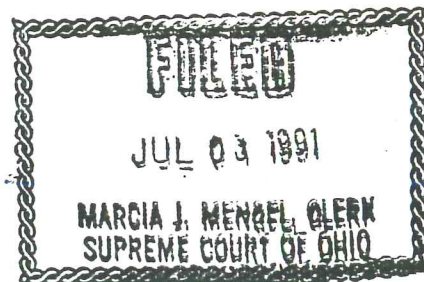


ERIE COUNTY COMMON PLEAS COURT

PROBATE DIVISION

RULES OF COURT



PREFACE

Rules of Court are promulgated by the Ohio Supreme Court and local Courts in order to effect the efficient administration of justice.

For that purpose, Erie County Common Pleas Court, Probate Division, hereby publishes its Rules of Court.

The Ohio Rules of Superintendence for Courts of Common Pleas, Probate Division will be numbered without any suffix.

The Erie County Local Rules, supplementing the Ohio Rules of Superintendence, will be numbered with a suffix. For example, a Local Rule which supplements Supreme Court Rule 18 is designated 18.1 to differentiate the Local Rules from the Ohio Supreme Court Rules.

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PROBATE DIVISION OF
THE COURT OF COMMON PLEAS

RULE 9

CASE MANAGEMENT

- (A) Nothing in these rules prevents the adoption of any local rule of practice that promotes the use of any device or procedure to facilitate the expeditious disposition of cases.
- (B) For the purposes of ensuring the readiness of cases for pretrial and trial, and maintaining and improving the timely disposition of cases, each court, prior to July 1, 1991, shall develop and implement, by local rule, a case management program. In addition to any other provisions necessary to satisfy the purposes of this division, the program shall include provisions for an early case management conference, referral to appropriate and available alternative dispute resolution programs, establishment of a binding case management schedule, and a pretrial conference in cases where the trial judge determines a conference is necessary and appropriate.
- (C) Local rules of practice shall not be inconsistent with rules promulgated by the Supreme Court and shall be filed with the Clerk of the Supreme Court.

RULE 9.1

PRE-TRIAL PROCEDURE

For the purpose of insuring the readiness of civil cases in the Probate Division for pre-trial, final pre-trial and trial, the following procedures shall be in effect:

I. CIVIL ACTIONS

- (A) A pre-trial conference shall be conducted in all civil cases prior to being scheduled for trial, except in land sale proceedings.
- (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 and or telephone 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. The date for the final pre-trial shall be set by the Court and shall be held approximately one week prior to the 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. Briefs 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 the order of the Court and after the showing of good cause.

II. LAND SALES

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.

- (A) The following decisions shall be made at the pre-trial conference and all counsel attending must have full authority and enter into a binding pre-trial order;
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.
 3. 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.

III. DECEDENT'S ESTATES

- (A) The statutory time for filing of an account (R.C. 2109.30) shall be adhered to and the citation procedure (R.C.2109.31) shall be utilized if necessary to gain compliance.
- (B) Objections to inventory and objections to account. The Court shall set a pre-trial conference within thirty (30) days after filing.
1. The Court at the pre-trial conference shall set the matter for an evidentiary hearing within thirty (30) days thereafter.
- (C) All decedent's estates, which are current as to filed accounts, that remain open after a period of one year and nine months shall be subject to a status conference. The fiduciary and the attorney shall be present and a written status report

shall be submitted to the Court at the time of the status conference.

IV. WRONGFUL DEATH SETTLEMENTS

- (A) All hearings shall be held within thirty (30) days of the filing of the 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.

V. GUARDIANSHIPS

- (A) Adequate statutory provisions exist to control timeliness of filings, however, each case shall be reviewed not less than bi-annually.

VI. TRUSTS

- (A) Adequate statutory provisions exist to control timeliness of filings, however, each case shall be reviewed annually.

VII. MOTIONS

- (A) Oral arguments of motions may be permitted on application and proper showing.
- (B) The moving party shall serve and file with the motion a brief written statement in support of the motion and a list of citations of authorities in support.
- (C) The Court shall set a hearing within thirty (30) days after receipt of the request.

RULE 18.1

HOURS OF THE COURT

The Court and its offices will be open for the transaction of business from 8:00 AM to 4:00 PM Monday through Thursday, and from 8:00 AM to 5:00 PM on Friday. The Probate Court shall be closed on Saturday, Sunday, and on legal holidays.

RULE 19

CONDUCT IN THE COURT

- (A) Proper decorum in the Court is necessary to the administration of the Court's function; any conduct which interferes, or tends to interfere, with the proper administration of the Court's business is prohibited.
- (B) No radio or television transmission, voice recording device, other than a device used by a court reporter making a record in a proceeding, or the making or taking of pictures shall be permitted without the express consent of the Court in advance and pursuant to C.P. Sup. R. 11.

RULE 20

EXAMINATION OF PROBATE FILES,
RECORDS, AND OTHER DOCUMENTS

- (A) Court records shall not be moved from the Court, except when approved by the judge. Violation of this rule may result in the issuance of a citation for contempt.
- (B) Copies of any open records may be obtained at a cost per page as authorized by the judge.
- (C) Files of adoption and mental illness proceedings are confidential. Access to those files may be authorized by the judge.
- (D) 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 21

SUMMONS AND NOTICE

- (A) The Ohio Rules of Civil Procedure shall apply to any proceeding where notice, other than service of summons, is required by law or deemed necessary by the Court and the statute providing for such notice does not direct the manner of its service.
- (B) In case personal service of summons or notice is required upon non-residents of the county, a deposit is required for service by the sheriff of that county.

RULE 22

REQUEST FOR JURY TRIAL

All jury trial requests shall be in compliance with Civ. R. 38 and 39.

RULE 23

CONTINUANCES

- (A) Motions for continuance shall be submitted in writing with the proper caption and case number.
- (B) No continuance, except upon the Court's own motion, shall be granted in the absence of proof of reasonable notice to, or consent by, the adverse party or his counsel. Failure, after such notice, to object to the continuance within a reasonable time shall be deemed a consent thereto.
- (C) A judgment entry shall be filed with a motion for continuance, leaving the time and date blank for the Court to set a new date.

RULE 24.1

FILINGS AND JUDGMENT ENTRIES

- (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 papers filed shall contain the name, address and telephone number of the individual counsel representing the fiduciary and, in the absence of counsel, the name, address and telephone number of the fiduciary. Any paper not containing the above requirements may be refused for filing by the Court.
- (C) Failure of the fiduciary to notify the Court of his current address shall be grounds for removal.
- (D) Papers containing partially or wholly illegible signatures of counsel, parties or officers administering oaths may be refused for filing, or if filed, may be stricken from the files, unless the typewritten or printed name of the person whose signature is purported to appear is clearly indicated thereon.
- (E) All pleadings are to be typed or printed and correctly captioned.
- (F) Unless the Court otherwise directs, counsel for the party in whose favor a verdict or opinion is rendered shall within seven days thereafter, prepare the proper judgment entry and submit the original to the Court with a copy to counsel for the opposing party. Counsel for the opposing party shall have seven days to object to the Court.
- (G) Upon failure to comply with this rule, the matter may be dismissed, or the Court may prepare and file the appropriate entry.

(Rule Continued on Next Page)

RULE 24.2

FILING BY ELECTRONIC MEANS. (FAX)

- (A) 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 his/her 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 lieu thereof, the Clerk may require the party filing papers by facsimile to forward the required number of copies after the original has been accepted for filing by electronic means.
- (B) 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.
- (C) 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 24.3

ACCEPTANCE OF IMAGED CHECKS FOR ACCOUNTINGS

Imaged checks are acceptable for filing with the Court in all accountings on the condition that (1) the front and backs of said checks are imaged and (2) a bank official certifies the accuracy of the same.

RULE 25

COURT COSTS

- (A) Deposits in the amount set forth in R.C. 2101.16 or in a local rule shall be required upon the filing of any action or proceeding and additional deposits may be required.
- (B) The deposit may be applied as filings occur.

RULE 25.1

LOCAL COURT COSTS

- (A) Local Court costs as set forth in Appendix A shall be deposited with the court upon the filing of the designated action or proceeding.

RULE 26

APPLICATION TO PROBATE A WILL

(STANDARD FORM 2.0)

RULE 27

APPLICATION FOR LETTERS OF ADMINISTRATION

- (A) Any person who files an Application for Letters of Administration shall cause to be served upon such persons as required by law, written notice of the time and place of the hearing on the appointment. Waivers may be filed as permitted by the Ohio Rules of Civil Procedure. All written notices must contain the time and place of the hearing and shall be served upon such persons at least seven days prior to the date set for the hearing.
- (B) If there is no known surviving spouse or next of kin, the notice shall be served upon such persons as are designated by the Court.

