COURT OF COMMON PLEAS
PROBATE DIVISION
VAN WERT COUNTY, OHIO

LOCAL COURT RULES OF PRACTICE

(Effective November 4, 2026)

EVA J. YARGER, JUDGE

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PREAMBLE

The Probate Court of Van Wert County, Ohio adopts The Local Court Rules of Practice pursuant to Superintendence Rule (Sup .R.) 3.00 to facilitate the expeditious management of proceedings and the efficient performance of the Court's functions. The Court adopted the local rules after notice and an opportunity for comment on them. The Court has filed a copy with the Clerk of the Supreme Court of Ohio. These rules of practice supersede prior rules of practice and have an effective date of November 4, 2026.

For ease of reference, and pursuant to Civ. R. 73.25, the numbering system used in these local rules and on the local forms follow that used by the Supreme Court of Ohio in the Rules of Superintendence, the Rules of Civil Procedure, and the Supreme Court Rules of Practice, wherein, the Supreme Court has adopted rules having specific application to the administration of cases within the jurisdiction of Ohio's Probate Courts. Any exceptions to Civ. R. 73.4 to 73.29 are made pursuant to Civ. R. 73.26. All references to rules are to statewide rules governing the courts of Ohio adopted by the Supreme Court of Ohio, unless otherwise identified.

These Local Rules must be read in conjunction with the Superintendence Rules that they supplement.

These rules shall be known as Local Rules of Practice of the Probate Court of Van Wert County, Ohio and referred to as "Loc.R. ____". Local forms adopted in conjunction with these local rules are referred to as "Loc. F. ___".

Pursuant to R.C. 1.01, references to the "R.C." are to the Ohio Revised Code.

LOC. R. 3.02 JURY MANAGEMENT

All jury trials in Van Wert County Probate Court are governed by the jury management procedure of the General Division of the Van Wert County Court of Common Pleas. All jury trial requests shall be in compliance with Civ. R. 38 and 39.

(Sup. R. 3.02).

LOC. R. 3.04 REPORTING TO LAW ENFORCEMENT & COMPLIANCE PLAN

A. The Court has a duty to ensure complete, accurate, and timely submission of information into the state's computerized criminal history repository at the Bureau of Criminal investigation (BCI), the Ohio Law Enforcement Automated Data System (LEADS), and other law enforcement databases.

B. The Court, in collaboration with the clerk of court, law enforcement agencies, and any other applicable justice system partners, will develop a Reporting to law Enforcement & Compliance Plan.

C. The Reporting to Law Enforcement & Compliance Plan will identify procedures and timelines for:

    1. Reporting information regarding mental health adjudications as prescribed by the Revised Code and Supreme Court rules, including R.C. 5122.311(A); and

    2. Maintaining complete and accurate records in accordance with 18 U.S.C. 922 (g), the Revised Code, including R.C. 2923.13, and Supreme Court rules in the event of an audit by the Federal Bureau of Investigation, BCI, or state or local auditors.

D. The Court will review the Reporting to Law Enforcement & Compliance Plan every three years from its adoption date.

(Sup. R. 3.04)

LOC. R. 6.02 MEDIATION

A. **Adoption**. The Court adopts this rule, effective January 1, 2007, as amended, effective January 1, 2025. Through this rule, the Court incorporates by reference R.C. 2710 "Uniform mediation Act (UMA), R.C. 3109.052 Mediation of Differences as to Allocation of Parental Rights and Responsibilities, and Rules 6.01 – 6.06 of the Supreme Court of Ohio Rules of Superintendence.

B. **Purpose**. Court-sponsored mediation has been established to promote greater efficiency and public satisfaction for the earliest possible resolution of cases.

C. **Cases Eligible for Mediation**. Subject to the exceptions listed below, the Court has discretion to encourage parties to use mediation in any civil action filed in this court. A case may be submitted to mediation as provided in this rule. The Court may issue an order for mediation on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator. Mediation is prohibited in the following cases:

1. As an alternative to the prosecution or adjudication of domestic violence, pursuant to R.C. 2919.25, 2919.26, 2919.27, and 3113.31; however, nothing in this provision shall prohibit mediation in the following circumstances:

   a) In a subsequent divorce or custody case, even though the case may result in the termination of the provisions of a protection order pursuant to R.C. 3113.31;

   b) A juvenile delinquency case.

2. In cases involving protection orders, the Court may not use mediation as a way to determine whether to grant, modify, or terminate the protection order, to terminate the terms or conditions of a protection order, or in determining the penalty for violation of a protection order.

D. **Referral Process**. The Court, on its own motion, or the motion of any of the parties, may refer disputed issues to mediation in whole or in part by a "Notice of Scheduled Mediation" which shall, at a minimum, indicate the date, time, place and contact information of the mediation.

E. **Required Disclosures by the parties**. The parties and their counsel must disclose the following information, and must participate in any screening required by the Court, if the opposing parties are:

1. Related by blood, adoption or marriage;
2. Have resided in a common residence; or
3. Have known or alleged domestic abuse at any time prior to the mediation.

F. **Eligibility of Cases**. The mediator shall determine the eligibility and appropriateness of each referral prior to the commencement of the mediation process and may decline any referral that is deemed inappropriate.

G. **Mediator Training and Education**. A mediator shall meet the qualifications and all training requirements of Sup. R. 6.01 through Sup. R. 6.06.

H. **Procedures**.

1. Duties of the Court.

   a) The Court shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, encouraging appropriate referrals to

legal counsel and other support services such as Children Services, domestic violence prevention, counseling, substance abuse, and mental health services.

b) If a Court determines that mediation should be ordered and the case is deemed appropriate by the mediator, mediation shall be scheduled. A mediator may meet with the parties individually prior to bringing the parties together for any reason. If necessary and mutually acceptable for the resolution of the issues, the mediator may schedule multiple mediation sessions.

2. Participation by parties and non-parties.

a) Parties to informal cases may voluntarily attend mediation sessions.

b) Parties who are ordered into mediation in formal cases shall attend scheduled mediation sessions. The Court may order parties to return to mediation at any time in formal cases. Fees may be charged for non-attendance.

c) The Court and/or the mediator may require the attendance of the parties' attorneys at mediation sessions if the mediator deems it necessary and appropriate.

d) If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute but has not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the Court.

e) By participating in mediation, a non-party participant agrees to be bound by this rule and submits to the Court's jurisdiction to the extent necessary for the enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B)(3) and R.C. 2710.04(A)(2).

3. Confidentiality. Except as provided below, all mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act. Mediation communications are confidential. No one shall disclose any of these communications unless all parties and the mediator consent to the disclosure. This Court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should first be addressed with the mediator. These provisions apply to the parties and any non-party participant, as provided in Section (H)(2), above. All mediation communications are confidential, except for the following:

a) Parties may share all mediation communications with their attorneys;

b) Threats of abuse or neglect of a child or an adult;

c) Statements made during the mediation process to plan or hide an ongoing crime;

d) Statements made during the mediation process that reveal a felony.

