PROBATE COURT OF CUYAHOGA COUNTY, OHIO

ANTHONY J. RUSSO, PRESIDING JUDGE LAURA J. GALLAGHER, JUDGE

E-FILE GUIDELINES TRANSFER OF STRUCTURED SETTLEMENTS (TSS)

Contents

General Guidelines and Documents	2
Documents to Submit with Your E-Filing	
E-File Account Setup	
Application Procedures and Additional Information	3
Notification of Filing Status	3
Document Preparation and Signatures	4
File a New TSS Case	5
New Application and New Payee	5
Add Party Members	7
Add Documents and Final Review	9
Payment	12
Sample Submission Confirmation screen pending Court review	13
Filing on an Existing TSS Case	14
Searching for Existing Cases	14
Review Existing Party Members	17
Add Documents and Final Review	19
Payment	21
Help and Contact Information	22

General Guidelines and Documents

Documents to Submit with Your E-Filing

Application for Approval of Transfer of Structured Settlement Payments

Typed with signature of Transferee and should include the following supporting documents:

- Proposed Purchase Contract
- Disclosure Statement(s) (must be signed by the Payee)
 Label multiple statements for clarity if needed.
- Statement of Professional Representation, or

Waiver of Right to Seek Independent Professional Advice (must be signed by the Payee)

Additional supporting documents not listed above, as applicable. See page 9.

BEFORE YOU FILE...

Prior Settlement(s) Retain the Same Case Number: Applicants should review the Probate Court's existing docket (and their own records) for prior transfers of settlement(s) under the same Payee name. **Settlements sharing the same Payee shall be filed under the same case number**.

TSS Applications submitted 'new' with an existing case on record with Probate Court will be rejected and must be resubmitted on the existing case.

All prior transfer requests, whether approved or denied, in the four years preceding the submitted pending Application must be noted in the Application and may affect your Application.

Minors under the age of eighteen (18) may be identified in the Application without personal identifiers but must be identified with full names and date of birth using Form 45D. Applications submitted without personal identifiers must include Form 45D or will be rejected as incomplete.

E-File Account Setup

If you have a registered E-File Account, <u>Login</u> with your email address and password at the **Gateway** home page and continue to page 4 – *Document Preparation and Signatures*.

If you do not have an E-File Account, register here first for account approval.

Application Procedures and Additional Information

The Application and supporting documents must be prepared by the Applicant or an attorney, and submitted to the Court for filing, along with the filing fee. Once the documents have been accepted for filing, the Court will review the filing for approval.

The Court may require additional documentation.

- A hearing is required. A Notice of Hearing will be emailed to the Applicant and/or attorney with instructions regarding the hearing format (online via Zoom, by phone, or in person at Court).
- Any incorrect information and/or any changes made to your Application AFTER the initial filing date MAY DELAY the Court proceedings.
- If the Application is granted, the Court will email signed copies of the executed Court Order to the Transferee within 7-10 business days. Upon request, the Court will issue certified copies of the Order by regular mail.

Notification of Filing Status

Notification your filing has been **Accepted** or **Rejected** will be sent to your email. Rejected filings email will include instructions to correct the submission.

Corrected rejected filings may be resubmitted within 72 hours. After 72 hours, you must start the filing again with a new confirmation number.

Document Preparation and Signatures

There are no standard forms available on the Court's website for Transfers of Structured Settlement (TSS) cases.

Applications and supporting documents must be prepared and submitted as PDF document files per Local Rules 57, 57.1, and 57.2. Handwritten, illegible, or unclear PDFs will be rejected.

New cases shall leave the Case Number line blank. Filings with an existing case (same Payee) should be filed on the existing case and the case number entered on the caption lines.

Note: If there are any related underlying Probate Court cases, please reference the underlying related case plainly in the body of the Application (e.g., case number of related wrongful death estate case).