RULE 28

APPOINTMENT AND COMPENSATION OF APPRAISERS
IN ESTATES AND LAND SALES PROCEEDINGS

- (A) When required by law, there will be one suitable and disinterested appraiser appointed.
- (B) Fiduciaries, without special application to the Court, may allow to the appraiser as compensation for his services a reasonable amount agreed upon between the fiduciary and the appraiser, or an amount to be computed on the gross value of the assets appraised in the estate (as set forth in the inventory filed in the Court) at a rate of \$1.00 per thousand dollars of value with a minimum fee of \$20.00, or limited as the Court may order.
- (C) Fees for appraisals shall be computed on the full value of the property appraised.
- (D) In agreeing upon the amount of compensation within the schedule set forth in paragraph B of this rule, the fiduciary and the appraiser shall take into consideration the time and work reasonably required in appraising the assets as well as the type and character of the property appraised.
- (E) 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, an expert appraiser may be appointed and reasonable compensation paid therefor, subject to the approval of the Court.
- (F) If the amount of compensation cannot be agreed upon, the fiduciary shall file an application for allowance of compensation for 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 28.1

APPOINTMENT OF APPRAISERS
IN ESTATE AND LAND SALE PROCEEDINGS

- (A) When required by law, there will be one suitable and disinterested appraiser appointed.

RULE 28.2

COMPENSATION OF APPRAISERS IN ESTATE AND LAND
SALE PROCEEDINGS: Fiduciaries to Allow Reasonable Compensation

- (A) Fiduciaries, without special application to the Court, may allow the appraiser compensation for his services a reasonable amount agreed upon between the fiduciary and the appraiser; said amount to be subject to review by the Court.

RULE 28.3

DISTRIBUTION OF REAL ESTATE

Real estate shall be distributed within eighteen (18) months from the date of appointment of the fiduciary except for good cause shown.

RULE 29

INVENTORY: Statutory Time for Filing

- (A) The statutory time for filing of an inventory (thirty days from date of appointment of fiduciary) shall be adhered to and citations may be issued when filings are late unless application for an extension of time for filing has been granted. Applications for extension shall set forth the time needed and the accompanying judgment entry shall have a blank space for the Court to insert the number of days granted.

RULE 29.1

INVENTORY: No Transfer of Assets until Inventory Filed

Except for good cause shown, estate assets shall not be transferred or distributed until the inventory, together with appraisal thereof, has been filed and approved by the Court.

RULE 29.2

INVENTORY: Removal of Fiduciary for Failure to File

An Inventory must be filed in strict compliance with the Ohio Revised Code; that is within (30) days after the appointment of the fiduciary. Failure to file the same or failure to apply for an extension may result in the removal of the fiduciary.

RULE 29.3

DELINQUENT INVENTORY

The Court will send out a Notice to the attorney of record in the event an Inventory becomes delinquent. Said Notice indicates that unless the Inventory is filed on or before the date named, a Citation will be issued to the fiduciary for his removal.

COMMON PLEAS COURT OF ERIE COUNTY, OHIO
PROBATE DIVISION

PAST DUE NOTICE

Date: _____
Case: _____

JANE B. LUCAL, Judge

TO: ATTORNEY

Your INVENTORY as attorney for fiduciary of
the estate of (decedent) is past due and must be
filed on or before October 11, 1991
issued for the removal of the fiduciary. or a Citation will be

The laws of the State of Ohio mandate the proper filing
of this pleading and failure to do so is automatic grounds for
removal of the fiduciary of the Estate.

You are requested to inform your fiduciary of his or her
possible removal.

Jane B. Lucal, Probate Judge

by _____
Deputy Clerk

RULE 30

CLAIMS FILED WITH THE COURT

- (A) In any estate where a claim has been filed with the Court pursuant to R.C. 2117.06, the fiduciary shall file with the Court a copy of any rejection of claim. No estate shall be closed until all claims filed with the Court have been resolved.
- (B) Whenever the Court requires a hearing on claims or the fiduciary requests a hearing on claims pursuant to R.C. 2117.17, the fiduciary shall file a schedule of claims against the estate with the Court. The schedule of claims shall be filed with the fiduciary's application for hearing or within ten days after the Court notifies the fiduciary of a Court-initiated hearing.

RULE 31

APPLICATION TO SELL PERSONALTY

In addition to the requirements of the Ohio Revised Code, a judgment entry and order of sale shall include an adequate description of the property to be sold and shall provide that the sale has been at the best price obtainable in the current market or at 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 and appraisement. No sale shall be confirmed until an affidavit is filed as required by R.C. 2109.45 and 2113.42.

RULE 32

ACCOUNTS: PROCEDURE

- (A) The statutory time for the filing of an account shall be adhered to and citations may be issued when filings are late, unless an application for extension of time for filing has been granted. The application shall set forth the time needed and the accompanying judgment entry shall have a blank space for the Court to insert the number of additional days granted.
- (B) If a fiduciary is delinquent in filing an account or exhibiting assets, and no extension has been granted, a citation may be issued, requiring the fiduciary to appear forthwith and to show cause why the account has not been filed or why the assets have not been exhibited.
- (C) Each fiduciary's account shall be supported by vouchers, as required by R.C. 2109.30. The vouchers shall be referenced to the account by number, letter or date. The account shall also set forth, at the end thereof:
 - (1) A recapitulation of cash receipts, disbursements and bank deposits, representing cash on hand at the end of the accounting period.
 - (2) A statement of personal property on hand, other than cash at the end of the accounting period, including a statement of any changes in the property during the period covered by the account.
 - (3) A statement identifying all real estate owned by the ward or real estate to which the fiduciary holds legal title for, or on behalf of, the ward or beneficiary.
 - (4) A statement of compensation paid to the fiduciary and his counsel.
- (D) If land has been sold by the fiduciary during the accounting period, the account shall show the gross amount of the proceeds of sale and the distribution thereof, with the escrow statement or receipts of the land sale expenditures attached thereto.
- (E) Guardian Accounts for more than one minor shall show each ward's proportionate share of the credits and debits and shall separately state each ward's property at the end of the accounting period.

- (F) Receipts for distributive shares signed by persons holding power of attorney may be accepted, provided such power of attorney is recorded in the State of Ohio and a photostatic copy of the recorded power is attached to the account.
- (G) Exhibiting Assets.
- (1) The Court may require that all assets be exhibited at the time of filing a partial account.
 - (2) Cash balances may be verified by exhibiting a bank statement, passbook, or a current letter from the financial institution in which the funds are deposited certifying the amount of funds on deposit to the credit of the fiduciary. Assets held in a safety deposit box of a fiduciary or by a surety company on fiduciary's bond may be exhibited by filing a current inventory thereof. The inventory shall be certified by the manager of the safety deposit box department of the financial institution leasing the safety deposit box or by a qualified officer of the surety company if the assets are held by a surety. If the assets are held by a bank, trust company, brokerage firm, or other financial institution, 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 the county, not physically exhibited to the Court, or may appoint a commissioner for that purpose if the assets are located outside the county. The commissioner appointed shall make a written report of his findings to the Court.
- (H) A final or distributive account shall not be approved until all court costs have been paid.

RULE 32.1

ACCOUNTINGS: Statutory Time for Filing

An accounting must be filed in strict compliance with the Ohio Revised Code. Failure to file the same in a timely manner or failure to apply for an extension may result in the removal of the fiduciary.

RULE 32.2

DELINQUENT ACCOUNTINGS

The Court will send out a Notice to the attorney of record in the event an Accounting becomes delinquent. Said Notice indicates that unless the Accounting is filed on or before the date named, a Citation will be issued to the fiduciary for his removal.

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION

PAST DUE NOTICE

JANE B. LUCAL, Judge

Date:
Case:

TO: ATTORNEY

Your FIDUCIARY'S ACCOUNTING as attorney for fiduciary of the estate of DECEDENT is past due and must be filed on or before May 15, 1991, or a Citation will be issued for the removal of the fiduciary.

The laws of the State of Ohio mandate the proper filing of this pleading and failure to do so is automatic grounds for removal of the fiduciary of the Estate.

You are requested to inform your fiduciary of his or her possible removal.

JANE B. LUCAL
Probate Judge

by _____
Deputy Clerk

COMMON PLEAS COURT OF ERIE COUNTY, OHIO
PROBATE DIVISION
SANDUSKY, OHIO

JANE B. LUCAL, JUDGE
419-627-7750

DATE: 8/29/91
CASE: 90E-0085

C I T A T I O N T O A P P E A R

TO: Executor

You are delinquent in filing the Accounting in the estate of DECEDENT as required by law.

Therefore, you are hereby cited to appear PERSONALLY before the Erie County Common Pleas Court, Probate Division, in Sandusky, Ohio on the 30th of October, 1991 at 9:00 A.M. and there and then to show cause why you have failed and refused to fulfill your statutory duty.

FAILURE TO APPEAR AT THE DESIGNATED TIME AND PLACE WILL RESULT IN YOUR REMOVAL AS THE FIDUCIARY OF THIS ESTATE AND THE APPOINTMENT OF ANOTHER DISINTERESTED PERSON TO COMPLETE THE ESTATE PROCEEDINGS.

JANE B. LUCAL, JUDGE

by _____
Deputy Clerk

CERTIFICATION

This is to certify that a copy of the foregoing Citation to Appear was mailed this 9th day of September, 1991, by certified mail, return receipt requested to the above-named individual and to the parties who may have an interest in this matter listed below and by regular U.S. Mail to the attorney of record.