4. Mediator Conflicts of Interest. In accordance with R.C. 2710.08(A) and R.C. 2710.08(B), the mediator shall disclose to all parties, counsel, and, if applicable, any nonparty participants any known possible conflicts that may affect the mediator's impartiality as soon as such conflict(s) become known to the mediator. If counsel or a party request that the mediator withdraw because of the information disclosed, the assigned mediator should withdraw and request that the Court appoint another mediator. The parties shall be free to retain the Mediator by an informed, written waiver of the conflict of interest.

5. Termination. If the mediator determines that further mediation efforts would be of no benefit to the parties, the mediator, in writing, shall inform all interested parties and the Court that the mediation is terminated.

6. Stay of proceedings. All remaining Court orders shall continue in effect. No order is stayed during the mediation process except by a written court order. Mediation shall not stay discovery, which may continue through the mediation process in accordance with applicable rules, unless agreed upon by the parties and approved by the Court.

7. Continuances. It is the policy of this Court to determine matters in a timely way. Continuance of a scheduled mediation shall be granted only for good cause shown after a mutually acceptable future date has been determined. The mediation may be continued by the mediator or the Court. Except as authorized by the Court, the existence of pending motions shall not be good cause for a continuance.

8. Guardian ad Litem. A guardian ad litem for the child shall be appointed by the Court and shall participate in the mediation if any of the following circumstances apply:

a) The child in the proceeding was the subject of a prior abuse or neglect action;

b) In all cases where one of the parties was the perpetrator of an act which resulted in an adjudication that any other child was abused or neglected; and

c) In any case where the Mediator believes it to be in the best interest of the child.

9. Mediation Reports, Memorandums of Understanding, and Agreements.

a) Pursuant to R.C. 2710.06, at the conclusion of a mediation session, the mediator shall inform the Court of the status of the mediation, including all of the following:

(1) Whether the mediation occurred or was terminated;

(2) Whether a settlement was reached on some, all or none of the issues;

(3) Attendance of the parties; and

(4) Any future mediation schedule, including the date and time.

b) The mediator, the parties or counsel may immediately prepare a written memorandum of understanding, which memorializes the agreement reached by the parties.

(1) The memorandum of understanding may be signed by the parties and counsel.

(2) A signed memorandum of understanding is not privileged pursuant to R.C. 2710.05(A)(1).

(3) The memorandum of understanding may become a written order of the Court after review and approval of all parties and their attorneys, if any.

c) No oral agreement by counsel or parties or an officer of the Court will be regarded unless made in open court.

I. **Fees and costs**. Mediation is sponsored by the Court and is available to the parties at no cost. Failure of a party to attend mediation may result in the Court assessing a fee against the party.

J. **Sanctions**. If any individual ordered by the Court to attend mediation fails to attend mediation without good cause, the Court may impose sanctions which may include, but are not limited to, the award of attorney's fees and other court costs, contempt, or other appropriate sanctions at the discretion of the Court.

K. **Evaluation**. It is the policy of the Court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely and flexible that maintains the trust and confidence of the people. Any mediation participant may submit written comments, complaints, or feedback regarding the performance of any Court-referred mediator.

(Sup. R. 6.02)

LOC. R. 8.31 GUARDIANSHIPS

A. The court will not accept for filing any guardianship for a minor where the only purpose of 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.

B. The court will not accept for filing any guardianship for a minor when parents are living, except for guardianship of Estate purposes. This would be considered a custody matter for Juvenile Court.

C. Upon the issuance of Letters of Guardianship, all Powers of Attorney in existence shall be ordered voided, unless otherwise ordered by the Court.

(Sup. R. 8.31)

LOC. R. 8.33.1 EMERGENCY GUARDIANSHIP

Consistent with Rule 8.33(A) of the Rules of Superintendence for the Courts of Ohio, the following process is established for emergency guardianships in Van Wert County.

In general, the following forms shall be completed and filed with the Court.

1. Required pleadings:
   Motion for Appointment of Emergency Guardian
   Judgment Entry Appointing Emergency Guardian
   Affidavit of Guardian Applicant
   17.1 Statement of Expert Evaluation
   17.1A Supplement for Emergency Guardian of Person
   15.4 Letters of Guardianship

The powers of an emergency guardian shall be limited to those powers that are necessary to prevent injury to the person or estate of the minor or incompetent.

At the time of filing, a filing fee of $350.00 is required. This filing fee may be waived if an Affidavit of Indigency is filed with the Court and the Court declares the guardianship indigent.

As provided by statute, the initial emergency guardianship is granted for seventy-two hours. A motion to extend an emergency guardianship for an additional thirty days may be filed. A Motion for 30-Day Extension may be completed and filed within the seventy-two-hour emergency guardianship period.

Except for good cause shown, the proposed ward shall be notified by the applicant as soon as possible of the appointment of an emergency guardian.

(Sup. R. 8.33)

LOC. R. 8.33.2 GUARDIAN PERFORMANCE

A. Consistent with Sup. R. 8.33(B) of the Rules of Superintendence for the Courts of Ohio, the Van Wert County Probate Court establishes the following process for submitting comments or complaints regarding the performance of guardians appointed by the Court and for considering such comments and complaints.

B. Comments or complaints regarding the performance of guardians appointed by this Court shall be submitted in writing to this Court c/o the Deputy Clerk by any of the following means:

- Electronic mail to: probate@vwprobjuvcourt.com
- Regular U.S. mail to Van Wert County Probate Court, 108 E. Main St. Van Wert, Ohio 45891
- Hand delivery to the Van Wert Probate Court Clerk's Office at 108 E. Main St. Van Wert, Ohio.

The person making the comments or complaints shall provide the Court with their name and address so that the Court may notify said person of any hearing dates and/or the disposition of said comments or complaints.

C. Upon receipt of a comment or complaint, the Court will provide a copy to the guardian who is the subject of the comment or complaint. Time permitting, the guardian may be given the opportunity to respond to the comment or complaint.

D. The comments or complaints will then be forwarded to the Probate Court Judge for prompt consideration and appropriate action, if any is necessary.

E. Any comments or complaints submitted to this Court regarding the performance of guardians appointed by this Court shall be filed and made part of the record, including the disposition of said comments or complaints.

F. The Court shall notify the person making the comments or complaints and the guardian of the disposition of the comments or complaints.

G. The court shall maintain a record regarding the nature and disposition of the comments or complaints.

(Sup. R. 8.33)

LOC. R. 8.35 RESPONSIBILITIES OF COURT ESTABLISHING GUARDIANSHIPS

A. Criminal background check shall be conducted on a proposed guardian and the results of said background check shall be filed with the Court prior to the hearing on the Application for Appointment of Guardian of Alleged incompetent.

B. If the applicant to be appointed guardian has resided in the State of Ohio for five (5) years immediately preceding the filing of said application, said background check shall be conducted by the Ohio Bureau of Criminal Identification and Investigation and the results of said background check shall be filed with the Court prior to the hearing on the Application for Appointment of Guardian of Alleged incompetent. Said results shall be dated within one year preceding the filing of the Appointment of Guardian of Alleged Incompetent.