Signatures on Applications and pleadings for E-File may be submitted in the following ways:

- As an ink signature, the signed document then converted to a scanned PDF copy, or
- As an E-Signature, formatted by typing /S/ in front of the typed name on signature lines, or



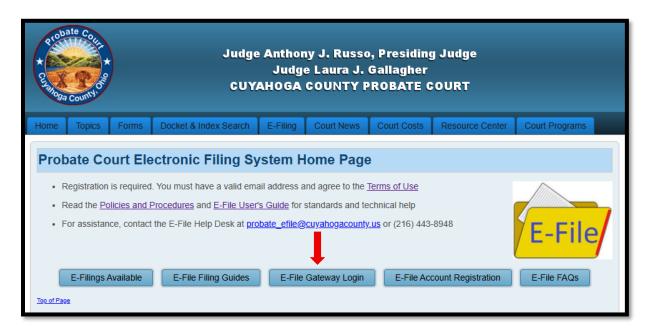
• As an electronically signed or captured signature using software with audit tracking capability (e.g., DocuSign, RightSignature, Adobe Sign).

Note: The audit track is not required for the Application but must be presented if requested by a hearing officer reviewing the document.

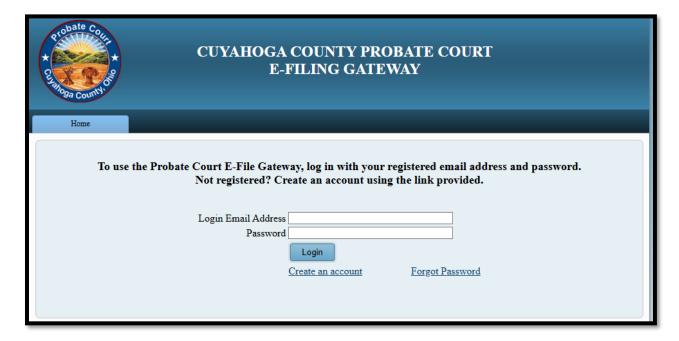
File a New TSS Case

New Application and New Payee

Go to the <u>Electronic Filing System Home Page</u>. Select the blue **E-File Gateway Login** button.



Login using your **Login ID** (email address) and your **Password**.



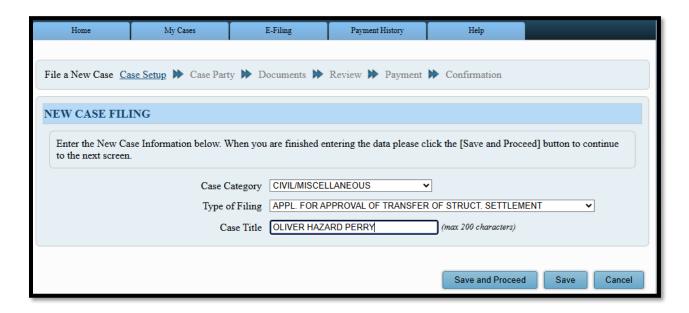
On the Welcome screen, select the E-Filing Tab, then click File A New Case...



For Case Category select CIVIL/MISCELLANEOUS.

For **Type of Filing** select APPL. FOR APPROVAL OF TRANSFER OF STRUCT. SETTLEMENT

For Case Title type the full legal name (first, middle, last) of the Payee.



Selecting **Save** assigns a **Confirmation** number and saves your work to your account with an **Incomplete** status. (Use this option if you wish to stop here and continue your filing later.)

Selecting **Save and Proceed** stores your filing, assigns a **Confirmation** number, and advances you to the **ADD PARTY MEMBERS** screen.

Add Party Members

ADD PARTY MEMBERS and click Save Party for each Case Party Role before adding the next.

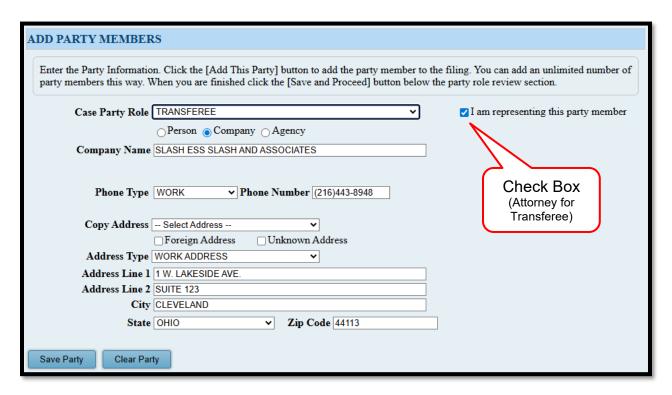
Transferee – Change the radio button from 'Person' to 'Company,' then enter the full name and address of the Transferee (company or corporate entity) identified on the *Application*.