Deputy Clerk

RULE 33

LAND SALES-R.C. CHAPTER 2127

- (A) In cases involving public sale, the complainant shall, prior to the issuance of an order of sale, file with the Court evidence of title showing the record condition of the title to the premises described in the complaint, prepared and extended by a responsible abstract or title company or an attorney's certificate to date subsequent to the date in which the complaint was filed.
- (B) In all cases where a public sale is authorized, complainant shall post a sign in a conspicuous place on the premises to be sold stating that the property will be sold at public sale and giving the time and place thereof. The complainant shall also give notice to all defendants of the time and place of sale at least three weeks prior to the date of sale in the method provided by Civ. R. 4.1. Prior to the sale, the complainant shall file an affidavit stating: (1) that a sign was placed on the property; (2) that the required notice was given to the defendants at least three weeks prior to the date of sale; and (3) that the notice conformed to Civ. R. 4.1.
- (C) When an order of private sale is requested, excepting those cases where the consent of all necessary parties to the proceedings has been filed or cases involving the sale of fractional interest, the complainant shall be required by affidavit or testimony under oath, to establish: (1) whether or not the sale has been the subject of prior negotiations; (2) the amount offered for the sale of the property; (3) the appraised value in the land sales proceedings; (4) the identity of the prospective purchaser and counsel, if any; (5) whether or not the proposed transaction will be, or has already been, placed in escrow; and (6) the identity of the escrow agent.
- (D) The Court may, in its discretion, appoint a disinterested person, answerable to the Court, who shall investigate the circumstances surrounding the proposed transaction, view the property, ascertain whether the proposed sale is justified and report his findings in writing. The report shall be a part of the record. The compensation for the person performing these services shall be fixed by the Court, according to the circumstances of each case, and shall be taxed as costs.

RULE 34

I. GUARDIANS: PROCEDURE AND COMPENSATION OF GUARDIAN'S FEES

- (A) All applications for appointment of a guardian shall be captioned in the name of the proposed ward.
- (B) All applications for the appointment of a guardian on the grounds of mental incompetency, or for dismissal of such guardianship, or for declaration of competency, shall be accompanied by either a statement of a physician or, a statement that the prospective ward has refused to submit to an examination.
- (C) Payment for the support, maintenance or education of a ward shall not be approved until such time as the guardian files an application to determine, separate and apart from the account, the amount to be allowed for the support, maintenance or education of the ward, and until an inventory has been filed.
- (D) An application by a parent-guardian for the allowance of care and support of a minor shall allege, if such is the fact, that the father and mother are financially unable to provide the items for which the amount is sought.

II. COMPENSATION OF GUARDIAN'S FEES

- (A) Compensation of Guardian's fees shall be in compliance with that schedule set forth in Appendix G and filed for approval with the Court pursuant to Appendix H.

III. COUNSEL FEES IN GUARDIANSHIP PROCEEDINGS

- (A) Counsel fees up to \$200 for representing a Guardian who has been appointed, filed bond and an Inventory, will be allowed without an itemized statement of legal services performed.
- (B) Fees in excess of \$200 shall be applied for by filing an Application for Counsel Fees with the Court, which shall set forth: (1) an itemized statement of services performed (and benefit derived, if necessary); (2) date of services, (3) time spent and (4) hourly rate charged therefor.

A hearing on the application may be waived or scheduled, depending on the complexity of the issue involved and the fee requested.

RULE 34.1

GUARDIANS: No Filing for School Purposes Only

An application for the appointment of a guardian of a minor shall not be filed if the only reason for the guardianship is to establish a residency for school purposes. Custody for school purposes is a matter to be heard and determined in the Juvenile Division of the Court of Common Pleas.

RULE 34.2

GUARDIANS: Written Application for Expenditures

Guardianship assets shall not be expended until a written application has been heard by the Court, and allowed by judgment entry.

RULE 35

ESTATES OF MINORS AND PROPOSED INCOMPETENTS
OF TEN THOUSAND DOLLARS OR LESS

- (A) An application relating to a minor shall be submitted by the parent or parents or by the person having custody of the minor and shall be captioned in the name of the minor.
- (B) Only one application shall be filed on behalf of all minors of the same parents. 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.
- (C) If no guardian has been appointed for either the receipt of an estate of a minor or the receipt of a settlement for injury to a minor, the attorney representing the interests of the minor shall prepare an entry: (1) ordering the deposit of the funds in a local banking institution in the name of the minor; (2) impounding both the principal and interest; and (3) releasing the funds to the minor at the age of majority or upon further order of the Court. The entry shall be presented at the time the entry dispensing with appointment of a guardian or approving settlement is approved. The attorney shall further be responsible for depositing the funds and for providing the financial institution with a copy of the entry, both within seven days of the entry's approval. The attorney shall obtain a receipt from the bank and deposit it with the Court.

RULE 36

SETTLEMENT OF CLAIMS FOR INJURIES
TO MINORS (R.C. 2111.18): Procedure

- (A) In an application by a guardian for approval of a settlement of an action for personal injuries to his ward, irrespective of amount, the parent or parents of such ward, if any, living in the county, shall be entitled to three days' notice by certified mail of the hearing on such application. The notice may be waived in writing.
- (B) The application may be accompanied by a current statement of the examining physician in respect to the injuries sustained, the extent of recovery thereof, and the physician's prognosis.
- (C) The presence of the injured minor and the parent may be required at the hearing on all applications.
- (D) The application shall state what additional consideration, if any, is being paid to persons other than the minor.
- (E) The application shall state what arrangement, if any, has been made with respect to counsel fees, which fees shall be subject to review by the Court.

RULE 36.1

SETTLEMENT OF CLAIMS FOR INJURIES TO MINORS
Physician's Statement

An application shall be accompanied by a current statement of the examining physician in respect to the injuries sustained, the extent of recovery thereof, and the physician's prognosis.

RULE 36.2

SETTLEMENT OF CLAIMS FOR INJURIES TO MINORS
Attendance Required

The presence of the injured minor and the parent is required at the hearing on the applications as provided in the Rules of Superintendence for Courts of Common Pleas 37 (C), except for good cause shown.

RULE 37

SETTLEMENT OF CLAIMS FOR INJURIES TO MINORS
UNDER TEN THOUSAND DOLLARS: Procedure

- (A) Applications involving the payment of ten thousand dollars (\$10,000) 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.
- (B) The application may be accompanied by a current statement of the examining physician in respect to the injuries sustained, the extent of recovery thereof, and the physician's prognosis.
- (C) The presence of the injured minor and the parent may be required at the hearing on all applications.
- (D) The application shall state what additional consideration, if any, is being paid to persons other than the minor.
- (E) The application shall state what arrangement, if any, has been made with respect to counsel fees, which fees shall be subject to review by the Court.

RULE 37.1

SETTLEMENT OF CLAIMS FOR INJURIES TO MINORS
UNDER TEN THOUSAND DOLLARS: Physicians's Statement

An application shall be accompanied by a current statement of the examining physician as provided in Ohio Rules of Superintendence (37 (C)), except for good cause shown.

RULE 37.2

SETTLEMENT OF CLAIMS FOR INJURIES TO MINORS
UNDER TEN THOUSAND DOLLARS: Ohio Rules Apply

Except for good cause shown, the Ohio Rules of Superintendence 35 (C) shall apply to all settlements provided for by the Ohio Rules of Superintendence 37.

RULE 38

SETTLEMENT OF CLAIMS FOR WRONGFUL DEATH: Procedure

- (A) Application for approval of settlement of a claim for wrongful death shall contain a statement of facts, including the amount to be received in settlement of the claim and the amount, if any, to be received in the settlement of the right of action for conscious pain and suffering. The statement shall include the proposed allocation of the compensation to be received in settlement of the action for wrongful death.
- (B) Unless waived by all interested parties, the application and proposed allocation shall be set for hearing and written notice shall be given to all interested parties.
- (C) The application shall state what arrangements have been made with respect to counsel fees, which fees shall be subject to review by the Court.

RULE 38.1

SETTLEMENT OF CLAIMS FOR WRONGFUL DEATH:
Application Information

The application for approval of a settlement of a claim for wrongful death shall contain:

- (A) A statement of the facts which caused said death;
- (B) The amount of the settlement;
- (C) The contemplated portion of said settlement to be distributed to the estate, if any, and
- (D) The contemplated portion of said settlement to be distributed to the wrongful death action and the proposed breakdown of funds to be distributed to the decedent's heirs at law.

RULE 38.2

STRUCTURED SETTLEMENT PROCEDURES:
Local Filings

If a settlement in any action before this Court is a structured settlement then the following procedure shall apply:

- (A) File with the Court the application for authority to settle with the following attachments:
 - 1. Memorandum of case, including fee arrangement and basis for electing a structured settlement as opposed to a lump-sum settlement;
 - 2. A copy of any fee contract;
 - 3. An outline of the anticipated structured settlement.
- (B) Schedule a pre-trial on said application at which time be prepared to discuss:
 - 1. The present value of the settlement;
 - 2. The cost of the annuity or settlement;
 - 3. The portion of the settlement to be guaranteed and rating of the insurance company who guarantees said settlement.
- (C) A final hearing to be scheduled after the Court receives the final settlement agreement with all parties and beneficiaries present in court, except for good cause shown the appearance of an interested party may be waived.