C. If the applicant to be appointed guardian has not resided in the State of Ohio for five (5) years immediately preceding the filing of said application, said background check shall be conducted by the Ohio Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation and the results of said background check shall be filed with the Court prior to the hearing on the Application for Appointment of Guardian of Alleged Incompetent.

D. The fees or costs of any criminal background check required by this rule shall be the responsibility of the applicant, and may be reimbursed to the applicant with guardianship funds once the guardianship is established and the inventory filed (provided that the guardianship is for the war's estate). If the proposed ward is indigent, as evidenced by the filing of an Entry approving a Financial Disclosure/Affidavit of Indigency of Proposed Ward, said applicant may move the Court for reimbursement of said fees or costs by providing the appropriate motion and original receipt confirming applicant's payment of said fees or costs for a criminal background check.

E. If the applicant to serve as a guardian is an attorney, a certificate of good standing with disciplinary information issued by the Supreme Court shall be accepted by the Court in place of a criminal background check.

(Sup. R. 8.35)

LOC. R. 8.38 DEPOSIT OF WILLS

The guardian must deposit with the attorney for guardianship any and all wills of the ward for safekeeping pursuant to R. C. section 2107.07. The attorney shall place the will in either the attorney's fire proof will safe or a safety deposit box and shall file a notice with the court of receipt of any wills. Neither guardian or attorney shall open any sealed envelopes purporting to contain a will.

(Sup. R. 8.38)

LOC. R. 14.10 SECURITY PLAN

The entire Security Plan previously submitted to the Supreme Court of Ohio, or as hereafter amended, is to be maintained as confidential and not as a matter of public record.

(Sup. R. 14.10)

LOC. R. 73.3 COMPUTER GENERATED FORMS

Computer generated forms must comply with the specifications and format required by the Rules of Superintendence. The signature of the applicant or attorney constitutes a certificate that the computer-generated forms comply with the rules.

All computer-generated forms presented for filing must be generated with the exact wording as well as blank lines as they appear in the uniform forms.

(Civ. R. 73.3)

LOC. R. 73.4 LOCAL HOURS OF THE COURT

The Probate Court and its office shall be open for the transaction of business from 8:30 A.M. to 5:00 P.M. Monday, and 8:30 A.M. to 4:00 P.M., Tuesday through Friday. The Probate Court shall be closed on Saturday, Sunday, Legal Holidays (as designated by the County Commissioners), and at such times as the Judge deems necessary and proper.

If the court is closed due to an emergency, all filings due on that date shall be considered timely if filed the next open business day. If business hours are reduced due to budget constraints, or if the office is closed an entire day, then any filings due on that date shall be considered timely if filed the next open business day.

(Civ. R. 73.4)

LOC. R. 73.5 CONDUCT IN THE COURT

1. **Proper Decorum**. Proper decorum in the court is necessary to the administration of the court's function. Any conduct that interferes with or tends to interfere with the proper administration of the court's business is prohibited.

2. **Recording Proceedings**. No person in the Courthouse shall use any recording device without prior approval from the Court, (other than a device used by a court reporter making a record in the proceeding). No person shall take pictures or video without the express consent of the Court in advance and pursuant to Sup. R. 12.

3. **Prohibited Items**. Food and beverages are prohibited in the courtroom during all hearings, except for water with the consent of the Judge or Magistrate. Smoking and/or vaping is prohibited throughout the building at all times.

4. **Cell Phone Use**. Upon entering the courtroom, all persons, including counsel, shall discontinue all cell phone use and cell phones are to be on a setting that will not emit a sound during the proceedings. Cell phones may only be used at the direction of the Judge or Magistrate and may not distract from Court proceedings. Cell phones may not be used to record the proceedings and may not be used to take photographs during the proceedings.

5. **Conduct**. All parties and all attorneys shall appear on time to any hearing scheduled in their case and shall be prepared to conduct the business of that hearing.

6. **Notifying the Court When Party or Counsel Will Be Late**. When a party or counsel is going to be late for a hearing, all reasonable efforts shall be made to notify the Court as soon as practical to explain the reason and provide an anticipated time of appearance.

7. **Courtroom Attire**. All persons appearing in court shall have appropriate attire. The Judge or Magistrate shall have sole discretion to determine inappropriate attire. All parties and all attorneys shall dress in a manner respectful of the proceedings of the Court and all other participants. An offending party may be asked to return later, and the Court may assess court costs (including counsel fees) to the offending party. This rule shall not apply if a person is detained by law enforcement and is appearing at an immediate hearing.

   (Civ. R. 73.5)

LOC. R. 73.7 CONTINUANCES

A. **When Granted**. Continuances shall be granted only when imperative to secure fair treatment for the parties.

B. **Process for Requesting a Continuance**. To obtain a continuance, the party or counsel must file a written motion that contains the following requirements or attachments:

   1. A request for continuance and the reason why the request is imperative to secure fair treatment for the parties.

   2. The date the other party/parties or counsel was contacted and whether the party/parties approve or object to the request for continuance.

   3. The signature of the party and counsel of the party, if any, requesting the continuance, pursuant to C.P. Sup. R. 41(A).

   4. If the request for a continuance is due to a scheduling conflict involving another court, the motion shall be accompanied by a copy of the assignment notice issued by the other court as required by C.P. Sup. R. 41(B)(1).

5. If the party requesting the continuance has counsel, a proposed journal entry granting the request for a continuance must be attached.

6. A proposed entry shall be filed with a motion for continuance, leaving the time and date blank for the court to set a new date.

C. **Objection to Continuance**. If a party objects to the request for continuance, the party must file a written objection to the request no later than two business days after notification by the party requesting the continuance.

D. **Caution for Counsel**. Counsel considering representation of a party in a matter already scheduled for hearing should not assume that a continuance will be granted due to an existing scheduling conflict of which counsel, or the party, was aware prior to counsel's assuming representation.

E. Effect on Proceedings When a Continuance is Filed. An order of continuance shall be signed by the Judge or Magistrate before the hearing or trial assignment will be vacated and a continuance deemed granted. All parties and counsel shall be required to appear as scheduled unless notified by the Court that the requested continuance has been granted.

(Civ. R. 73.7)

LOC. R. 73.8.1 ELECTRONIC FILING

1. **Applicability.** The Court shall accept for filing all documents that comply with these Local Rules via electronically transmitted filing, except the following:

    a. All initial filings in a matter, to include complaints and motions re-opening any case;

    b. Any filing that requires a filing fee.