Payee – enter the full legal name (first, middle, last) and address of the Payee.

Annuity Issuer – enter the company or corporate entity name of the Annuity Issuer.

Application	Party Roles in Gateway
Transferee (Applicant)	Transferee
Payee	Payee
Annuity Issuer	Annuity Issuer

Case Party Role information <u>MUST</u> match the information on the *Application*.



Note: The attorney usually represents the Transferee but not the Payee nor Annuity Issuer roles.

See the next page for a *sample setup* of the case party roles before you proceed to Add Documents. View the **Party Role Review** at the bottom of the **Add Party Members** screen.

Use PARTY ROLE REVIEW to proofread your information before selecting Save and Proceed.



Use **Edit** or **Delete** icons to make changes to party role names or contact information.

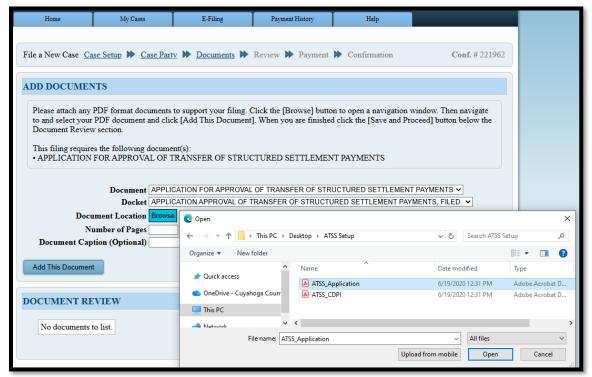
If setup is correct, select **Save and Proceed** to advance to the **Add Documents** screen.

Add Documents and Final Review

At the ADD DOCUMENTS screen, upload each of the following required documents:

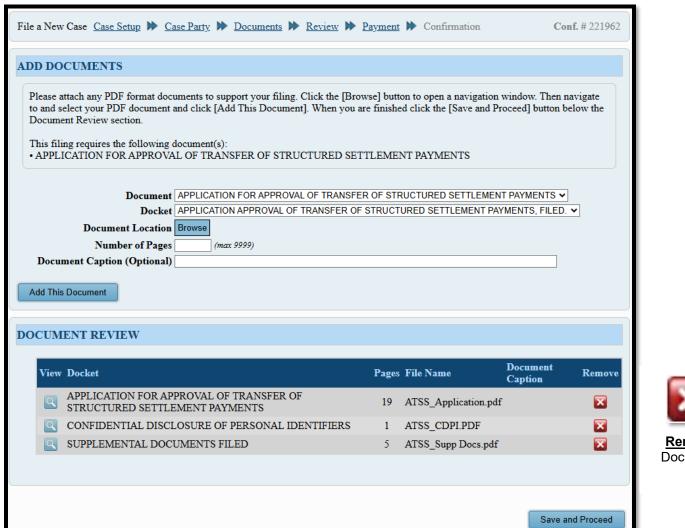
Separate PDFs Saved on your PC or Device	Docket codes in menu
Application for Approval of Transfer of Structured Settlement Payments (Submit these documents as one PDF with the Application as the first page.)	Application for Approval of Transfer of Structured Settlement Payments
 Proposed Purchase Contract Disclosure Statement(s) Statement of Professional Representation, or Waiver of Right to Seek Independent Professional Advice 	
Additional supporting documents	Supplemental Document
Form 45D	Confidential Disclosure of Personal Identifiers

Browse and locate on your PC or device your saved PDF files. Enter the number of pages in the area provided. Then select **Add This Document.**



Added document(s) will display in the **DOCUMENT REVIEW** area.

Repeat the steps as necessary to upload supporting documents.





