

CHECKLIST
Initial Filing
Full Estate Administration – Testate (with Will)

FILING FEE

\$229

REQUIREMENTS

The decedent must have been a resident of Fairfield County, Ohio at the time of death, or owned real estate in Fairfield County.

Note: *All paperwork must be typed or written neatly in blue ink.
All filings must be single-sided. We will not accept double-sided originals.
Please do not staple original paperwork. We cannot accept filings with staples.*

INITIAL FILING

- Self-Representation Acknowledgment (FC Form 75.1) *If applicable*
 - o This form **must** be filed if applicant is not represented by an attorney.
- Contact Information Form (FC Form 75.3-A)
- The **original** Last Will and Testament of decedent
- Application to Probate Will (Form 2.0)
- Entry Admitting Will to Probate (Form 2.3)
- Waiver of Notice of Probate of Will (Form 2.1) *If applicable*
 - o If people on front and back of form 1.0 all waive notice, then these can be filed with the initial filing.
- Certificate of Service of Notice of Probate of Will (Form 2.4) *If applicable*
 - o This can be filed with the initial filing if everyone on the front and back of the form 1.0 waives notice. If they are to be served notice, then you must wait until you have proof of service before filing this. Green Card service required.
- Application for Authority to Administer Estate (Form 4.0)
 - o If Applicant is a non-resident, see Local Rule 60.3 for the required forms.
- Surviving Spouse, Children, Next of Kin, Legatees and Devisees (Form 1.0)
 - o If there is Surviving Spouse, make sure a box at the bottom of the form is marked
- Entry Appointing Fiduciary; Letters of Authority (Form 4.5)
- Fiduciary Acceptance (FC Form 60.2-B)
- Photocopy of the death certificate – with the social security number marked out
- Waiver of Right to Administer (Form 4.3) or (FC Form 4.3-A) If applicable*
 - o If fiduciaries named in the Will cannot act as fiduciary, the people with equal priority to serve as applicant need to waive:
 - Must be an Ohio resident to serve as Administrator with will annexed. No waivers needed from anyone out of state.
 - If the surviving spouse is the applicant, then we do not need waivers from anyone.
 - If there is not a surviving spouse, or surviving spouse is not the applicant, and there is more than one person on the front page of Form 1.0, then everyone other than the applicant needs to waive: Example: no spouse and 5 children in Ohio – one is applicant and the other 4 waive.
- Notice of Citation of Hearing on Appointment of Fiduciary (Form 4.4) *If applicable*
 - o Applicant will fill out the names and addresses of every person that has not waived notice of hearing and the Clerk's office will attempt service.(Ohio residents only).
- Fiduciary's Bond (Form 4.2) *If applicable*

If there is a Surviving Spouse:

One of the following actions **must** be filed regarding surviving spouse's elective rights;

If spouse waives notice of service of citation to elect:

- Waiver of Service to Surviving Spouse of the Citation to Elect (Form 8.6)

OR

If spouse is to be served with notice:

- Citation to Surviving Spouse to Exercise Elective Rights (Form 8.0)
 Summary of General Rights of Surviving Spouse (Form 8.3)
 Certificate of Service and Notice of Citation to Surviving Spouse to Exercise Elective Rights (Form 8.4)
 Return for Certificate of Service of Citation to Surviving Spouse to Exercise Elective Rights (Form 8.5)

ELECTION OF A SURVIVING SPOUSE

Within 5 months of the date of appointment, one of the following must be filed.

Either

- Election of Surviving Spouse to Take Under the Will (Form 8.1) OR
 Election of Surviving Spouse to Take Against the Will (Form 8.2)
 o If taking against the Will, an appointment must be made with the Judge to make this election.

Note: If nothing is filed at the expiration of 5 months, then the Court will issue an Entry stating the 5 month period to make an election has expired, and the spouse shall take by operation of law.