RULE 39

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 CLAIMS FOR PERSONAL INJURIES TO MINORS
UNDER R.C. 2111.18

When representation is on a contingent fee basis, counsel will be allowed fees on the amount obtained, subject to the Court's prior approval of the fee contract.

RULE 40

COUNSEL FEES: In General

- (A) Attorney fees relative to all matters shall be governed by the Code of Professional Responsibility, DR-2-106.
- (B) Attorney fees for the administration of estates shall not be paid until the final account is prepared for filing unless otherwise approved by the Court upon application and for good cause shown.
- (C) Attorney fees may be allowed if there is a written application which sets forth the amount requested and will be awarded only after proper hearing, unless otherwise modified by local rule.
- (D) The Court may set a hearing on any application for allowance of attorney fees regardless of the fact that the required consents of the beneficiaries have been given.
- (E) Except for good cause show, attorney fees shall not be allowed to attorneys representing fiduciaries who are delinquent in filing the accounts required by R.C. 2109.30.
- (F) If a hearing is scheduled on an application for the allowance of attorney fees, notice shall be given to all parties affected by the payment of fees, unless otherwise ordered by the Court.
- (G) An application shall be filed for the allowance of counsel fees for services rendered to a guardian, trustee, or other fiduciary. The application may be filed by the fiduciary or attorney. The application shall set forth a statement of the services rendered and the amount claimed in conformity with Paragraph A.
- (H) The Court does not have, nor is there recognized, any minimum or maximum fees which will automatically be approved by the Court. Prior to a fiduciary entering into a contingent fee contract with a attorney for services, an application for authority to enter into the agreement shall be filed with the Court.

RULE 40.1

COUNSEL FEES

Based on Services Rendered and Value Received

The allowance of counsel fees as part of the expense of administering a decedent's estate, a trust, or a guardianship shall be based upon the actual services performed by the attorney and the reasonable value of the services.

RULE 40.2

COUNSEL FEES

Reference to Appendix B et seq: Ordinary Fees

Appendix B. may serve as a guideline only for determining fees.

RULE 40.3

COUNSEL FEES

Reference to Appendix C: Extra Fees

Appendix C. sets forth services which are extraordinary compensable proceedings.

RULE 40.4

COUNSEL FEES

Reference to Appendix D: Estate Fee Form

Appendix D. sets forth the computation form for the counsel fees to be filed in the appropriate proceedings. (Guideline Only)

RULE 40.5

COUNSEL FEES
Other Miscellaneous Fees

All other applications for the allowance of counsel fees shall set forth an itemized statement of the services performed, the date services were performed, the time spent in rendering said services, and the hourly rate charged therefor.

RULE 40.6

COUNSEL FEES

Fees of Both Attorney and Fiduciary

When the executor or administrator of an estate is both the executor and the attorney for said estate, the attorney shall be entitled to the statutory executor fee as specified by the Ohio Revised Code, and one-half (1/2) of the attorney fee, unless for good cause shown the estate proceeding has entailed unusual and complex legal issues and proceedings.

RULE 40.7

COUNSEL FEES: Partial Payment

Payment of fees must be approved by the Court prior to payment unless the administration of the estate has been completed and the fee to be charged is equal to or less than the amount provided for in the Computation Form, which shall be filed with the Court. No partial payment of fees shall be allowed without approval of the Court.

RULE 40.8

COUNSEL FEES
When All Agree to Fees

In the event the fiduciary and all beneficiaries have consented in writing to the amount of counsel fees, an Application need not be made for the allowance of fees, provided the consent is endorsed on the Computation Form which shall be filed for review by the Court with the account.

RULE 40.9

COUNSEL FEES

File to Determine Fees When Initial Dispute Arises

If, in any proceeding pending before this court, it appears that the complexity and/or controversy between the parties involved may give rise to extraordinary fee difficulties and/or disputes, the parties are required to file a Motion to Determine Fees at such time as the dispute first becomes apparent.

RULE 41

EXECUTOR'S AND ADMINISTRATOR'S COMMISSIONS

- (A) Where there is a claim for extraordinary services, an application shall be filed setting forth an itemized statement of the services rendered. The Court may require the application to be set for hearing with notice given to parties affected by the payment of fees in accordance with Civ. R. 4.1.
- (B) Except for good cause shown, commissions will not be allowed if there is a delinquency in the filing of an account.
- (C) The commissions of co-executors or co-administrators in the aggregate shall not exceed the commissions which would have been allowed to one executor or administrator acting alone, except where the instrument under which the co-executors serve provides otherwise.
- (D) Where counsel fees of an extraordinary nature have been awarded for services to the estate which normally would have been performed by the executor or administrator, the said executor's or administrator's fee shall be reduced by the amount awarded to counsel for those services rendered unless, for good cause shown, the Court finds that such a ruling would be unfair.

RULE 41.1

COMMISSIONS OF THE EXECUTOR OR ADMINISTRATOR
Reference to Appendix E (O.R.C. Commission Schedule)

An application for allowance of a fiduciary's commission shall comply with Ohio Revised Code Section 2113.35, as set forth in Appendix E.

RULE 41.2

COMMISSIONS OF THE EXECUTOR OR ADMINISTRATOR
Reference to Appendix F (Fiduciary Computation Form)

Appendix F. sets forth the computation form for the commissions to be filed in the appropriate proceedings.

RULE 41.3

COMMISSIONS OF THE EXECUTOR OR ADMINISTRATOR: If Co-Fiduciaries

The commissions of co-executors or co-administrators in the aggregate shall not exceed the commissions which would have been allowed one executor or administrator acting alone except where the instrument under which the co-executor serves provides otherwise.

RULE 43

TRUSTEE'S COMPENSATION: General Provisions

- (A) Trustee's compensation shall be set by local rule and the schedule of compensation set forth in the local rule shall be filed with the Supreme Court in accordance C.P. Sup. R. 44.
- (B) Additional compensation for extraordinary services may be allowed upon application. The Court may require that the application be set for hearing and that notice thereof be given to interested parties in accordance with Civil Rule 4.1. Such notice shall contain a statement of the amount for which compensation is applied.
- (C) A separate schedule of the computation of a trustee's compensation, conforming to the form in conformity with a local rule adopted and filed in accordance with C.P. Sup. R. 44, shall be filed with the Court at the time of payment of the fee.
- (D) The compensation of co-trustees in the aggregate shall not exceed the compensation which would have been paid if only one trustee had been performing the duties except where the instrument under which the co-trustees are acting provides otherwise.
- (E) Except for good cause shown, neither compensation for a trustee, nor fees to the counsel representing the trustee, will be allowed while the trustee is delinquent in the account or accounting required by R.C. 2109.30.

RULE 43.1

TRUSTEE'S COMPENSATION

Reference to Appendix I (Trustee's Compensation)

Unless otherwise provided by the instrument creating the trust, by law, or ordered by the Court, a testamentary trustee may charge an annual fee for ordinary services in accordance with the schedule of compensation set forth in Appendix I.

RULE 43.2

TRUSTEE'S COMPENSATION

Reference to Appendix J (Computation Form for Trustee)

- (A) An application for allowance of trustee's compensation for ordinary services rendered in the administration of each separate trust estate shall conform to the computation form attached as Appendix J.
- (B) An application for allowance of trustee's compensation shall be submitted to the Court for approval with the annual trustee's account.
- (C) The Court may set a hearing on an application for allowance of trustee's compensation, and if a hearing is scheduled, notice shall be given to all parties affected by the payment of compensation, unless otherwise ordered by the Court.

RULE 43.3

TRUSTEE'S COMPENSATION
Other Trustee Fees

The application required by Rule of Superintendence for Courts of Common Pleas 43 (B) shall set forth an itemized statement of the services performed, the date services were performed, the time spent in rendering the services, and the rate charged per hour.

RULE 43.4

TRUSTEE'S COMPENSATION
When Trust fees To Be Paid

Trustees compensation of an ordinary or extraordinary nature shall not be paid from the trust estate until the application has been approved by judgment entry.

RULE 44

LOCAL RULES

- (A) The Probate Division of the Court of Common Pleas may adopt supplementary rules concerning local practice in their respective courts which are not inconsistent with these rules. Such rules shall be filed with the Supreme Court.
- (B) The local rules shall be numbered to correspond with the numbering of these rules and shall incorporate the number of the rule which it is intended to supplement. For example, a local rule which supplements C.P. Sup. R. 28 shall be designated County Local Rule 28.1, etc.

RULE 45

EXCEPTIONS TO THE RULES

Upon application, and for good cause shown, the Probate Division of the Court of Common Pleas may grant exception to Ohio Rules of Superintendence for Courts of Common Pleas.

RULE 46

COMPLIANCE OF RULES REQUIRED

Failure to comply with these rules may result in such sanctions as the Court may direct.

RULE 47.1

ATTORNEYS AS SURETIES

Attorneys at law shall not act as sureties in any cause in this court, nor shall they be permitted to become sureties on the bond of any fiduciary.

RULE 48.1

REMOVAL OF WILL FROM SAFE DEPOSIT BOXES

Whenever the County Auditor or his duly authorized representatives in the course of conducting an inventory of a safe deposit box or similar receptacle standing in the name of a Decedent or a Ward, locates a will or document purported to be the will of the Decedent or Ward, the County Auditor or his representative, shall remove such will or document, and deliver it immediately to an attorney of record or to a deputy clerk of the Probate Court in return for a receipt therefor.