2. **Original Filing.** A document filed electronically shall be accepted as the original filing. The source document need not be filed with the Clerk of Court but must be maintained in the filer's records. The source document shall be available for production on request by the court with original signatures as otherwise required under the applicable rules, together with the electronic cover sheet used for the filing. The source document shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

3. **Cover Page.**

    a. Any document being filed electronically must be attached to a cover page containing the following information:

        i. the name of the court;

        ii. the title of the case;

        iii. the case number;

        iv. the assigned judge/magistrate;

        v. the title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss);

        vi. the date of transmission;

        vii. the transmitting number;

        viii. an indication of the number of pages included in the transmission, including the cover page;

        ix. if a judge or case number has not been assigned, state that fact on the cover page; and

        x. the name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the electronic document if available.

    b. If a document is sent electronically to the Clerk without the cover page information listed above, the Clerk, in its discretion, may do either of the following:

        i. enter the document in the Case Docket and file the document; or

        ii. deposit the document in a file of failed electronic documents with a notation of the reason for the failure; in this instance, the document shall not be considered filed with the Clerk.

    c. The Clerk is not required to send any form of notice to the sending party of a failed electronic filing. However, if practicable, the Clerk may inform the sending party of a failed electronic filing.

4. **Electronic Signature.**

    a. A party who wishes to file a signed source document electronically shall either:

    b. Electronically send a copy of the signed source document; or

c. Electronically send a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.

d. A party who files a signed document electronically represents that the physically signed source document is in his/her possession or control.

5. **Exhibits.**

a. Each exhibit to an electronic produced document that cannot be accurately transmitted via electronic transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than five (5) court days following the filing of the electronic document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.

b. Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed (e.g., Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

6. **Time of Filing.**

a. Subject to the provisions of these rules, all documents sent electronically and accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. The office of the Clerk of Court will be deemed open to receive electronic transmission of documents on the same days and at the same time the court is regularly open for business.

b. The Clerk may, but need not, acknowledge receipt of an electronic transmission.

c. The risks of transmitting a document electronically to the Clerk shall be borne entirely by the sending party. Anyone using electronic filing is urged to verify receipt of such filing by the Clerk through whatever technological means are available.

7. **Fees and Costs.** No document filed electronically that requires a filing fee shall be accepted by the Clerk for filing until court cost and/or any fees have been paid. Documents tendered to the Clerk without payment of court cost and fees, or with incomplete information on the charge authorization or request, or which do not conform to applicable rules will not be filed. No additional fee shall be assessed for facsimile filings.

8. **Length of Document.** Electronic filings shall not exceed twenty-five (25) pages in length. The filer shall not transmit service copies electronically.

(Civ. R. 73.8)

LOC. R. 73.8.2 SIGNATURES

Documents filed with Probate Court that include copies of signatures instead of original signatures shall be considered authentic. If it is determined that any signature in a filing was not made with authority the court shall order that filing to be stricken.

(Civ. R. 73.8)

LOC. R. 73.9 DEPOSIT FOR COURT COSTS

Deposits in the amount set forth below shall be required upon the filing of the following actions and proceedings:

ESTATES:

1. Full Administration (due with Inventory)	$200
2. Release from Administration (with Probate of Will)	$143
3. Release from Administration (Will for record only)	$133
4. Release from Administration (without Will)	$123
5. Summary Release (with Probate of Will)	$123
6. Summary Release (Will for record only)	$113
7. Summary Release (without Will)	$103

GUARDIANSHIPS:

1. Adult	$350
2. Minor	$150
3. Conservator	$100

OTHER:

1. Admit Authenticated Copies	$114
2. Placement	$200
3. Adoptions	$1,000 First Child;
a. Each additional child	$175
b. Adult Adoption	$145
3. Appeals	$125
4. Authenticated Copies	$14 in State; $16 out of State
5. Certified Copies	$3
6. Change of Name	$170 Minor; $140 Adult
7. Civil Complaints	$175
8. Correction of Birth	$33
9. Delayed Birth Certificates	$35
10. Marriage Ceremonies	$25
11. Marriage Licenses	$45
12. Minor Settlements	$140
13. Photocopies	$.10
14. Structured Settlement	$150
15. Tax Return Filed Only	$28
16. Trusts	$200
17. Will Filed Only	$88
18. Recording Fees	$1 per page after the 1st 3 pages, up to $35.00 per case
19. Release of Medical Records	$125
20. Change of Gender Marker	$135
21. Name Conformity	$140
22. Disinterment	$140
23. Real Estate – Supplemental Affirmation	
a. Without Will	$120
b. Probate Will	$140
24. Application to Inventory Safe Deposit Box	$50

(Civ. R. 73.9)

LOC. R. 73.10 DE MINIMIS RELEASE FROM ADMINISTRATION

A. If a decedent has a de minimis estate (less than $1,500) the personal representative may request a letter noting the court has no objection to a release of the property to the next of kin. The filing fee for such a letter shall be $10.00.

B. In cases of estates entitled to be released from administration, where there is a will, such will shall be presented for probate. If the entire estate will be consumed in the payment of debts, costs, and applicable statutory allowances, or if the will distributes the net proceeds of the estate in the same manner as the Statute of Descent and Distribution, and there is no real estate involved, then the will may be filed only and need not be admitted to probate.

If the will is admitted to probate, an application for an order releasing the estate from administration may be filed in lieu of the appointment of the executor named in the will. If probate of the will is denied, an application for an order releasing the estate from administration may be granted and distribution made under the laws of intestate succession.

Where a full administration of an estate had been commenced but it is later determined that the estate qualifies for release of administration, the applicant may file a motion and judgment entry ordering the transfer to a release of administration.

(Civ. R. 73.10)

LOC. R. 73.11 SAFE DEPOSIT BOX AUTHORIZATION

Prior to the appointment of a fiduciary, authority to open a safe deposit box shall only be granted to an attorney at law, licensed to practice law in the State of Ohio, who has been appointed by the Court as commissioner to report on the contents of a safe deposit box.

(Civ. R. 73.11)

LOC. R. 73.12 APPRAISAL OF PROPERTY

A. When required by law, there shall be one suitable, unrelated and disinterested appraiser appointed by the executor or administrator of an estate with Court approval.

B. Real estate appraisals shall be made by licensed real estate agents, brokers auctioneers, credentialed real estate appraisers, real estate loan officers of local financial institutions, or such other persons who by experience and training are qualified to make real estate appraisals. A licensed real estate agent or broker who is the listing broker for the sale of the real estate is not disqualified as an appraiser.

C. The legal description and/or auditor's parcel number of all decedent's real property located in Ohio shall be included on the Schedule of Assets.

D. No appraiser shall be permitted to directly or indirectly purchase or acquire any of the property he or she appraises, except at public auctions.

E. Readily ascertainable value of motor vehicle: Notwithstanding sections (A) through (D) of this rule, the market value of any motor vehicle as found in the current N.A.D.A. (J.D. Powers) Official Used Car Guide under the category "Avg. Retail" or Kelly Blue Book may be adopted as the readily ascertainable value of the property and no further appraisal of such property shall be required except as provided under Paragraph I of this rule.

F. Description and Valuation of Stock:

1. If the stock is publicly traded, its valuation may be obtained from any recognized stock exchange or over-the-counter quotation and said verification must be listed.

2. If the stock represents an investment in a closed corporation, its value must be made by a duly appointed and qualified appraiser.

G. Items of household goods are not required to be individually listed and individually valued.

H. Household goods of a value of $3,000.00 or less, will be considered assets the value of which is readily ascertainable and which need not be appraised.

