not be appointed a fiduciary, unless the Court for good cause shown directs otherwise.
3. Any order releasing assets without the appointment of a Guardian must recite the name of the institution acting as depository and stipulate the funds shall not be released from deposit until the ward reaches his/her eighteenth birthday or until further order of the Court.
4. Failure of a fiduciary to notify the Court of his current address shall be grounds for removal.

RULE 35: Case Management

1. Civil Actions or any Adversary Proceedings

- A. Except in land sale proceedings, a pretrial conference shall be conducted in all civil cases prior to being scheduled for trial.
- B. Within thirty (30) days after the answer day the case shall be set by the Court for a pre-trial conference.
- C. Notice of the pre-trial conference shall be given to all counsel of record by mail by the Court not less than

fourteen (14) days prior to the conference. Any application for continuance of the conference shall be in writing and filed with the Court in a timely manner.

D. The following decisions shall be made at the pre-trial conference and all counsel attending must have full authority to enter into a binding pre-trial order.

1. A definite discovery schedule shall be agreed upon by all parties for the completion of all discovery.
2. A definite date for exchange for expert witness reports shall be determined.
3. A definite date for filing of all motions which date shall not be later than seven (7) days before the final pre-trial

E. The following decisions shall be made at the final pre-trial and all counsel attending must have full authority to enter into a binding final pre-trial order:

1. The Court will rule on all pre-trial motions.
2. Brief's on any legal issues shall be

- submitted.
3. Proposed jury instructions shall be submitted.
 4. Proposed jury interrogatories shall be submitted.
 5. Clients shall be present.
 6. No motions shall be heard after the final pre-trial without leave of Court and without good cause being shown.

F. The trial date shall not be changed nor shall the trial be continued without order of the Court and after the showing of good cause.

2. Land Sales

A. All land sales which have not been concluded within one (1) year from the date of filing shall be set for pre-trial conference within ten (10) days following the expiration of one year.

1. The attorney of record and fiduciary must attend the pre-trial conference.
2. A written status report shall be filed

with the Court no later than seven (7) days prior to the pre-trial conference. The status report shall address the issues as to the efforts being made to sell the real estate and when the case will be closed.

3. Decedent's Estates

With regard to objections to inventory and objections to account, the Court shall set a pre-trial conference within twenty (20) days after service of timely notice of any such objection.

4. Wrongful Death Settlements

All hearings shall be held within thirty (30) days of the filing of Form 14.0, provided however, if either a guardian or guardian ad litem is necessary to be appointed, the hearing shall be held within fifteen (15) days after the appointment

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9.26.17

IN THE COURT OF COMMON PLEAS
PROBATE-JUVEILE DIVISION
LAWRENCE COUNTY, OHIO

2019 DEC 17 AM 2:53
JUDGMENT ENTRY

IN THE MATTER OF:

LAWRENCE CO., OH

AMENDMENT OF THE LOCAL RULES
PROBATE DIVISION

Upon motion of the Court, it is hereby ORDERED that certain rules of the Lawrence County, Ohio Rules of Court of Common Pleas, Probate Division be amended. These amendments are based upon the report and recommendations the Committee appointed by this Court to review the Rules, as well as a further review of the matter by this Court.

The amendments adopted by this Court effective the date of journalization are as follows:

1. Rule 4, Section 3_In the first line add the word "unencumbered" ahead of the words "Ohio real estate".
2. Rule 10, Section 2_Strike the current section and substitute therefore the following:
"Counsel for the party in whose favor an Order, Decree or a Judgment is announced, shall prepare the proper Judgment entry and submit the same to Counsel of the opposing party, who shall approve or take exception thereto, and file objections, all as prescribed by the Ohio Rule of Superintendence 57F."
3. Rule 10, Section 3_Strike the current section and substitute therefore the following:
"When approved by Counsel, or no objection is taken by opposing Counsel, the entry will be approved as submitted pursuant to Ohio Rule of Superintendence Rule 57F."
4. Rule 11, Section 1_In the second line, strike the word "proceeding" and Substitute therefore the word "pleading".
5. Rule 13_Strike this Rule in its entirety and substitute therefore the following:
"With respect to opening of safe deposit boxes for the purpose of removing the Will therefrom, upon application of an interested party, the agent or employee of the Bank where the safe deposit box is located, is authorized to remove the Will from said box and transport the same to the office of the Probate Court for safekeeping purposes."
6. Rule 15_Strike the Section 3 in its entirety.
7. Rule 17_ Strike this Rule in its entirety. The number shall be reserved for possible future use.
8. Rule 18, Section 4_In the first line, strike the word "employed" substitute therefore the word "selected".
9. Rule 19_strike this Rule in its entirety. The number shall be reserved for possible future use.