RULE 49.1

TAX PROCEEDINGS

All estate filings in the Court shall conform to the requirements of Chapter 5731 of the Ohio Revised Code.

RULE 49.2

TAX PROCEEDINGS: File Tax Return

The Ohio Estate Tax Return, if required, shall be filed in the Court no sooner than three (3) months from the date of appointment of the fiduciary.

RULE 50.1

RELEASE FROM ADMINISTRATION

Notice by publication as provided in Ohio Revised Code Section 2113.03, shall be required, unless found unnecessary by judgment entry.

RULE 50.2

RELEASE FROM ADMINISTRATION

An appraiser's report as provided in Ohio Revised Code Section 2113.03, shall be required, unless found unnecessary by judgment entry.

RULE 51.1

SHORT FORM RELEASE

The Short Form Release and Judgment Entry attached as Appendix K. may be filed in this Court if the assets of an estate are less than \$6,000.00, and there is a surviving spouse and/or minor children, or where the assets of an estate are less than \$1,000.00, and there is no surviving spouse or minor children, and evidence is presented at the time of filing establishing that the funeral expenses have been paid, or are in the process of being satisfied.

RULE 52.1

GUARDIAN AD LITEM

(A) Qualifications

A guardian ad litem shall be an attorney who is not associated with an attorney of record for the proceeding in which the guardian ad litem has been appointed.

(B) Appointment

(1) Land Sales

Subject to approval by the Court, a guardian ad litem will be appointed on recommendation and entry of the attorney of record.

(2) All other Matters

A guardian ad litem will be appointed without recommendation upon notification of the necessity for appointment.

(C) Fees

Unless ordered by the Court, upon application and entry, a fee based on a reasonable hourly rate for time expended shall be taxed in the costs of the case for each guardian ad litem at an amount to be pre-determined at the time of appointment.

RULE 53.1

APPOINTMENT OF NON-RESIDENT FIDUCIARY

In the event there are circumstances where the Court appoints a non-resident of Erie County to serve in a fiduciary capacity, all assets involved must remain within the jurisdiction of this Court, so that the situs of all stocks, bonds and cash shall remain within Erie County until the matter is terminated.

The purpose of this Rule is to safeguard the assets of the estate, trust or guardianship so that in the event of the death or disability of the non-resident fiduciary, the court may appoint a successor fiduciary who will have all assets of his charge within this jurisdiction for the benefit of that charge.

RULE 54.1

ADOPTIONS

To maintain the confidentiality of adoption records, each adoption petition shall contain the name of one person proposed for adoption.

The adoption petition shall allege the grounds upon which the Court may find that the consent of a person required to consent to the adoption is not necessary. The adoption petition shall also allege the circumstances under which the person proposed for adoption was placed with the petitioner.

Each person consenting to an adoption shall sign a separate consent to adopt form which shall be filed with the Court.

Except for good cause shown, service by publication in accordance with the Rules of Civil Procedure shall be made on an unnamed parent or parents.

RULE 54.2

INDEPENDENT ADOPTIONS

Independent adoptions in Erie County, Ohio, shall comply with the procedure set forth in Appendix L.

Upon the filing of the Petition for Placement, a pre-trial shall be scheduled with the attorney of record and the Erie County Department of Human Services before the Court to determine the procedure to be followed.

RULE 55.1

LEGITIMATIONS

All legitimation hearings shall require the physical presence of both the applicant and the biological mother. A current certified copy of the child's birth certificate must be exhibited to the Court.

RULE 56.1

WILL CONTEST, DECLARATORY JUDGMENT, DETERMINATION
OF HEIRS, CONSTRUCTION OF WILL, COMPLAINT FOR AC-
COUNTING, ANTENUPTIAL AGREEMENT, CONCEALMENT OF
ASSETS, LAND SALES, COMPLAINT TO PURCHASE, COMPLAINT
FOR JUDGMENT ENTRY DECLARING WILL VALID, PRESUMPTION OF
DEATH, APPROPRIATIONS, OBJECTIONS TO INVENTORIES
AND ACCOUNTS.

1. All adversarial proceedings must comply with the Ohio Rules of Civil Procedure and the statutory requirements which apply to each specific legal action.
2. A pre-trial conference should be set 30 days after the answer date.
3. Notice of the pre-trial Conference shall be given to all attorneys of record by mail at least 14 days prior to pre-trial.
4. All requests for continuances of the pre-trial conference shall be by motion.
5. At the conclusion of the pre-trial conference, the Court shall prepare a pre-trial order setting forth:
 - a. Discovery deadline date.
 - b. Exchange of witness list deadline date
 - c. Pleading and briefing schedules
 - d. A trial date.

(A copy of a pre-trial order is attached.)

IN THE COMMON PLEAS COURT OF ERIE COUNTY, OHIO

PROBATE DIVISION

JOHN DOE, et al.,

Plaintiffs

-vs-

JOHN SMITH, et al.,

Defendants

:

CASE NO. _____

:

:

JUDGMENT ENTRY

:

PRE-TRIAL ORDER

:

::::::::::::::::::::

This cause came on for pre-trial conference on the ____ day of _____, 19____. Pursuant to Rule 16 of the Ohio Rules of Civil Procedure, it is hereby ORDERED:

1. All discovery in this case shall be completed no later than the ____ day of _____, 19____.
2. Counsel for the parties shall exchange in writing (with a copy to the Court) no later than 7 days following completion of discovery, a witness list which shall include the names and addresses of all witnesses expected to be called to testify at trial;
3. All pleadings, motions and briefs shall be filed no later than 10 days prior to the trial date;
4. The trial date in this case is set for the ____ day of _____. 19____.

Failure of counsel or any party to comply with the provisions of this Order may result in dismissal, default, or the imposition of sanctions, as may be appropriate.

JUDGE

COPIES:
ALL COUNSEL OF RECORD

APPENDIX A

COURT COSTS & DEPOSITS - As of 7/1/91

\$125.00	Estates (Full Administration) (Includes Administration Only and Ancillary Administrations)
85.00	Release From Administration
35.00	Short Form Release without Will
50.00	Short Form Release with Will
30.00	Will Only
	Ohio Estate Tax Return without Estate - \$1.00 per page
10.00	Authenticated Copies (plus \$1.00 per page)
125.00	All Adoption Proceedings
125.00	Guardianships
50.00	Trusts
50.00	Civil Cases (No Publication)(All Complaints)
100.00	Civil Cases (With Publication, paid by Attorney)
50.00	Name Change
10.00	Birth Registration
7.00	Birth Correction (Plus \$1.00 for each copy needed)
7.00	Certified Copy of Birth & Death Certificates
5.00	Deposit of Will
5.00	Record Doctor's Licenses
5.00	Legitimation Proceeding (plus \$1.00 per page & \$1.00 for each certified copy)

APPENDIX B.

COUNSEL FEES

As a guideline only, and not for the purpose of establishing minimum or maximum fees, the following may serve to determine counsel fees for legal services performed:

I. Ordinary Legal Services in a Decedent's Estate:

- A. Probate Assets Set forth in the Inventory
 - 4.0% of the first \$ 50,000.00
 - 3.5% of the next \$ 50,000.00
 - 3.0% of the next \$100,000.00
 - 2.5% of the balance
- B. Non-probate Assets set forth in the Ohio Estate Tax Return: 1.5% if an Ohio Estate Tax Return is required. Otherwise, the transfer of said non-probate assets to be determined by the time spent and the value of the services performed.

II. Ordinary Legal Services in Releasing an Estate from Administration

- A. For assets to be released, the fee shall be based upon time spent and the value of the services performed with said fee not to exceed \$750.00.
- B. Non-probate assets as set forth in 1 (B) above.
- C. When an attorney is also the fiduciary, the total administration fees shall not exceed the statutory fiduciary's commission, plus one-half of the ordinary fee except as hereinbefore set forth in Rule 40.6.

III. Ordinary Legal Services in Guardianships of Estates and Testamentary Trusts

- A. Counsel fees up to \$200.00 for representing a guardian of the estate or testamentary trustee who has been appointed, filed a bond and inventory, and whose inventory has been approved by judgment entry may be allowed without an itemized statement of legal services performed.
- B. Counsel fees up to \$150.00 for preparing and filing a guardian's or trustee's annual account without an itemized statement of legal services performed after the account has been approved by judgment entry.
- C. When counsel fees exceed the above amounts, an itemized statement of legal services performed shall be filed as provided in Rule 40.5.

IV. Ordinary Legal Services in Adoption Proceedings

- A. Counsel fees up to \$200.00 for representing petitioners who are subsequently granted a final decree of adoption may be approved without an itemized statement of legal services performed. Counsel fees shall be listed on the petitioner's account form.

V. Ordinary Legal Services in Name Changes, Birth Correction, Birth Registration, Placement, and Legitimation Proceedings.

- A. Counsel fees up to \$100.00 for representing applicants may be approved without an itemized statement of legal services performed.

APPENDIX C.