(Civ. R. 73.12)

LOC. R. 73.12.1 INVENTORY

Upon the filing of the inventory required by R.C. 2115.02, the Court shall forthwith schedule hearing on the inventory not later than one month after the day the inventory was filed.

Pursuant to R.C. 2115.16, unless notice is waived, the executor or administrator shall serve notice of hearing upon the surviving spouse and upon either the next of kin or all beneficiaries under the Will, whichever is applicable in a manner authorized by Ohio Civil Rules. If the address of a person entitled to notice is unknown and cannot with reasonable diligence be ascertained, upon motion of the fiduciary and for good cause shown by affidavit, including efforts made by the fiduciary or counsel to locate the person, the Court may order that notice of the hearing on the inventory to that person shall not be required.

Pursuant to R.C. 2115.16, the executor or administrator may serve notice of the hearing, or may cause notice to be served, upon any other person who is interested in the estate.

Every inventory filing shall include a Certificate of Service showing the surviving spouse and either the next of kin or all beneficiaries under the Will have waived or have been served notice of hearing.

(Civ. R. 73.12)

LOC. R. 73.13.1 CLAIM RESOLUTION

No estate shall be closed until all claims filed with the court have been resolved. It shall be the responsibility of fiduciary or attorney for the estate to notify the court of the status of any claims filed with the court. This rule does not apply if the estate is insolvent and the claim is listed as a debt in the insolvency.

(Civ. R. 73.13)

LOC. R. 73.13.2 MEDICAID ESTATE RECOVERY PROGRAM

A. It is the responsibility of the attorney or the "person responsible for the estate" as defined and used in R.C. 2107.061(A)(2), and as used in this Rule, of a decedent subject to the Medicaid estate recovery program or the estate of a decedent who was the spouse of a decedent subject to the Medicaid estate recovery program to submit a properly completed Medicaid estate recovery notice form to the administrator of the Medicaid estate recovery program not later than thirty days after the occurrence of any of the following:

1. The granting of letters of administration or letters testamentary;
2. The filing of an application for release from administration or summary release from administration.

B. The court requires, in cases where the decedent was a permanently institutionalized individual of any age or the decedent was fifty-five years of age or older at time of death, the attorney or the person responsible for the estate to file one of the following:

1. Form 7.0 indicating that notice has been given to the administrator of the Medicaid estate recovery program; or
2. An Affidavit attesting that the attorney or the person responsible for the estate has checked and the decedent is not subject to the Medicaid estate recovery program; or
3. Notice from the administrator of the Medicaid estate recovery program, or its designee, stating that the decedent is not subject to the Medicaid estate recovery program.

C. The attorney and the person responsible for the estate are reminded that, pursuant to R.C. 2117.061 (D), the administrator of the Medicaid estate recovery program shall present a claim for estate recovery to the person responsible for the estate of the decedent or the person's legal representative not later than ninety days after the date on which the Medicaid estate recovery notice is received under division (B) of this Rule or

one year after the decedent's death, whichever is later. The attorney and the person responsible for the estate should be mindful of this statute prior to distributing any estate assets.

(Civ. 73.13)

LOC. R. 73.14 APPLICATION TO SELL PERSONALTY

A. In addition to the requirements listed in R.C. 2113.40-43, 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 a price fixed by the Court.

B. Except for good cause shown, an order of sale shall not be granted prior to the approval of the inventory or inventory and appraisement.

C. No sale shall be confirmed until an affidavit is filed as required by R.C. 2109.45 and R.C. 2113.42.

D. The requirements of Civ. R. 73.14 shall not apply where sale has been authorized by Will or consent given by all heirs, provided that except for good cause shown, personal property shall not be sold until the inventory has been approved.

(Civ. R. 73.14)

LOC. R. 73.15.1 ACCOUNTS

A. All accounts must be personally signed by the fiduciary and contain the full name, current address and telephone number of the fiduciary, if different from the name, address and telephone number listed on the application to administer.

B. All fiduciaries must sign the account when multiple fiduciaries have been appointed.

C. For decedent's estates, a final account or certificate of termination is due six months from the date of the appointment of the fiduciary. If a final account or certificate of termination cannot be filed in six months, either an application to extend administration or a notice to extend administration must be filed. A status report must be filed with any partial account subsequently filed. All subsequent accounts must be filed on an annual basis unless the Court orders otherwise. Accounts not filed in compliance with this rule shall be subject to citation.

D. For trusts, the first account shall be filed no later than one (1) year following the date of the appointment and all subsequent accounts shall be filed on an annual basis, unless otherwise ordered by the Court.

E. For Guardianships, the first account shall be filed no later than one (1) year following the date of the appointment and all subsequent accounts shall be filed every other year thereafter.

F. Copies of the account shall be served as follows:

1. Intestate Estate. No account shall be approved unless there is a certificate filed by the fiduciary or fiduciary's counsel that a copy of the account as filed has been personally served or mailed by ordinary U.S. Mail to the surviving spouse and all next of kin in an intestate estate.

2. Testate Estate. No accounts shall be approved unless there is a certificate filed by the fiduciary or fiduciary's counsel that a copy of the account as filed has been personally served or mailed by ordinary U.S. Mail to the surviving spouse and all the beneficiaries at the addresses listed in the file except corporate or charitable beneficiaries, and except beneficiaries not required to be notified pursuant to Ohio Revised Code Section 2109.32 (B)(1).

3. Guardianships. No account shall be approved unless there is a certificate filed by the guardian or guardian's counsel that a copy of the guardian's account as filed has been personally served or mailed by ordinary U.S. Mail to all next of kin of the ward who reside in Ohio.

4. Trusts. No account shall be approved unless there is a certificate filed by the fiduciary or fiduciary's counsel that a copy of the account as filed has been personally served or mailed by ordinary U.S. Mail to all the beneficiaries of the trust.

(Civ. R. 73.15)

LOC. R. 73.15.2 EXTENSIONS ON ACCOUNTS

Extensions of time for the filing of an account shall not be granted if the account is more than eighteen months past due.

(Civ. R. 73.15)

LOC. R. 73.15.3 DELINQUENCY IN FILING AN ACCOUNT

No expenditure, sale distribution, or fee will be approved while the fiduciary is delinquent in filing an account unless permission is granted by the Court. See also Sup. R. 73.28.

(Civ. R. 73.15)

LOC. R. 73.15.4 COURT COSTS

No account, certificate of termination or report of distribution will be accepted for filing without the appropriate court costs attached.

(Civ. R. 73.15)

LOC. R. 73.15.5 NOTICE OF HEARING ON AN ACCOUNT

Unless a waiver of notice of the filing of the account is filed with the account with waivers from all residuary beneficiaries under the will or all heirs at law if an intestate estate, the attorney from the estate, or the executor/administrator of the estate shall give notice of the hearing on the account, by regular mail to the last known address to all residuary beneficiaries under the will or to all heirs at law if an intestate estate. The probate court shall docket a certificate of mailing with the name of all beneficiaries or heirs to whom the notice was sent and date of the mailing of the notice.

