

Instructions for Completing and Filing a Motion for Reinstatement Cuyahoga County Probate Court

For Estate (EST), Guardianship of Estate (GRD), and Trust (TRS) Cases

If you were a Fiduciary and have been removed from a matter for failing to file required documents, you may file a **Motion for Reinstatement** requesting that the Court reinstate you as the Fiduciary.

The motion must state what documents the Fiduciary failed to file and why the Fiduciary failed to file said documents. The motion must be filed with the Court and sent to all interested parties and attorneys of record.

Caption: **For estate (EST) cases:** on the line labeled "IN RE:" write the name of the deceased person. Write the Case Number and Judge assigned in the spaces provided.

For guardianship (GRD) cases (estate, only): on the line labeled "IN RE:" write the name of the incompetent or minor person. Write the Case Number and Judge assigned in the spaces provided.

For trust (TRS) cases: on the line labeled "IN RE:" write the name of the trust. Write the Case Number and Judge assigned in the spaces provided.

Paragraph 1: Write your name after "Now comes...", the fiduciary capacity in which you were removed (Administrator, Executor, Guardian of Estate, Trustee), what document(s) you failed to file, and why you failed to file said document(s).

Paragraph 2: Check the applicable box indicating whether it is your first time being removed or indicate how many times you have been removed on this matter.

Note: This motion CANNOT be used to reinstate a guardian of person.

Filing the Motion

You must file the motion, with a Certificate of Service, at the Probate Court Clerk's Office, or it may be E-Filed.

In person: File at the Clerk's Office located in Room 119 on the first floor of the Old Courthouse, 1 W. Lakeside Ave, Cleveland, OH 44113. The cost of the motion is \$100.00 cash, certified check, money order, or credit/debit card. Personal checks will not be accepted. (Note: credit/debit card payments include a convenience fee.)

By E-File: Create an E-File account and follow the submissions setup found in the Estate, Guardianship, or Trust guides.

E-Filed motions must be paid by a credit/debit card in the name of the E-File user, or an established Probate Court E-Firm account (for law firms).

Certificate of Service

You must mail a copy of the motion to all other interested parties. If the other parties have a lawyer who has appeared on their behalf regarding the pending matter, you must send a copy of the motion to that lawyer. To certify that you have sent copies of the motion to all parties, you must attach a Certificate of Service to the motion. A Certificate of Service form is included with the blank motion packet. Indicate in the spaces provided how you served the copy of your motion and the names and addresses/email addresses of the parties you served, then sign the Certificate.