EXTRAORDINARY LEGAL SERVICES

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

1. Proceedings for sale of real or personal property to surviving spouse at appraised value.
2. Sale of real estate under testamentary or statutory power of sale.
3. Land sale proceedings.
4. Proceedings involving partnership property of decedent.
5. Proceedings to determine heirship.
6. Transfer of property by the decedent during lifetime.
7. Problems of valuation or taxability of property for estate and inheritance taxes or to the protest of such taxes.
8. Proceedings to construe a Will.
9. Application and appointment of Guardian Ad Litem.
10. Proceedings in court other than the Probate Court.
11. Proceedings in a contested matter in the Probate Court.
12. Proceedings in connection with the preparation of filing, audit, protest or contest of an income or gift tax return, or liability incurred by the decedent or personal representative.
13. Proceedings 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.

14. Preparation and filing of federal estate tax returns.
15. Sale of business or business assets.
16. Performance of duties normally performable 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 assets of estate must be managed.
17. Matters which are unusual or excessive for the size of the estate involved.
18. Any and all other extraordinary services not specifically herein enumerated.

APPENDIX D.

IN THE COMMON PLEAS COURT OF ERIE COUNTY, OHIO
PROBATE DIVISION

IN THE ESTATE OF _____,

CASE NO. _____

DECEASED.

COUNSEL FEE COMPUTATION

1. Ordinary Legal Services
- A. Probate Assets (per Inventory). . \$ _____
- 4.0% of the first \$ 50,000.00 . . _____
- 3.5% of the next \$ 50,000.00 . . _____
- 3.0% of the next \$100,000.00 . . _____
- 2.5% of the balance _____
- TOTAL \$ _____
- B. Non-probate Assets (as set forth in Ohio Estate
Tax Return: \$ _____
- 1.5% if Return required _____
- If no return required, time spent
and value of services performed . _____
- TOTAL \$ _____
- II. Extraordinary Legal Services
(Itemized statement attached stating services
performed, the date services were performed, the
time spent in rendering said services, and the
hourly rate charged therefor.)
- TOTAL \$ _____
- III. Summary
- Total Fee Requested Above \$ _____
- Less Compensation Previously Approved
by the Court. = _____
- Balance Requested \$ _____

Fiduciary Signature (Title)

Attorney Signature

APPENDIX E.

EXECUTOR'S / ADMINISTRATOR'S FEES

Ohio Revised Code

Section 2113.35 Commissions

"Executors and administrators shall be allowed commissions upon the amount of all the personal estate, including the income from the personal estate, that is received and accounted for by them and upon the proceeds of real estate that is sold under authority contained in a will, as follows:

(A) For the first one hundred thousand dollars, at the rate of four per cent;

(B) All above one hundred thousand dollars and not exceeding four hundred thousand dollars at the rate of three per cent;

(C) All above four hundred thousand dollars at the rate of two per cent;

Executors and administrators shall also be allowed a commission of one per cent on the value of real estate that is not sold. Executors and administrators shall also be allowed a commission of one per cent on all property that is not subject to administration and that is includable for purposes of computing the Ohio estate tax, except joint and survivorship property.

The basis of valuation for the allowance of such commissions on property sold shall be the gross proceeds of sale, and for all other property the date of death value of the other property as finally fixed for the purposes of computing the Ohio estate tax. The commissions allowed to executors and administrators in this section shall be received in full compensation for all their ordinary services.

If the probate court finds, after hearing, that an executor or administrator has, in any respect, not faithfully discharged his duties as such executor or administrator, the court may deny the executor or administrator any compensation whatsoever or may allow the executor or administrator the reduced compensation that the court thinks proper."

APPENDIX F.

IN THE COMMON PLEAS COURT OF ERIE COUNTY, OHIO
PROBATE DIVISION

IN THE ESTATE OF _____

CASE NO. _____

DECEASED.

EXECUTOR'S / ADMINISTRATOR'S FEE COMPUTATION FORM

I. Personal Estate (In Estate) \$ _____
0 to \$100,000.00 @ 4% . . . _____
\$100,001.00 to \$400,000.00 @ 3% . . . _____
\$400,001.00 to \$ _____ @ 2% . . . _____
TOTAL \$ _____

II. Real Estate (Not Sold in Estate)
Value from Ohio Estate Tax Return
at 1% TOTAL \$ _____

III. Non-probate Assets (Except Joint & Survivorship)
Value from Ohio Estate Tax Return
at 1% TOTAL \$ _____

IV. Summary

Total Commission Requested. \$ _____
Less Commissions Previously Approved
by the Court = _____
Balance of Commission to be Paid. . . \$ _____

Date

Fiduciary's Signature

Type or Print Name

APPENDIX G.

GUARDIAN'S FEES

I. Ordinary Compensation of Guardian of Estate

- A. Income on Principal
 - 4% of the first \$1,000.00
 - 3% of the balance in excess of \$1,000.00
- B. Expenditures Approved by the Court
 - 4% of the first \$1,000.00
 - 3% of the balance in excess of \$1,000.00
- C. \$3.00 per thousand of principal or \$1.50 per thousand of principal per annum

II. Extraordinary Compensation and Personal Services

By application with itemized statements attached setting forth the services performed, the date services were performed, the time spent in rendering the services, and the rate charged per hour.

III. Guardian of Veteran

Compensation as a guardian of a veteran who receives benefits from the Veterans Administration are provided for under Ohio Revised Code 5905.13, based on the services rendered, not exceeding 5% of the money received during the accounting period.

IV. Limitations of Compensation

- A. Compensation shall not be allowed for:
 - 1. Balances carried forward from one accounting period to another.
 - 2. Investment of funds and reinvestments of assets shall not be considered money or property originally received or income, or expenditures.
 - 3. Final distribution of unexpended balances to a ward at the closing of a guardianship, or to a successor guardian.

APPENDIX H.

IN THE COMMON PLEAS COURT OF ERIE COUNTY, OHIO
PROBATE DIVISION

IN THE GUARDIANSHIP OF

CASE NO. _____

Minor Child / An Incompetant,
Social Security No. _____

COMPUTATION OF GUARDIAN'S COMPENSATION

- I. Income During Period Beginning _____
and Ending _____ \$ _____
0 to \$1,000.00 @ 4% \$ _____
\$1,000.00 to \$ _____ @ 3% \$ _____
TOTAL. \$ _____
- II. Expenditures During Period Beginning . _____
and Ending _____ \$ _____
0 to \$1,000.00 @ 4% \$ _____
\$1,000.00 to \$ _____ @ 3% \$ _____
TOTAL. \$ _____
- III. Three Dollars (\$3.00) per thousand on principal or
\$1.50 per thousand of principal per annum
TOTAL. \$ _____
- IV. Summary
- Total Compensation Requested \$ _____
- Less Compensation Previously Approved
by the Court = _____
- Balance of Compensation Requested. . . \$ _____

Date

Fiduciary's Signature

Typed or Printed Name

APPENDIX I

TRUSTEE'S COMPENSATION

I. Ordinary Compensation

Except where the instrument creating the trust makes provision for compensation, a testamentary trustee may charge annually for ordinary services performed by the trustee in connection with the administration of each separate trust the following:

- A. Income Derived from Corpus
6% of the income, which shall be payable from the income.
- B. Annual Principal Fee
\$2.00 per thousand dollars on the corpus of the trust, which shall be payable from the corpus.
- C. An amount equal to 1% of the fair value of any distribution from the principal of the trust property, and the amount shall be charged against said principal.
- D. 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 to 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 valuation.

II. Extraordinary Compensation

By application to the court as provided in Rule 43.3. Fees for the management of real estate in a trust shall be applied for and approved in advance of rendering services.

- III. Trust, holding or banking institutions or similar corporate fiduciary may be compensated at its standard rates upon application to the court and for good cause

shown, notwithstanding I. and II, herein stated.

- IV. Where all of the interested parties, (both beneficiaries and residual recipients) have consented in writing to the amount of the Trustee's Compensation and such consent is endorsed on the Trustee's Account or evidenced by separate instrument filed therein, no application for fees need be filed with this court.

APPENDIX J

IN THE COMMON PLEAS COURT OF ERIE COUNTY, OHIO
PROBATE DIVISION

IN THE TRUST (CREATED BY / OF)

CASE NO. _____

DECEASED.

COMPUTATION OF TRUSTEE'S COMPENSATION

I. Ordinary Compensation

A. Income During Period Beginning _____
and Ending _____
6% of Income of \$ _____ \$ _____

B. \$2.00 per thousand of principal. . \$ _____

C. 1% of distribution \$ _____

TOTAL. . . . \$ _____

II. Extraordinary Compensation

See attached records . . . TOTAL. . . . \$ _____

III. Corporate Fiduciary Compensation

See attached schedule and computation
TOTAL. . . . \$ _____

IV. Summary

Total Compensation Requested Above. . . \$ _____

Less Compensation Previously Approved
By the Court. = _____

Balance Requested from Trust. \$ _____

Financial Institution Trustee

Trustee's Signature

Authorized Officer

Type or Print Name

Type or Print Name

COMMON PLEAS COURT, PROBATE DIV. _____ COUNTY, OHIO

In The Matter Of The Estate of: _____ Deceased.