(Civ. R. 73.15)

LOC. R. 73.16 LAND SALES

A. Filing Evidence of Title

In all land sale proceedings, the plaintiff, prior to the issuance of an order finding the sale necessary, shall file with the court evidence of title showing the record condition of the title to the premises described in the complaint and prepared by a title company licensed by the state of Ohio, an attorney's certificate, or other evidence of title satisfactory to the court. Evidence of title shall be to a date subsequent to the date on which the complaint was filed.

If the sale is to be public, the executor, administrator or guardian shall file a certificate or other proof evidencing that the required notice under R.C. 2127.32 was given.

B. Private Land Sale

In all private land sale proceedings by civil action, a complaint is required when an order of private sale is requested and there is no consent of all the parties. The complaint shall include an affidavit or testimony under oath that establishes:

1. Whether or not the sale has been the subject of prior negotiations;
2. Amount offered for the sale of the property;
3. Appraised value in the land sale proceedings;
4. Identify 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. Identify of the escrow agent.

C. Appointment of Disinterested Person

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 finding in writing to the court. Said report will be part of the record in the proceeding. The compensation of the person performing such service shall be fixed by the Court according to the circumstances of each case and taxed as part of the costs of the proceedings.

D. County Treasurer as Party Defendant

All complaints to sell real estate where the County Treasurer is a party defendant, shall contain the parcel number of the real estate to be sold.

(Civ. R. 73.16; R.C. Chapter 2127)

ESTATES OF MINORS NOT MORE THAN TWENTY-FIVE THOUSAND DOLLARS

LOC. R. 73.17.1 OHIO TRANSFER TO MINORS ACT

When the funds due to the minor originate from a bequest under a will, an inheritance, or a distribution from a trust, the funds may be transferred into an Ohio Transfer to Minors Act (OTMA) account. No Verification of Receipt of Deposit is required when funds are being transferred into an OTMA account.

(Civ. R. 73.17)

LOC. R. 73.17.2 BIRTH CERTIFICATE OF A MINOR

A certified copy of the birth certificate of the minor child shall be filed with the application. If requested the court will allow a subsequent substitution of the certified copy by a photocopy and the clerk will note on the photocopy that the certified copy was returned to the applicant.

(Civ. R. 73.17)

SETTLEMENT OF INJURY CLAIMS OF MINORS

LOC. R. 73.18.1 BIRTH CERTIFICATE OF A MINOR

A certified copy of the birth certificate of the minor child shall be filed with the application. If requested the court will allow a subsequent substitution of the certified copy by a

photocopy and the clerk will note on the photocopy that the certified copy was returned to the applicant.

(Civ. R. 73.18)

LOC. R. 73.18.2 SETTLEMENTS UNDER $10,000

Rule 67 of the Rules of Superintendence for the courts of Ohio shall apply to all settlements under $10,000.00 when the minor and parents are unrepresented by counsel, the attorney drafting the pleadings shall be responsible for depositing the funds and providing the financial institution with a copy of the entry dispensing with the appointment of guardian and ordering deposit (SPF 22.2), shall obtain a receipt from the financial institution and deposit it with the court within seven days of the approval of the entry (SPF 22.3), and shall file form 22.4, Report of Distribution of Minor Claim with the Court.

(Civ. R. 73.18)

LOC. R. 73.18.3 COUNSEL FEES

Attorney fees for representing a minor in settlement of a claim for personal injuries are subject to court approval. If the entire attorney fee is to be paid at the same time a structured settlement is approved, the amount of the fee must be based on the present value of the settlement.

(Civ. R. 73.18)

LOC. R. 73.18.4 STRUCTURED SETTLEMENTS

A. In the event the parties involved in claims for injuries to minors or incompetents desire to enter into a structured settlement, the application shall include a signed Affidavit from an independent certified public accountant or other competent professional specifying the present value of the settlement and the method of the calculation of the value.

B. Proposed structured settlements shall be subject to Court approval after hearing, on a case-by-case basis.

C. A proposed structured settlement shall be submitted to the Court at least ten (10) days before the hearing, together with all pleadings and supporting documents.

(Civ. R. 73.18)

LOC. R. 73.18.5 SALE OF STRUCTURED SETTLEMENT PAYMENTS

A. All applications for approval of sale of structured settlement payments shall be filed and set for hearing before the Judge.

B. The application should include a statement of the income, living expenses, and other financial obligations of the person desiring to sell the structured settlement payments as well as a detailed statement as to how the sale proceeds will be applied and/or utilized by the applicant. If this statement is not filed with the application, it must be filed no later than ten (10) days before the hearing. If it is not filed by that time, the hearing shall be reset.

(Civ. R. 73.18)

LOC. R. 73.20 SETTLEMENT OF CLAIMS FOR WRONGFUL DEATH

A. All applications to settle claims for wrongful death shall be set for hearing unless otherwise ordered by the Court. All interested parties to the distribution of the net proceeds of the settlement shall be listed by name, residence, and relationship to the decedent on the proposed entry approving settlement or distributing wrongful death proceeds.

B. The term "interested parties" who are subject to notice are those set forth in Ohio Revised Code 2125.02.

C. A guardian ad litem may be appointed to represent the interests of any minor or incompetent persons who are potentially "interested parties".

D. When the Court is called upon to endorse an agreed entry of distribution or to adjust the shares of distribution, notice to or consents from those "interested parties" designated above shall be required.

E. The applicant is required to appear at the hearing regarding an application to approve a wrongful death settlement or proposed distribution. An applicant shall have thirty (30) days following approval within which to file the report of distribution unless otherwise ordered by the court.

F. The court shall approve the report of distribution of the wrongful death proceeds only after appropriate vouchers are presented.

G. Attorney fees for completing the probate work directly related to the wrongful death settlement shall be subject to approval by the Court and shall be paid from the contingent fee.

(Civ. R. 73.20)

LOC. R. 73.21.1 COUNSEL FEES

A. Counsel fees shall be agreed upon between the executor or administrator and the attorney of his/her choosing. Counsel fees may be set forth in a written agreement between the executor or administrator and filed with the court. In the event that no agreement is filed with the court, then the schedule in Appendix A shall be considered as reasonable and the court will approve the same provided the counsel fees do not exceed the fees as calculated by Appendix A and if the calculation of the fees is signed by all executors or administrators. If the fees exceed Appendix A, then a separate attorney fee agreement must be filed and signed by all fiduciaries. If the executor and administrator is also the attorney for the estate or within the same law firm the court will not accept an agreement for counsel fess exceeding appendix A without a hearing.

B. Counsel fees for the administration of a decedent's estate as set forth in Appendix A and form A1 attached hereto, may serve as a guide in determining fees to be charged to the estate for legal services of an ordinary nature rendered as attorney for the executor or administrator in the complete administration of a decedent's estate. Such schedules, however, are not to be considered as schedules of minimum or maximum fees to be charged.

