

## **Checklist** **Summary Release of Estate**

### Filing Fee

Court Costs: \$139.00

### Requirements

This proceeding may only be used in one of the following situations:

1. There is a surviving spouse entitled to the entire family allowance; and  
The surviving spouse paid or contracted to pay the funeral bill; and  
The assets do not exceed \$40,000 plus \$5,000 (for reimbursement for funeral)  
Note: If the funeral bill was prepaid, a surviving spouse may still do a summary release but the assets cannot exceed \$40,000

OR

2. The applicant (who is not the surviving spouse) paid or contracted to pay the funeral bill; and  
The assets do not exceed \$5,000; and  
Funeral expenses are equal to or exceed the amount of assets.

For more detail on these requirements, see Ohio Revised Code 2113.031.

For dates of death prior to October 12, 2006, funeral expenses reimbursement cannot exceed \$2,000

**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)
- Application for Summary Release from Administration (Form 5.10)
- 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 Granting Summary Release from Administration (Form 5.11)
- Copy of funeral bill showing paid and/or executed contract for payment of funeral and burial expenses
  - o Applicant must be named on the bill as the person who paid the bill.
  - o If the body was donated, evidence of the donation must be provided.
- Photocopy of the death certificate – with the social security number marked out
- Original Last Will and Testament *If applicable*
  - o This will be filed for record purposes only.

*If automobile is being transferred, proof of the value of the automobile must be provided.*

*If Real Estate is being transferred:*

- Application for Certificate of Transfer (Form 12.0)
- Certificate of Transfer (Form 12.1)
  - o If property is located in Fairfield County, this must have the Auditor's approval stamp on the legal description before being filed in Probate Court.
- Proof of Valuation:
  - o You can use (1) a print out of tax value from the County Auditor's Website or (2) a formal Appraisal. If you file the appraisal you must first file Appointment of Appraiser (Form 3.0).

*For dates of death prior to January 1, 2013: a form ET 22 is required and is available from the Ohio Department of Taxation*