Case No. _____ Docket _____ Date _____

APPLICATION FOR SHORT FORM RELEASE OF ADMINISTRATION

(O.R.C. 2113.03)

Now comes _____, who resides at _____

_____, who having been first duly sworn, states:

1. Applicant's relationship to decedent is _____ ;
2. Decedent's legal residence at time of death _____ ;
3. Decedent's date of death _____ ;
4. Decedent (did) (did not) have a will;
5. Attached is a list of surviving spouse, next of kin, legatees and devisees known to affiant, entitled to inherit: (1.0)
6. Decedent's assets consist of the following (Assets and probable value)

7. That applicant has paid from his own assets, will assume the responsibility of paying from decedent's assets, or has provided the funeral and burial expenses and services;
8. Decedent's funeral and burial expenses were as follows: Itemize.

9. Applicant requests the Court to enter an order directing and authorizing applicant to collect the assets and distribute them as directed by the Court.
10. That applicant will distribute within 30 days all assets of decedent covered by the order as directed by the Court and receipt therefor to the Court.

Applicant

Sworn to before me and signed in my presence, this _____ day of _____.

Notary Public

COMMON PLEAS COURT, PROBATE DIV. _____ COUNTY, OHIO

In The Matter Of The Estate of: _____ Deceased.

Case No. _____ Docket _____ Date _____

ORDER

(O.R.C. 2113.03)

The matter came on for hearing on an application filed in this cause in conformance with O.R.C. 2113.03 and the Court finds from the application that a short form Release From Administration is applicable in this estate.

WHEREFORE, IT IS THE ORDER OF THIS COURT that:

- ☐ the estate be relieved from administration;
- ☐ the financial institution holding accounts in decedent's name, pay the same to _____
_____, the applicant herein and that said applicant gather such other
assets as are listed in said application;
- ☐ said applicant shall apply the assets first in the payment of or reimbursement for the cost in filing this proceeding
to _____, secondly in payment of or
reimbursement for the burial expenses in the amount of \$ _____; to _____
in that order;
- ☐ said applicant shall apply the remaining assets in the payment of the family allowance in the amount of
\$ _____ to _____;
- ☐ the Court further orders: _____

Judge

SPECIAL PROCEDURES

APPENDIX L

Erie County Common Pleas Court Probate Division

PROCEDURE FOR INDEPENDENT ADOPTIONS OF NON-RELATED CHILDREN

I. Before (or after) the Birth of the Child:

A. Adoptive Parents shall:

1. File a Petition requesting Approval of Placement with Probate Court. (Form I)

B. Surrendering Parents shall:

1. File an Application for Proposed Placement (Form II) with the Probate Court at the same time as the Petition for Approval of Placement is filed.
2. File an Affidavit of Right to Contest the Adoption. (Form III)
3. A Consent to Placement may be filed at this time. (Form IV)
4. File an Affidavit with the Court regarding the child's whereabouts and any pending litigation involving the child. (Form V)

C. The Probate Court shall:

1. Set hearings for the surrendering parent's Application for Approval of Placement.
2. Notify the Department of Human Services of the hearing dates as well as each of the parties.
3. Hold hearings. The Court will accept the Application for Proposed Placement, the Petition for Approval of Placement, the Affidavit of Right to Contest the Adoption, the Pending Litigation and Custody of Child Affidavit, and the Consent to Placement. The Court will direct the surrendering parents to receive counseling and a review of their legal rights and of their options from an approved child-placing agency in order to assure the Court that the consent of the natural parents is an informed choice and a voluntary one.

D. The Child-Placing Agency shall:

1. Attend the above-named hearings.
2. Counsel the surrendering parent(s) in regard to options available to them about the child. When the child placing agency feels that the surrendering parent(s) have a full understanding of the options available, the agency should file with the Court the Counseling Verification Form. (Form VI)
3. Initiate the homestudy process.

II. After the birth of the child:

A. The Surrendering Parents shall:

1. Personally appear before the Probate Judge to sign the Surrender of Rights, no sooner than 72 hours after the birth of the child. (Form VII)
2. Personally appear before the Probate Court after the birth of the child to sign the Consent to Adoptive Placement and the Consent to Adoption. (Forms IV and VIII)
3. Sign an Agreement for Temporary Custody with the child-placing agency so the infant can be placed in an approved foster home, pending completion of the Adoptive Home Study.
4. Sign the necessary forms required by the hospital to enable the infant to be transferred by the Social Services' worker from the hospital to an approved foster home. (If either birth parent or a relative of either birth parent is able to care for the child during this interim period, foster care may not be necessary.)
5. In this county, the placement of the infant being surrendered shall be in strict compliance of statute; with either birth parent; with a relative of either birth parent; or in an approved licensed foster home.

B. The Hospital shall:

1. Alert the child-placing agency when the child is born and the mother has made her decision to surrender the baby.

2. Provide the documents necessary for the surrendering mother to sign so the baby can be released to the child-placing agency representative.

C. The Adoptive Parents shall:

1. Cooperate with the child placing agency to complete their home study, which must include at least three separate interviews, complete physical for all family members, police check, four reference letters, psychological evaluations done by a licensed psychologist for both adoptive parents, and an explanation of their reasons for adopting, social and financial readiness, and an understanding of the adoption process.

D. The Child Placing Agency shall:

1. Complete the Adoptive Home Study within two (2) months from the date of the acceptance of Application for Approval of Placement hearing in Probate Court. The Home Study shall include a recommendation regarding the placement.
2. Submit the home study to Probate Court with:
 - a) The Social/Medical History obtained from each surrendering parent, together with a summary of why this child is being surrendered for adoption, and a description of the present circumstances.
 - b) A brief summary of the child's developmental history.

E. The Probate Court shall:

1. Schedule an Adoptive Placement hearing when all necessary documents are on file with the Court, to wit:
 - a) Petition for Approval of Placement
 - b) Application for Proposed Placement
 - c) Affidavit of Right to Contest the Adoption
 - d) Affidavit of Pending Litigation (Custody)
 - e) Counseling Verification Form
 - f) Judgment Entry ordering the child-placing agency to complete the Home Study

- g) Surrender of Rights signed by both birth parents or notice to non-appearing parent
- h) Consent to Adoption
- i) Consent to Adoptive Placement
- j) Completed Home Study and recommendations filed by the child-placing agency, together with Social/Medical History from the birth parents, and a developmental history of the child

- 2. Continue with counseling, if the service is requested.

B. The Adoptive Parents shall:

- 1. Receive the child from the child-placing agency and be given complete Social/Medical information for the child and non-identifying Social/Medical information for the child's extended family, as it is known.
- 2. Provide a stable and loving home for the child with proper medical care and a suitable environment for the nurture and development of the child.
- 3. Maintain scheduled visits with the Social Services' worker and share information and questions with her.
- 4. File the Petition for Adoption through their attorney after the statutory six-month placement period is satisfactorily completed.

C. The Child-Placing Agency shall:

- 1. Continue counseling the birth parents, as needed. Provide information to the birth parents regarding registration with the Ohio Department of Health if they wish to be contacted by the child when he/she is 21 years of age. The birth parents should also be made aware of the procedure to share future social and medical information that would pertain to the child.
- 2. Visit the adoptive home at least three (3) separate times during the six-month placement period and in addition, maintain monthly contact with the adoptive parents.

3. Prepare the Report on Proposed Adoption for the finalization hearing. (Form XI)

D. The Probate Court shall:

1. Schedule a finalization hearing after the Petition for Adoption, Certificate of Adoption, and Petitioner's Account are filed along with the original Birth Certificate. Notify the petitioner's attorney and the child-placing agency of the date of said hearing. (Forms XII, XIII, XIV, and XV)
2. Hold a hearing to finalize the adoption proceedings. Both the adopting parents and the child are required to attend the hearing, as well as the caseworker from the child-placing agency. Social/Medical History and the Request for Notification Forms are required to be given to the adoptive family. (Forms XVI and XVII)

IN THE COMMON PLEAS COURT OF ERIE COUNTY, OHIO

PROBATE DIVISION

IN THE MATTER OF : Independent Adoption
THE UNBORN CHILD OF: : CASE NO. _____
: PETITION FOR APPROVAL OF
_____ : PLACEMENT BY ADOPTING
: PARTY OR PARTIES

::::::::::::::::::::

Now comes

Name Address

Name Address

by and through their attorney _____, to petition
the Court for approval of the placement of the unborn child of
_____ with them for the purpose of adoption.

The Petitioners are requesting that an independent
investigation by a person, association or institution certified by
the Ohio Department of Human Services to place children for legal
adoption as required by Sections 5103.02 and 5103.03 of the Ohio
Revised Code, be initiated to determine whether the placement of
the unborn child of _____ with your
Petitioners should be approved and recommended.

We further state that we are aware of our responsibility for
medical, hospital and agency expenses incurred by the surrendering
mother in connection with the prenatal care and confinement or with
the birth of the minor to be adopted as required by Section 3107.10
and Section 5103.16 (c) of the Ohio Revised Code.

Date _____

IN THE COMMON PLEAS COURT OF ERIE COUNTY, OHIO

PROBATE DIVISION

IN THE MATTER OF : Independent Adoption
THE PLACEMENT FOR ADOPTION OF : CASE NO. _____
THE UNBORN CHILD OF : APPLICATION FOR PROPOSED
_____ PLACEMENT
: Pursuant to ORC
: Section 5103.16

.....