C. Compensation for an attorney employed for administration of a decedent's estate for a full administration shall be as follows:

TOTAL PROBATE ASSETS (PER INVENTORY)

1.	0-$5,000	$300.00
2.	$5,000-$20,000	$300.00 + 6% over $5,000
3.	$20,000-$50,000	$1,200.00 + 4% over $20,000.00
4.	$50,000-$400,000	$2,400.00 + 3% over $50,000.00
5.	$400,000-up	$12,900.00 + 2% over $400,000.00

TOTAL NON-PROBATE ASSETS

1.	0-$25,000	3%
2.	$25,000-$100,000	2%
3.	$100,000-up	1%

D. Hourly fee basis: An application for attorney fees based on an hourly fee basis must be submitted to the court *with* the signature of the fiduciary(s) approving the same, along with the supporting documentation therefor. Counsel must also attach the computation using the above guidelines for purposes of comparison.

E. GENERAL RULES AS TO ATTORNEY FEES:

1. Any fee application which is above the authorized guidelines will be deemed to be extraordinary and will be assigned for hearing *unless* the fiduciary(s) and all heirs

who are beneficiaries sign the extraordinary fee consent form. The court reserves the right to conduct a hearing, at its discretion, on any attorney fee application.

2. Where the fiduciary is also the attorney for the estate, or if the attorney for the estate is associated with the fiduciary's law firm, reasonable attorney fees shall be rebuttably presumed to be one-half of the guideline amount as set forth in paragraph C above. This paragraph shall not apply if the fiduciary fee is waived.

3. Attorney fees for services rendered in an estate relieved from administration shall be disclosed as a liability of the estate.

4. Except for good cause shown, attorney fees shall not be allowed to attorneys representing fiduciaries who are delinquent in filing the accounts required by ORC Section 2109.30, et seq.

5. An attorney fee shall be considered prima facie reasonable in all estate administrations if it does not exceed $1,000.00. This rule shall apply to all existing trusts and guardianships and to estates of decedents dying after June 1, 2018.

6. It shall be the responsibility of the attorney for the Executor or Administrator to file a statement regarding attorney fees and fiduciary fees with the final account. Said statement shall be in conformance with Appendix A attached hereto.

7. The sale price of real estate sold shall be used for computation of attorney fees. The appraised value shall not be used in the computation of attorney fees. Deed in lieu of foreclosure shall be figured as transferred not sold. A copy of the closing statement for sale of real estate must be attached to the account.

(Civ. R. 73.21)

LOC. R. 73.21.2 EXTRAORDINARY FEES

Upon application, extraordinary fees based upon time spent and services rendered may be considered for approval by the court. Extraordinary services may include, but are not limited to the following:

1. Litigation or matters in a court other than Probate Court.
2. In a contested matter in the Probate Court, including but not limited to will contests, applications to determine heirships, declaratory judgments for interpretations of wills.
3. In connection with the preparation or filing, audit, protest of any state, federal, or local income tax issue or any applicable business tax.
4. In connection with the settlement of Estate or inheritance taxes in 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.

5. With respect to problems of valuation or taxability of property for estate and inheritance taxes or to the protest of such taxes.
6. Preparation and filings of federal estate tax returns or audit of state or federal estate tax returns.
7. Services in connection with land sale proceedings.
8. In connection with matters which are unusual or expensive for the size of the estate involved.
9. In connection with the 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 the estate must be managed.
10. Sale of business or business assets.
11. Sale of real estate under power of will.
12. Proceedings to determine heirship.
13. Completion of land contract.
14. Proceedings related to wrongful death.
15. Proceedings involving partnership.

(Civ. R. 73.21)

LOC. R. 73.21.3 EARLY PAYMENTS OF ATTORNEY FEES

Civ. R. 73.21(B) establishes the time for the payment of attorney fees in estates. Unless the Court approves an application for early payment, attorney fees for the administration of decedents' estates shall be neither paid by the fiduciary, nor accepted by counsel, in advance of preparation for filing of the final account or final closing documents. This applies regardless of the source of payment. Any application for early payment shall set forth the justification for the request. An early payment application shall be set for hearing unless signed Consents to the early payment are filed from all beneficiaries bearing the burden of paying the fees, and from the creditors in the event of expected insolvency. Notice of the hearing must be given by the applicant to the affected non-consenting beneficiaries, and to the creditors in the event of expected insolvency. The Court may exercise its discretion to set any early payment application for hearing.

(Civ. R. 73.21)

LOC. R. 73.21.4 NON-PROBATE ASSET

The attorney or the executor/administrator shall file a confidential inventory with the Probate Court of all NON-PROBATE assets to be used in the calculation of attorney and fiduciary fees.

(Civ. R. 73.21)

LOC. R. 73.21.5 CONTINGENT FEES - COUNSEL FEES IN CONNECTION WITH SETTLEMENT OF CLAIMS FOR WRONGFUL DEATH, CONSCIOUS PAIN AND SUFFERING CLAIMS, PERSONAL INJURIES TO PERSON UNDER GUARDIANSHIP, AND SETTLEMENT OF PERSONAL INJURIES TO MINORS UNDER ORC 2111.18

In cases where representation is on a contingent basis, only contingency fee contracts between counsel and the proper legal representative prepared and signed prior to any recovery will be approved. All counsel fees must be approved by the Court. A motion and judgment entry for approval of counsel fees must be filed.

(Civ. R. 73.21)

LOC. R. 73.23 GUARDIAN COMPENSATION

A. Unless otherwise provided by law or ordered by the court, a guardian may charge for his ordinary services on an annual basis an amount computed in accordance with the attached schedule marked appendix B.

B. Compensation computed on income will not be allowed on balances carried forward from one accounting period to another, nor will an investment of funds or the final distribution of unexpected balances to a ward at the close of a guardianship be considered as expenditure.

C. For the purpose of computing a guardian's compensation as herein approved, the fair market value of the principal shall be determined by the guardian as of the date of his appointment and as of each anniversary thereafter. The compensation so determined may be charged during the ensuing year. The annual principal valuation shall be adjusted from time to time to reflect additions to and withdrawals from the principal of the estate, and the compensation for the remaining portion of the annual periods shall be similarly adjusted to reflect such revised valuation.

(Civ. R. 73.23)

LOC. R. 73.24 TRUSTEE'S COMPENSATION

A. Except where the instrument creating a trust makes provisions for compensation, a testamentary trustee may charge annually for the ordinary services performed by the trustee in connection with the administration of each trust, a trustee estate fee established by Appendix C. Provided, however, if the trustee is a corporate trustee licensed to do business as a trustee, then the trustee may charge its normal fee charged in similar trusts.

B. For the purpose of computing a trustee's compensation as herein approved, the fair market value of the principal shall be determined by the trustees as of the date of his

appointment and as of each anniversary thereafter. The compensation so determined may be charged during the ensuing year. The annual principal valuation shall be adjusted from time to time to reflect additions to and withdrawals from the principal of the estate, and the compensation for the remaining portion of the annual periods shall be similarly adjusted to reflect such revised valuation.

C. Additional compensation for extraordinary service may be allowed upon application. The court may require that such application be set for hearing and notice, thereof, be given to interested parties in accordance with Civil Rule 4.1. Such notice shall contain a statement of the amount of such compensation applied for.