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Pg. 247

FILED
JUVENILE COURT
IN THE COURT OF COMMON PLEAS
PROBATE-JUVENILE DIVISION
LAWRENCE COUNTY, OHIO
2015 JUL 27 PM 3:17

JUDGMENT ENTRY

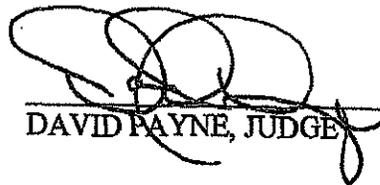
IN THE MATTER OF: DAVID PAYNE, JUDGE
LAWRENCE CO., OH

AMENDMENT OF LOCAL RULES
PROBATE DIVISION RULE 66

Now comes David Payne, Judge of the Court of Common Pleas, Probate Division of Lawrence County, and having reviewed the operation of the Court and all applicable statutes with respect to newly adopted Ohio Rules of Superintendence R. 66 and amended Sup. R. 73, hereby amends the Local Rules of the Court of Common Pleas, Probate Division as follows:

Wherefore, it is ORDERED that Rule 66, which applies to adult guardianships, be adopted and Rule 27 be amended by the addition of Rule 27 para 7, as part of the Local Rules of the Court of Common Pleas, Probate Division, Lawrence County, Ohio. Local Rule 66 as adopted and Rule 27 (7) are attached hereto and incorporated by reference as new Local (Probate) Rules of the Court.

It is ORDERED to be effective July 13, 2015.



DAVID PAYNE, JUDGE

July 27, 2015

2015 JUL 29 AM 9:00

COURT REPORTER
LAWRENCE CO., OH

**Revisions to Lawrence County Probate Court
Local Rules Resulting from
Sup.R. 66.01-66.09 and Sup.R. 73 (eff. 6/1/2015)
(Including Renumbering of Current Local Guardianship Rules)**

**Proposed Local Rules Effective – 7/13/2015
Sup.R. 66 - 66.09 GUARDIANSHIPS**

Local Rule 66 Series Numbering

Due to the manner in which the Supreme Court of Ohio has numbered Sup.R. 66.01 through 66.09 by using 4 digits, all of this Court's local rules pertaining to Sup.R. 66.01-66.09 and Sup.R. 73 (eff. 6/1/2015) shall be similarly numbered.

LOC.R. 66.01 DEFINITIONS

The terms defined in Sup.R. 66.01 have the same meaning when used in Loc.R. 66.

LOC.R. 66.02 APPLICATION OF RULES

The Local Rules, Guardianships, apply to all guardianships administered through this Court, unless otherwise indicated in the particular Local Rule, or unless expressly waived by Court Order.

LOC.R. 66.03(A) EMERGENCY GUARDIANSHIP

Pursuant to Sup.R. 66.03(A) this Court has adopted the following process for emergency guardianships. Every application for the appointment of an *ex parte* emergency guardianship shall be accompanied by: (a) a Statement of Expert Evaluation (SPF 17.1) (as supplemented for emergency guardianships with SPF 17.1A); (b) a completed Next of Kin form (SPF 15.0); (c) a narrative statement signed by the applicant setting forth anecdotal information describing the imminent risk of significant injury to the person or property of the minor or incompetent that justifies an *ex parte* emergency appointment; (d) compliance with Court's requirements with

respect to background checks and credibility; and (e) photo identification of the applicant. The applicant shall appear at the Court when filing the application for emergency guardianship. The applicant shall attend the 72-hour hearing to determine whether to extend the emergency guardianship for up to 30 additional days. The applicant is expected to file an application for appointment of guardian (SPF 16.0 or SPF 17.0, as is applicable) within seven days of the completion of a hearing extending the guardianship beyond the initial 72 hour appointment, if it is expected the need for continued guardianship will exist longer than the emergency guardianship.

LOC.R. 66.03 (B) GUARDIAN COMMENTS AND COMPLAINTS

Pursuant to Sup.R. 66.03(B) this Court has adopted the following process for submitting and considering comments or complaints regarding the performance of guardians appointed by this Court.