I, the undersigned _____ and _____

_____ Address

_____ Address

apply to the Erie County Probate Court for approval of the proposed placement of my/our unborn child, expected to be born on or about, or having been born on _____, 19____ for the purpose of Adoption. Applicant _____ states that she is _____ years of age and resides _____

_____ Street and Number

_____ City

_____ State

_____ Zip code

Applicant states that he is _____ years of age and resides at

_____ Street and Number

_____ City

_____ State

_____ and is the imputed father of said child.
Zip Code _____

It is proposed by your Applicant (s) to place the child for the purpose of adoption with:

_____ of _____
Name Address

This application has been made after a full consideration of all the options available and is made voluntarily and with a full understanding of all the implications of this application for placement. I (we) have been advised with regard to the full effect in law of the filing of this Application for Placement and understand that it is being made for the purpose of having my (our) child placed for adoption with the person/persons I (we) have chosen.

I (we) further represent that I (we) have been fully advised of my legal rights with regard to this Application for Placement for adoption and the full effect thereof by my/our attorney, _____ or have waived my (our) right to legal counsel.

I understand that when the adoption proceeding is completed in its entirety, that it will be final and all rights and obligations existing with regard to said child as they apply to me (us) will be fully terminated and that adoption of my (our) child will be irrevocable.

Furthermore, there has not been and are not contemplated to be any monies to be received by me (us) or paid to me (us) in consideration of the filing of the Application and the only expenses that are being paid by the adopting parents are those provided by law.

Attached to this Application is a statement, in Affidavit form, required by the Ohio Revised Code, Section 5103.16A wherein I (we) state that I (we) are aware of the right to contest the decree of adoption, subject to limitations of the Ohio Revised Code, Section 3107.16.

I (we) request, therefore, that this matter be set for hearing and that an independent investigation of the proposed placement be conducted as provided in the Ohio Revised Code, Section 3107.12.

Date

Father of Child

Place

Mother of Child

IN THE COMMON PLEAS COURT OF ERIE COUNTY, OHIO

PROBATE DIVISION

IN THE MATTER OF : Independent Adoption.
THE UNBORN CHILD OF : CASE NO. _____
_____ : AFFIDAVIT OF RIGHTS

::::::::::::::::::::

I, _____, make the following statement, under oath,
pursuant to the Ohio Revised Code, Section 5103.16 (A):

I am the mother/father (circle one) of a child, yet to be
born, and reside at _____
Street and No City and State Zip Code

As the mother/father of a child, I have the right to keep or
to relinquish my child and if I so decide, I have the right to
contest the adoption of my child, pursuant to Chapter 3107 of the
Ohio Revised Code, subject to limitations of the Ohio Revised Code,
Section 3107.16.

I further understand that if I do not consent to the adoption
of my child, that I will be afforded full right and opportunity to
be heard on the adoption, to be represented by counsel, to call
witnesses and to present any and all legal issues pertinent to the
case, to the Probate Court.

I further understand that upon the expiration of one year
after an Adoption Decree is issued for my child that the decree is
final and irrevocable so that I have no right to contest it in any
manner or upon any grounds whatsoever including but not limited to
fraud, misrepresentation, failure to give any required notice or
lack of jurisdiction.

I further understand that this placement is the first step in
an adoption and that a final adoption of my child by the
prospective adoptive parents will finally and forever terminate any
parental rights I may have.

I further agree to execute any and all consent forms necessary
for said adoption.

I further represent and understand that I have been
represented by _____ and that said attorney has
Attorney's name

advised me in detail of my rights and of the legal consequences of

executing this Affidavit and the Application for Proposed Placement, pursuant to the Ohio Revised Code, Section 5103.16 to which this affidavit is attached, and I voluntarily sign the same, knowing the full affect and consequences of my signature and placement of this child for adoption.

Date

executing this Affidavit and the Application for Proposed Placement, pursuant to the Ohio Revised Code, Section 5103.16 to which this affidavit is attached, and I voluntarily sign the same, knowing the full affect and consequences of my signature and placement of this child for adoption.

Date

IN THE COMMON PLEAS COURT OF ERIE COUNTY, OHIO

PROBATE DIVISION

IN THE MATTER OF : Independent Adoption
THE PLACEMENT FOR ADOPTION OF : CASE NO. _____
_____ : CONSENT TO PLACEMENT
FOR ADOPTION

::::::::::::::::::::

The undersigned, _____, represents that
he/she is qualified to consent to the placement for adoption of the
child of _____ born _____,
Name of Mother/and or Father

and consents to the placement for adoption of the child as proposed
in the Application for Placement filed herein by

Name of Mother and/or Father

I hereby waive notice of the hearing on the Application for
Placement filed in this cause.

The undersigned further represents that this Court has final
jurisdiction to determine whether said placement is in the best
interest of said child, and there has been no promises made to
me/us that said Application for Placement will be approved.

Father

Mother

IN THE COMMON PLEAS COURT OF ERIE COUNTY, OHIO

PROBATE DIVISION

IN THE MATTER OF : Independent Adoption
THE ADOPTION OF: : CASE NO. _____
_____ : Pending Litigation
(Custody)
: AFFIDAVIT

::::::::::::::::::::

Affiant, being first duly sworn, says:

(1) That the child's current address, places where the child has lived within the last five (5) years and the names and current addresses of the person(s) with whom the child has lived during that period are:

From _____ to _____ with _____
Name

Address

From _____ to _____ with _____
Name

Address

Attach a separate sheet of paper, if necessary.

(2) The affiant has/has not (circle one) participated as a party, witness, or in any other capacity in any litigation concerning the custody of the child to be adopted, in this or any other state, in Family Court or Juvenile Court.

Pending litigation: _____

(3) That affiant has no knowledge of any person not a party to the proceeding who has physical custody of said child or claims to have custody or visitation rights with respect to said child.

Said affiant states that all of the foregoing statements are true.

Parent Holding Custody of Child

Sworn to before me and subscribed in my presence this ____ day of _____, 19____.

Notary Public/Deputy Clerk

IN THE COMMON PLEAS COURT OF ERIE COUNTY, OHIO

PROBATE DIVISION

IN THE MATTER OF

:

Independent Adoption

THE PLACEMENT OF

:

CASE NO. _____

:

ENTRY FIXING TIME FOR
HEARING AND ORDERING

:

INVESTIGATION

::::::::::::::::::::

This cause came on to be heard on an application filed for the approval of the proposed placement of the child for adoption.

It is, therefore, ORDERED that the application be set for hearing on _____, 19____ at _____.M., and the Court appoints the Erie County Department of Human Services to make an independent investigation of the proposed placement conducted as provided in O.R.C. Section 3107.12 and file a report thereof with the Court.

JUDGE

Date

COUNSELING VERIFICATION

I, _____, (mother/father) of
_____ born on _____
_____ (Month) _____ (Day)
_____ have been informed of my rights concerning the surrender of
(Year)

my child for adoption. I have reviewed the options available to
me with my social worker _____
of _____, and I am satisfied that I have
made the best decision possible for my child. I have not received
pressure from any other person or agency of the Court and have made
this decision of my own free will as being in the best interests
of my child.

Date

SOCIAL WORKER'S STATEMENT

I have met with _____
(Surrendering Parent's Name)

_____ times (give dates) _____
and have explained to him/her the options available to him/her
in surrendering his/her child for adoption or in keeping his/her
child. I believe he/she understands the choices that are open to
him/her and both the social and legal consequences of his/her
decision.

Social Worker

Agency

Date _____

IN THE COMMON PLEAS COURT OF ERIE COUNTY, OHIO

PROBATE DIVISION

IN THE MATTER OF THE
PLACEMENT FOR ADOPTION OF

:
: Independent Adoption

:
CASE NO. _____

:
PERMANENT SURRENDER
OF CHILD

::::::::::::::::::::

The undersigned, _____, residing
Name

at _____
Street City State Zip Code

states that _____ is the _____ of
he/she Mother/Father

_____ born _____
Child Month Date Year

at _____ in _____
Hospital City County

_____ states that _____
State Name he/she

desires to place said child for the purpose of adoption, and that
it is in the best interest of said child as _____ is not able to
he/she

care for said child in the means and manner which are in the
child's best interest.

The undersigned hereby agrees to permanently surrender said
child and understands that by doing so, all parental rights will
be terminated and _____ will now and forever be freed of all
he/she

contracts, legal rights, and obligations as parent of said child.
It is understood that the adoption of said child is an irrevocable
act and approval of this form by _____ is a knowing and voluntary
him/her
act.

Name

State of Ohio
 SS:
County of Erie

_____, being first duly sworn, deposes and says that the statements contained in the foregoing permanent surrender are true, as he/she verily believes, and that the filing of the foregoing waiver is her voluntary act and deed for the uses and purposes therein mentioned.

PROBATE DIVISION

• • • • •

JUDGE

July 1, 1991

Received of the Erie County Common Pleas Court, Probate
Division, Rules of Court this _____ day of _____, 1991.

SUPREME COURT OF OHIO