

## FILINGS

1. SPF 1.0: Surviving Spouse, Children, Next of Kin, Legatees and Devisees
2. SPF 2.0: Application To Probate Will
3. SPF 2.3: Entry Admitting Will to Probate
4. SPF 3.0: Appointment of Appraiser
5. SPF 5.0: Application to Relieve Estate from Administration
6. SPF 5.1: Assets and Liabilities of Estate to be Relieved from Administration
7. SPF 5.2: Waiver of Notice of Application to Relieve Estate from Administration
8. SPF 5.3: Notice of Application to Relieve Estate from Administration
9. SPF 5.4: Publication of Notice
10. SPF 5.6: Entry Relieving Estate from Administration
11. SPF 7.0: Certificate of Notice to Administrator of Medicaid Estate Recovery Program
12. SPF 7.0(A) Notice to Administrator of Medicaid Estate Recovery Program
13. SPF 7.2: Application for Apportionment of Family Allowance
14. SPF 11.0: Consent to Power to Sell Real Estate
15. SPF 12.0: Application for Certificate of Transfer
16. SPF 12.1: Certificate of Transfer

## APPLICANT [R.C. 2113.03]

### Surviving Spouse:

1. The value of the probate assets are \$100,000.00 or less for death on or after March 18, 1999 (SPF 5.0) and:
  - a. The surviving spouse is entitled to all assets of the estate by the terms of a valid will; or
  - b. The surviving spouse is entitled to receive all assets of the estate for the allowance for support under R.C. 2106.13(B) and/or

for inheritance under R.C. 2105.06, and the marriage was solemnized in a manner consistent with R.C. 3101.

### Other Persons:

1. The value of probate assets are \$35,000.00 or less for deaths on or after November 9, 1994 (SPF 5.0).

## APPLICATION (SPF 5.0)

1. Must state if the decedent died testate or intestate. If testate, pleadings to probate the will may be required. [R.C. 2113.03(F)]
2. Must state that the value of the probate assets meet the requirements for a release for the date of death as noted on SPF 5.0.
3. The probate court may order notice to be given to the surviving spouse and heirs at law, and order notice to all interested parties by publication. (SPF 5.2, 5.3, and 5.4)

## ASSETS (SPF 5.1)

1. The applicant is required to describe and to value the probate assets on SPF 5.1.
2. An approved appraiser may be used to value assets that do not have a readily ascertainable value, and be paid as provided for under R.C. 2115.06.
3. The applicant is required to list all known debts of the decedent on the SPF 5.1.
4. The applicant is required to serve SPF 7.0(A) on the Administrator of the Medicaid Estate Recovery Program and to file SPF 7.0 with the probate court if the decedent was age 55 or older or was a permanently institutionalized individual who was receiving Medicaid assistance. [R.C. 2117.061]
5. If the allowance for support must be apportioned under R.C. 2106.13 the applicant shall file SPF 7.2 and obtain an order for the probate court.

### **ENTRY** (SPF 5.6)

1. Probate Court shall order the estate relieved from administration if:
  - a. The assets meet the statutory requirements of [R.C. 2113.031](#); and
  - b. Required notice has been given. [\[R.C. 2113.03\(B\)\]](#)

### **CERTIFICATE OF TRANSFER** (SPF 12.0 and 12.1)

1. Surviving spouse may elect to receive the mansion house under [R.C. 2106.10\(D\)](#) in a release from administration.
2. The applicant shall file an Application for Certificate of Transfer (SPF 12.0) if an interest in real property is listed on SPF 5.1. [\[R.C. 2113.61\]](#)
3. The probate court is required to issue a Certificate of Transfer (SPF 12.1) within five days of the filing of the Application for Certificate of Transfer under [R.C. 2113.61\(C\)](#).

### **APPOINTMENT OF COMMISSIONER**

[\[R.C. 2113.03\(E\)\]](#)

1. The probate court may appoint a commissioner to receive the assets, to sell personal property assets, to pay the debts and expenses and to distribute the assets as authorized.
2. The commissioner may be authorized by the filing of consents to a power of sale of real property (SPF 11.0) under [R.C. 2127.011](#) or to sell the decedent's interest in real property.
3. The commissioner may be ordered to file a Commissioner's Report within 60 days of his or her appointment to verify that the commissioner has performed his or her duties. (SPF 5.6)