This local rule is applicable to all guardians appointed by the Court pursuant to R.C. 2111.02. Comments and complaints (hereinafter collectively referred to as "complaints") received regarding the performance of guardians and the resulting documents and correspondence are considered to be case documents and accessible to the public, unless otherwise excluded pursuant to Superintendence Rule 44 (C)(2). The Court will note actions with respect to the complaint in the case docket. The Court will communicate complaints about a guardian's performance to the guardian and/or the guardian's counsel expeditiously and pursuant to this local rule.

The Court will not accept or act upon an oral or telephonic complaint against a guardian, other than to provide the address to which to hand-deliver, fax, e-mail, or mail the written complaint. The Court will not accept an anonymous complaint. When the Court receives the written complaint regarding a guardian's performance, it will date-stamp the complaint. Complaints received electronically on days the Court is closed shall be deemed to have been received on the next day the Court is open.

When a complaint is received at the Court by hand delivery or electronic means:

- A. Within five (5) workdays of the receipt of the complaint the Court shall send a letter to the complainant acknowledging the receipt of the complaint and providing a copy of this rule.
- B. Within ten (10) workdays of receipt of the complaint, the Court shall perform an initial review of the complaint after a study of the guardianship case, and
 1. Send the complainant a letter dismissing the complaint as unsubstantiated/unspecific/insufficient and send a copy of the complaint and response to the guardian or guardian's counsel; or
 2. Send a copy of the complaint to the guardian and/or guardian's attorney and request a response to the complaint within fifteen (15) court days from the date of mailing. The forwarding letter shall advise the guardian and/or attorney that a failure to respond will result in a show cause hearing being set with the attendance of the guardian required. A copy of the forwarding letter shall be provided to the complainant; or

3. Notify the guardian and/or guardian's counsel and refer the matter to the Court Investigator for an investigation and a report within fifteen (15) court days from the date of referral; and/or
 4. When appropriate, refer the matter to the appropriate law enforcement agency pursuant to R.C. 2101.26 if the complaint alleges abuse, neglect, or exploitation of the ward. When the Court refers a complaint to law enforcement, the Court will take such emergency action as it determines necessary to protect the interests of the ward while being cognizant of the need to have minimal impact on investigation by the law enforcement.
- C. Upon the expiration of the period for the responsive reports from the guardian and Court Investigator to be filed, or upon their earlier filing, the case file (including the written response(s) and the complaint) shall be submitted to the Magistrate or Judge and within five (5) court days the Magistrate or Judge shall do one or more of the following:
1. Find the complaint to have been resolved or unsubstantiated and advise the complainant, guardian and/or counsel accordingly by letter;
 2. Set a review conference or a show cause hearing with notice to the complainant, the ward, the guardian and/or guardian's counsel, and other interested parties; or
 3. Appoint a guardian ad litem to represent the best interests of the ward; or
 4. Refer the matter to the Probate Judge for the consideration of the appointment of a special master commissioner to investigate the issues and to report with findings and recommendations pursuant to R.C. 2101.26 with notice to all interested parties. When the commissioner's report is filed, the Probate Magistrate or Judge will set for hearing with notice to the ward, the ward's guardian ad litem, if any, the guardian and/or the guardian's counsel and the complainant.

Except when administratively dismissing a complaint, when adopting an agreed mediation report, or when acting in an emergency, the Court shall not act without a hearing. If heard by the Magistrate, then the Magistrate shall issue findings and conclusions with respect to any hearing held on the complaint. The Court's journalization relating to the Magistrate's Decision will close the complaint. The Court's actions may include dismissal, directives for remedial action, establishing periodic review dates, allocating costs and fees, referral to law enforcement for investigation, sanctions, removal, and any other actions permitted by law.

When the ward is a veteran and the Court appointed the guardian under Revised Code Chapter 5905, notice of the complaint, reports, hearings and actions shall be given to the Administrator of Veterans Affairs of the United States pursuant to R.C. 5905.03.

The Court shall maintain a record regarding the nature and disposition of any complaints.

LOC.R. 66.04 (RESERVED)

LOC.R. 66.05(A) GUARDIAN BACKGROUND CHECKS

An applicant for appointment of guardian, including as an emergency guardian, must submit to a civil and criminal record check satisfactory to the Court and execute such consent, if any, as may be requested by the Court to authorize the Court to perform that record check. In place of a civil

and criminal background check, an Ohio attorney applicant currently in good standing with the Supreme Court of Ohio, may obtain and submit to the Court a Certificate in Good Standing with disciplinary information, issued by the Supreme Court of Ohio.

