PROBATE COURT OF CUYAHOGA COUNTY, OHIO

RELEASE OF ESTATE FROM ADMINISTRATION (RELEASE OF ASSETS)

CHECKLIST

Documents Required

☐ Application to Relieve Estate from Administration (Form 5.0 and 5.1)
☐ Proposed Order - Entry Relieving Estate from Administration (Form 5.6)

- Complete the front and reverse sides of Form 5.6 with the assets listed on Form 5.1 and the proposed sale, release, or distribution of assets to Distributees. You may also request the Court to appoint a Commissioner to sell, settle, or pay liabilities and make final distribution of assets. List full names of proposed Distributees or the Commissioner on lines provided.

☐ Surviving Spouse, Children, Next of Kin, Legatees and Devisees (Form 1.0)

- **Front side**: List complete names, addresses, and relationships to the decedent of all persons who are entitled to inherit from the decedent under R.C. Chapter 2105.06.
- **Reverse side**: List complete names and addresses of all beneficiaries named in the decedent's Will, or if the Decedent did not have a will, mark "N/A" on the reverse side of *Form 1.0* and sign and date the bottom of the form.
- If any party is entitled to receive assets or reimbursement for funeral costs from the decedent's estate, and their name or address is unknown, then an *Affidavit in Support of Publication* (Form PCAFFPUB) must be filed with the Application.

☐ Copy of Decedent's Death Certificate
☐ Paid in Full Funeral Bill/Cemetery Receipt – must clearly identify total amount paid and who paid
☐ Proof of Assets – documents proving ownership and value of assets owned by the decedent:
- E.g., Bank statements showing the account numbers and date of death balances
- Title and vehicle identification number (VIN) with printed value from KBB/Edmunds or similar
- Any other documents that identify ownership and show the value of the asset/property
- Copy of deed(s) for Ohio property to be transferred and auditor's printed valuation

Additional Documents Required with the Application, <u>if applicable</u>

☐ Application to Probate Will (Form 2.0) – if there is a Will

☐ Proposed Order – Certificate of Transfer (Form 12.1)
- Include complete legal description, prior instrument number, and parcel number

☐ Certification of Notice to Administrator of Estate Recovery Program (Form 7.0)
☐ Waiver of Notice of Application to Relieve Estate from Administration (Form 5.2)
☐ Affidavit in Support of Publication (Form PCAFFPUB)

Filing Fees

☐ Release with Will - $130.00
☐ Release with Will with Affidavit - $165.00
☐ Release No Will - $100.00
☐ Release No Will with Affidavit - $135.00

When Can a Release of Assets be Used?

If there is no prior administration, a release from administration may be filed as per the following:

1. **The decedent's assets are $35,000 or less**, the date of death is on or after 11/9/94, and there is no surviving spouse, or the spouse is not the sole heir at law or under a Will.

2. **The decedent's assets are $100,000 or less**, the date of death is on or after 3/18/99, and there is a surviving spouse who receives the entire estate. The spouse must be entitled to receive the entire estate under *Section 2105.06* and/or *Section 2106.13* of the Revised Code.

   For other dates of death and asset limits prior to 1999, see Form 5.0.

Any party may file the Application. However, the Applicant may not necessarily be entitled to receive all or any part of the decedent's assets merely because they filed the Application.

Applications are reviewed by hearing officers and distribution is by law, regardless of the filing party.

Typed or Printed Forms

All forms should be typed or legibly printed. Documents may be rejected by Clerks pursuant to *Local Rule 57* if the handwriting or document content is not readable.

Notice to Estate Recovery Program

Applicants may need to send notice to the State of Ohio Medicaid Estate Recovery Program. Failure to send notice, if required, will delay your estate proceedings. See *Form 5.0* and check the box on the front side of the form indicating whether notice to Medicaid is required or not.

Payment and Refunds

The Court accepts cash, credit or debit cards, cashier checks or money orders for payment.

Self-Represented parties are encouraged to consult with a probate attorney prior to filing and making payment. Parties who file at Probate Court without legal representation undertake the risk that their filings may not be the correct legal proceeding for their circumstances. Incorrect filings may result in legal decisions that are unintended and contrary to their expected result.

There is no refund for incorrect filings.

Resource Center and Contact Information

Reserve a one-time appointment with a probate attorney who may be able to assist you with simple estate matters. There is no charge for this service. See available dates and times and schedule your appointment: **https://probate.cuyahogacounty.gov/resourcecenter.aspx**

For more information and forms visit www.probate.cuyahogacounty.gov or call (216) 443-8785.