

Checklist
Estate – Admission of Lost, Spoliated or Destroyed Will to Probate

Filing Fee

\$25.00 in addition to cost of filing estate action.

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 neatly written 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)
- Copy of the Last Will and Testament of decedent or document listing the contents of the will proposed for admission to probate and the original or copy of any prior Will that is known to the applicant
- Application to Probate Lost, Spoliated, or Destroyed Will (FC Form 100.3-A)
- Acknowledgment and Waiver of Notice of Application on Lost, Spoliated, or Destroyed Will (FC Form 100.3-B) *If applicable*
 - o If everyone on the 1.0 signs, no notices will need to be issued unless there is a prior Will provided which lists individuals that are not listed on the 1.0 (who may also acknowledge and waive notice of the application)
- OR
- Notice of Application to Admit Lost, Spoliated, or Destroyed Will to Probate (FC Form 100.3-C) *If applicable*
 - o Anyone listed on the 1.0 and anyone named in a prior Will provided which lists individuals that are not listed on the 1.0, who does not sign an Acknowledgment and Waiver of Notice of Application will need to be served. Applicant will fill out the names and addresses of every person that has not waived notice of hearing and either provide notice to the persons via certified mail or personal service.
- Affidavit of Witness to Execution of Will (FC Form 100.3-D)
 - o Witnesses who have not executed Affidavits will need to be subpoenaed to appear at the hearing on the Admission of the Lost, Spoliated or Destroyed Will to Probate.
 - o Praecipe for Subpoena (FC Form 106.2-A)
 - o Subpoena (FC Form 106.2-B)
 - If the Court is to serve the Subpoenas, then each Subpoena must be fully prepared and properly addressed to the persons listed. If the Subpoenas are served directly by the Attorney, a copy of each Subpoena must be filed with a copy of the return 5 business days prior to the hearing to evidence proper service.
- Judgment Entry Setting Hearing (FC Form 100.3-E)
- Surviving Spouse, Children, Next of Kin, Legatees and Devisees (Form 1.0)
- Entry Admitting Lost, Spoliated, or Destroyed Will (FC Form 100.3-F)

Paperwork to open a estate action must also be submitted at the time of filing.