LOC.R. 66.05(B) GUARDIAN WITH TEN OR MORE ADULT WARDS

To assist the Court in meeting its supervisory responsibilities under Sup.R. 66.05(B) and in satisfaction of the responsibilities arising under Sup.R. 66.08(H) by January 31 of each year, a guardian with ten or more wards through the probate courts of Ohio shall register with this Court on the local Multi-Guardian Annual Registration Form, or on a standard form adopted for that purpose by the Ohio Supreme Court. The registration shall include a listing of the guardian's wards, the case number and the appointing Court. The guardian in such cases shall advise the Court of any change in the guardian's name, address, telephone number and electronic mail address within ten days of the change occurring.

If the guardian will be seeking compensation from the guardianship or from the Court, the guardian shall accompany the annual registration with a fee schedule that differentiates guardianship services fees as established by local rule from legal fees or other direct services.

A guardian with 10 or more wards shall include with the Guardian's Report form, a statement indicating whether the guardian is aware of any circumstances that may disqualify the guardian from continuing to serve as a guardian.

LOC.R. 66.06 GUARDIAN FUNDAMENTALS TRAINING REQUIREMENT

A Guardian holds a unique role with respect to the ward and the Guardian has an obligation to obtain an understanding of the fundamentals of that relationship. Formalized training is one means to gain that competency.

Every guardian for an adult must meet the guardianship fundamentals training requirements under Sup.R. 66.06 by completing, prior to appointment or within six months thereafter, a six-hour guardian fundamentals course provided by the Supreme Court of Ohio, or with prior approval of that Court, another entity. Those failing to meet the requirement shall be subject to citation for being in contempt of court and subject to sanctions including, but not limited to imposition of a fine, denial of compensation, and removal. A guardian who has served at any time after June 1, 2010, or who is serving on June 1, 2015, shall have until June 1, 2016 to complete the guardian fundamentals course, unless the Court waives or extends the requirement for good cause. The guardian is responsible for providing to the Court in a timely manner documentation that establishes compliance with the guardian fundamentals training requirement.

LOC.R. 66.07

GUARDIAN CONTINUING EDUCATION

After completing the guardian fundamentals course, every guardian of an adult shall annually complete a three-hour guardian continuing education course provided by the Supreme Court of Ohio, or with prior approval of that Court, another entity.

If a guardian fails to comply with the guardian continuing education requirement, the guardian shall not be eligible for further appointment until the requirement is met. The guardian also may be subject to sanctions and/or removal.

By December 31 of the first calendar year after completing the guardian fundamentals course, or its waiver by Court order, the guardian is responsible for providing to this Court documentation demonstrating compliance with this guardian continuing education requirement, including the title, date, location and provider of the education, or a certificate of completion containing such information.

LOC.R. 66.08

GENERAL RESPONSIBILITIES OF THE GUARDIAN TO THE COURT

The person seeking to be appointed as the guardian is expected to have met with the proposed ward at least once prior to appearing before the Court for the hearing on the application unless the Court has waived the pre-appointment meeting for good cause.

If the guardian becomes aware of allegations of abuse, neglect or exploitation of the ward, the guardian shall immediately report the same to the appropriate law enforcement authorities and the Court.

A guardian appointed by this Court shall inform the Court as to any change of address, of either the guardian or the ward. This notification must be made within ten (10) days of the address change. The Notice of Change of Address form may be used for that purpose, but it is not required. If the ward's residence is changed, the reason for the change should be indicated. Failure to notify the Court, under this rule, may result in the guardian being removed and/or the guardian's compensation being reduced or denied.

The guardian shall not move the ward from Lawrence County, Ohio or into a more restrictive setting without prior Court approval unless a delay in obtaining authorization for the change of residence or setting would affect the health and safety of the ward.

While a guardian is generally required to seek prior approval of this Court before filing a suit for the ward, prior approval shall not be required when the suit is being filed in this Court.

The guardian shall avoid conflicts of interest with the ward and endeavor to avoid the appearance of impropriety (perceived self-serving, self-dealing or perceived actions adverse to best interests decisions) when dealing with the ward's assets and needs. A potential conflict for the guardian may arise if the guardian's immediate family (parent, spouse, or child) is being employed or contracted by the guardian on behalf or for the benefit of the ward. The guardian shall disclose all conflicts to the Court in a clear and unequivocal manner. Doing so, facilitates a determination

whether the conflict can be mitigated or eliminated through the use of a guardian ad litem, a limitation of the powers of the guardian, or other actions.