(Civ. R. 73.24)

LOC. R. 73.25 EVIDENCE OF DEATH

With the initial filing of any estate administration proceeding or the termination of a guardianship in which there is not an attorney representing the applicant a certified copy of the decedent's death certificate shall be exhibited to the Court. The deputy clerk shall make a photocopy of the death certificate and shall redact the social security number before filing the photocopy. If an attorney enters an appearance for the applicant, a photocopy of the death certificate may be submitted with the social security number redacted before filing.

If the death certificate is not reasonably available when the initial estate filing is made, the application to open the estate must be accompanied by a published obituary for the decedent or letter from the funeral home identifying the decedent. To be accepted, the funeral home letter and obituary must recite the date of death and the decedent's residence address. This alternative evidence of death does not exempt the estate from the requirement for providing the death certificate as soon as it is available and no distribution or transfer of assets may be made without the death certificate first being filed or a specific order of the Court.

(Civ. R. 73.25)

LOC. R. 73.25.1 MINOR MARRIAGE LICENSE APPLICANTS

Pursuant to R.C. 3101.05, any applicant for a marriage license who is a minor must provide proof of having received a minimum of three (3) hours of marriage counseling prior to applying for the license. The counselors shall be either clergy or a person licensed to provide counseling. Proof of counseling may be in the form of a letter from the counselor on the counselor's letterhead, addressed to this Court.

(Civ. R. 73.25)

LOC R. 73.25.2 ADOPTIONS

Except for good cause shown, no final hearings in adoption proceedings shall take place until the adopting couple (or the birth parent and adoptive stepparent) have been married for at least one (1) year and the child has been in the home of the adoptive parent(s) for at least three (3) months.

(Civ. R. 73.25)

APPENDIX A

COUNSEL FEES

TOTAL PROBATE ASSETS (PER INVENTORY)

1.	$0-$5,000	$300.00
2.	$5,000-$20,000	$300.00 + 6% over $5,000
3.	$20,000-$50,000	$1,200.00 + 4% over $20,000.00
4.	$50,000-$400,000	$2,400.00 + 3% over $50,000.00
5.	$400,000-up	$12,900.00 + 2% over $400,000.00

TOTAL NON-PROBATE ASSETS

1.	0-$25,000	3%
2.	$25,000-$100,000	2%
3.	$100,000-up	1%

EXTRAORDINARY FEES MAY BE AWARDED ON APPLICATION BASED UPON THE TIME SPENT AND SERVICES RENDERED

This schedule is merely a guide for determining fees of counsel in an ordinary estate and should be considered as neither a minimum or maximum fee schedule.

FORM A1

COMPUTATION OF ATTORNEY FEES

TOTAL PROBATE ASSETS (PER INVENTORY SALE PRICE) $_____

0 – $5,000	$300.00
$5,000 – $20,000 6% over $5,000	_____
$20,000 – $50,000 4% over $20,000	_____
$50,000 - $400,000 3% over $50,000	_____
over $400,000 2%	_____

1. TOTAL PROBATE FEE $_____

TOTAL NON-PROBATE ASSETS (PER RULE 71.5)

0 - $25,000	3%	_____
$25,000 - $100,000	2%	_____
Over $100,000	1%	_____

2. TOTAL NON-PROBATE FEE $_____

EXTRAORDINARY FEES (MUST BE ITEMIZED)

1. _____-------$_____
2. _____-------$_____
3. _____-------$_____
4. _____-------$_____

3. EXTRAORDINARY FEE TOTAL $_____

TOTAL ATTORNEY FEES (SUM OF 1, 2, 3) $_____

ATTORNEY FEE TAKEN ON PRIOR ACCOUNT - $_____

BALANCE OF ATTORNEY FEES $_____

_____ _____

Attorney's signature Fiduciary's signature

APPENDIX B

GUARDIAN FEES

A. COMPUTATION OF GUARDIAN FEES—ANNUALLY

1. 0-$1,000 income 4% of income (excludes income from real estate rental managed by guardian)
   $1,000 – up income 3% of income

2. 0 - $1,000 expenses 4% of expenses
   (Excludes real estate rental)
   $1,000 – up expenses 3% of expenses

3. $3 per thousand principal

4. 8% of Gross rental property income if managed by guardian

5. Minimum fee of $50.00 per year

ATTORNEY'S FEES

1. Attorney fees up to $200.00 for representing a guardian subsequently appointed including the filing of an inventory and entry approving the inventory normally approved without hearing.

2. Reasonable attorney fees shall be up to $75.00 for filing of the guardianship plus 2% of the inventory. Reasonable attorney fees for account shall be up to 2% of the income and expenses plus $60.00 per page of accounts with a minimum of $100.00.

APPENDIX C

TRUSTEE FEES

A. COMPUTATION OF TRUSTEE FEES—ANNUALLY

1. 0-$1,000 income 4% of income (excludes income from real estate rental managed by trustee)

   $1,000 – up income 3% of income

2. 0 - $1,000 expenses 4% of expenses
   (excludes real estate rental)

   $1,000 – up expenses 3% of expenses

3. $3 per thousand principal

4. 8% of Gross rental property income if managed by trustee

5. Minimum fee of $50.00 per year

ATTORNEY'S FEES

1. Attorney fees up to $200.00 for representing a trustee subsequently appointed including the filing of an inventory and entry approving the inventory normally approved without hearing.

2. Reasonable attorney fees shall be up to $75.00 for filing of the guardianship plus 2% of the inventory. Reasonable attorney fees for account shall be up to 2% of the income and expenses plus $60.00 per page of accounts with a minimum of $100.00.

APPENDIX D

STATE OF OHIO

COUNTY OF _____ SS:

AFFIDAVIT OF GUARDIAN APPLICANT

I, _____ affirm the following:
(Name)

___ I have no pending misdemeanor or felony cases and have not been convicted of or pleaded guilty to any misdemeanor or felony offense; **OR**

___ I have pending misdemeanor or felony cases or have been convicted of or pleaded guilty to a misdemeanor or felony offense. (List below any pending cases or convictions that have not been sealed pursuant to R.C. 2953.31-2953.62)

DATE	**TYPE OF CHARGE**	**COURT NAME**	**PENDING / CONVICTED / PLEADED GUILTY**
_____	_____	_____	__ Pending __ Convicted __ Pleaded Guilty
_____	_____	_____	__ Pending __ Convicted __ Pleaded Guilty
_____	_____	_____	__ Pending __ Convicted __ Pleaded Guilty
_____	_____	_____	__ Pending __ Convicted __ Pleaded Guilty

I understand that I have a duty to notify _____ within seventy-two hours
(Court Name)
if the information contained in this affidavit should change.

_____
Signature of Applicant

SWORN TO, BEFORE ME, and subscribed in my presence, on this _____ day of _____, 20_____.

_____
Notary Public/Deputy Clerk

_____
Printed Name of Notary Public

Commission Expiration Date: _____
(Affix seal here)

FORM 66.05 – AFFIDAVIT OF ATTORNEY GUARDIAN APPLICANT