The guardian shall obey all orders of this Court and shall perform all guardianship duties in accordance with the state and federal laws and rules and this Court's local rules, as all of them may be effective during the guardianship.

LOC.R. 66.09 GENERAL RESPONSIBILITIES OF THE GUARDIAN TO THE
WARD

When proceedings for the appointment of a guardian of a minor are presented to this Court, the following shall apply:

- A. A certified copy of the minor's birth certificate must be displayed to the Court with the guardianship application. A copy will be made by the Court and the original will be returned to the submitter.
- B. The Court will not establish a guardianship solely for the purpose of school enrollment.
- C. The Court will not establish any guardianship over the person of a minor where another Court has jurisdiction over custody of the minor.
- D. When the minor has not been in Ohio for six (6) months, the Court will not accept for filing an Application for Guardianship unless it is alleged that the minor has been (1) abandoned (no contact) by the parents for more than 90 days, (2) has a medical emergency, or (3) the minor's 'home state' has declined jurisdiction. (See Ohio's Uniform Child Custody Jurisdiction Enforcement Act – Chapter 3127).

LOC.R. 66.10 GUARDIANSHIP OF MINORS

When proceedings for the appointment of a guardian of a minor are presented to this Court, the following shall apply:

- A. A certified copy of the minor's birth certificate must be displayed to the Court with the guardianship application. A copy will be made by the Court and the original will be returned to the submitter.
- B. The Court will not establish a guardianship solely for the purpose of school enrollment.
- C. The Court will not establish any guardianship over the person of a minor where another Court has jurisdiction over custody of the minor.
- D. When the minor has not been in Ohio for six months, the Court will not accept for filing an Application for Guardianship unless it is alleged that the minor has been (1) abandoned (no contact) by the parents for more than 90 days, (2) has a medical emergency, or (3) the minor's "home state" has declined jurisdiction. (See Ohio's Uniform Child Custody Jurisdiction Enforcement Act – Chapter 3127).

LOC.R. 66.11 NEXT OF KIN FOR GUARDIANSHIP OF INCOMPETENT ADULTS

For purposes of completing the Next of Kin of Proposed Ward (SPF 15.0), the applicant, pursuant to R.C. 2111.01E, shall identify any person, whether or not an Ohio resident, who at that time would be entitled to inherit from the proposed ward under the Ohio laws of intestacy and all known children of the proposed ward.

LOC.R. 66.12 INVENTORY, FUND RELEASE, EXPENDITURES AND
IDENTIFICATION OF LEGAL DOCUMENTS

Within three months of appointment, a guardian of the estate shall file an inventory of the ward's assets and income. If the assets include real estate, a legal description of the ward's real estate interest should accompany the Inventory. Funds in the name of the ward shall not be released to the guardian without the approval of an Application to Release Funds (SPF 15.6) or other specific court order. The expenditure of funds by a guardian shall not be approved until a Guardian's Inventory (SPF 15.5) has been filed and an Application to Expend Funds (SPF 15.7) has been approved.

Within three months of appointment the guardian shall file a list of all the ward's known important legal papers, including but not limited to estate planning documents, advance directives and the location of such papers. If it becomes known to the guardian that such information has changed or the existence of other important legal papers becomes known, the guardian shall report that new information to the Court in writing within thirty days of discovery.

LOC.R. 66.13 GUARDIAN'S REPORT

Annually, the guardian of the person of an adult incompetent shall file the Guardian's Report (SPF 17.7). Unless otherwise ordered by the Court each Guardian's Report for an incompetent shall be accompanied by a Statement of Expert Evaluation (SPF 17.1). If a physician or clinical psychologist states as an Additional Comment on a Statement of Expert Evaluation, that it is their opinion that to a reasonable degree of medical or psychological certainty that the ward's mental capacity will not improve, the Court may dispense with the filing of subsequent Statements of Expert Evaluation with the Guardian's Report.

Pursuant to Sup.R. 66.08(G) the guardian of the person for an adult shall include with the annual Guardian's Report an addendum stating the guardian's goals and plans for meeting the personal needs of the ward. The Court may request that the guardian of the estate of an adult incompetent submit a report identifying the guardian's goals and plans for financially meeting the ward's needs.

LOC.R. 66.14 DEPOSIT OF WILL BY GUARDIAN

The guardian must deposit with the Court for safekeeping any instrument known to the guardian and executed by the ward that would constitute a 'will' under R.C. 2107.01. The Clerk shall issue to the Guardian a Certificate of Deposit of Will as a receipt for the deposited will.

LOC.R. 66.15 POWERS OF ATTORNEY BY GUARDIAN PROHIBITED

The Court, through this Local Rule, exercises its discretion under R.C. 2111.50(A)(2)(c) and hereby prohibits a guardian appointed by the Court from executing a power of attorney or any other document which purports to appoint an agent to execute any of the duties or responsibilities imposed upon the guardian by law, rule, or order of the Court, unless otherwise approved by a specific order of the Court.

LOC.R. 66.16 TERMINATIONS

Except for the termination of a guardianship of a minor attaining the age of majority or upon the death of the Ward, a termination of a guardianship shall require notice to all persons designated in R.C. 2111.04 and to any other individuals who received actual notice of the original appointment of the guardian. It is the responsibility of the applicant for termination to perfect service pursuant to Civ.R. 73 when a termination is requested. A Certificate of Service with supporting documentation satisfactory to the Court must be filed prior to the consideration of the application.

LOC.R. 66.17 INDIGENT WARDS

The applicant or the guardian must file with the Court an Affidavit of Indigency, if a waiver of court costs is being requested or payment of compensation from the Indigent Guardianship Fund is being requested. False affidavits are punishable by findings of contempt, prosecution, or other sanctions.

LOC.R. 66.18 VETERANS' GUARDIANSHIPS

Veterans' Guardianships are governed by R.C. Chap. 5905 and to the extent that there are special rules established therein for veterans' guardianships, those rules shall apply. In every other respect, the general guardianship laws and rules shall apply.

LOC.R. 66.19

ADDITIONAL COST DEPOSIT

Pursuant to R.C. 2111.031, in addition to the basic cost deposit, the Court may require an Applicant for a guardianship to make an advance cost deposit in an amount the Court determines necessary (a) to defray the anticipated costs of examinations of an alleged incompetent, and (b) to cover the fees and costs to be incurred to assist the Court in deciding whether a guardianship is necessary.

LOC.R. 27

GUARDIAN'S COMPENSATION

(Add the following to our current rule):

7. When a guardian is applying for compensation as guardian of the person, the guardian shall consider the factors set forth in Sup.R. 73(B). The application for compensation should address each applicable factor (itemization of expenses, additional compensation, apportionment of the aggregate compensation between co-guardians, and denial or reduction.)

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Pg 68

IN THE COURT OF COMMON PLEAS
PROBATE-JUVEILE DIVISION
LAWRENCE COUNTY, OHIO

FILED
JUVENILE COURT

FILED

2018 JUN 13 AM 9:05

JUDGMENT ENTRY JUN 21 2018

IN THE MATTER OF:

LAWRENCE COUNTY
DAVID PAYNE, JUDGE

CLERK OF COURT
SUPREME COURT OF OHIO

AMENDMENT TO PROBATE LOCAL RULE 27 (3) (a)(b)

The Court hereby amends the Rules of Court of Common Pleas, Probate Division promulgated 08/17/06.

WHEREAS. The Court hereby promulgates the amendment as follows:

Rule 27(3). For purposes of determining a Trustee's/Guardianship Compensation the following shall apply:

- (a) A Trustee/Guardian may charge for his/her ordinary services in an amount computed equal to commission's charges by Executor and Administrators as set forth in Section 2113.35 of the Ohio Revised Code. For purposes of determining the Trustee's/Guardians Compensation, the fair market value of the estate shall be determined by the Trustee/Guardian following his or her appointment, and at each anniversary date thereafter. Additional compensation, reimbursement for expenses incurred and fees of a Trustee/Guardian shall be allowed.
- (b) Where the instrument creating the trust/guardianship makes provision for compensation, a Testamentary Trustee/Guardian may charge annually for services performed by the Trustee/Guardian in accordance with the provision set forth in the will, unless the Court should find such amount to be excessive.

It is ORDERED that Rule 27(3) as so modified shall supersede the prior Rule

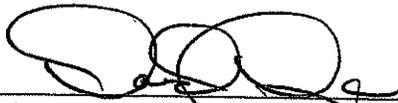
27(3) and that this Rule be posted in the Clerk's office for public review and information.

RECEIVED

JUN 14 2018

CLERK OF COURT
SUPREME COURT OF OHIO

This order is to be effective April 6, 2018



DAVID PAYNE, JUDGE