Remove PDFs to make changes or corrections by selecting the red 'X' icon under Document Review.

Re-upload edited PDFs again using the ADD DOCUMENTS feature.

Note on Rejected Filings

If your filing is rejected and needs correction to documents, access the filing by its confirmation number on the *Welcome Screen* after login, choose to "Edit This Filing" and proceed to the **Add Documents** screen.

Scroll down to the **Document Review** to remove individual uploads for correction. Select the red "X" icon to remove individual documents.

Select Save and Proceed to continue to the final FILING REVIEW screen.

At the **FILING REVIEW** screen, select **EDIT** to make corrections.



Note: The **NOTE FOR CLERK** area can be used to make brief requests or notes to the E-File Department. It is NOT to be used for testimony or to ask questions of hearing officers.

When all information is correct, select **Save and Proceed** to continue to the **PAYMENT** screen.

Payment

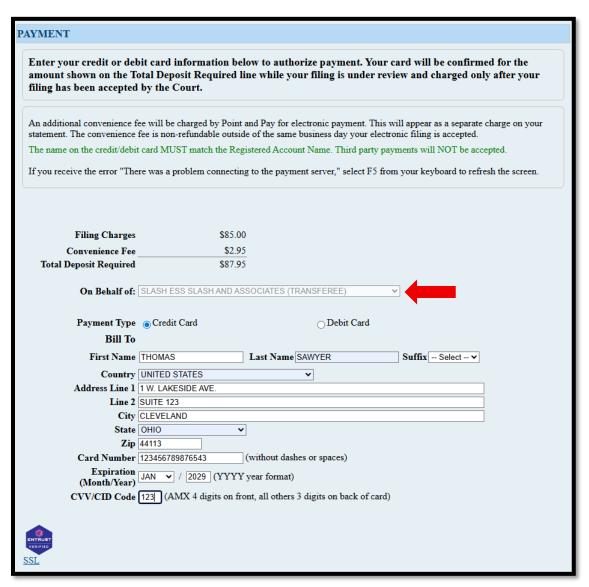
Payment of \$85.00 is authorized at the time of submission, including an additional \$2.95 for credit/debit card convenience fees. Your credit or debit card will be charged after your E-Filing has been accepted. Cards are not charged for rejected or canceled submissions.

Submit the filing on behalf of the **TRANSFEREE** party role.

Complete your card billing information.

The name on the credit/debit card **MUST MATCH** the Registered Account Name.

Third party payments will **NOT** be accepted. Attorneys who wish to file with a third-party firm card may contact the E-File Department by phone to setup an E-Firm account (one-time setup).



Review your information, then select **SUBMIT** to send your filing to the Court for review. A confirmation of submission will display. **Print a copy for your records.**

Sample Submission Confirmation screen pending Court review...



Your E-Filing now has a status of **Received** and cannot be edited while under review by the Court. Your filing can be **Canceled** from the E-File System through the **My Filings** tab.

Users will be notified by email if a filing has been **Accepted** or **Rejected**.

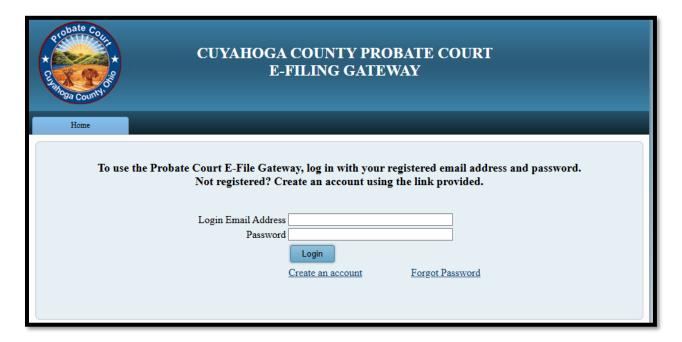
Hearing Notices will include instructions as to the hearing format (online, telephonic, or in person).

Filing on an Existing TSS Case

Applicants should review the Probate Court's existing docket (and their own records) for prior transfers of settlement(s) under the same Payee name. **Settlements sharing the same Payee shall be filed under the same case number**.

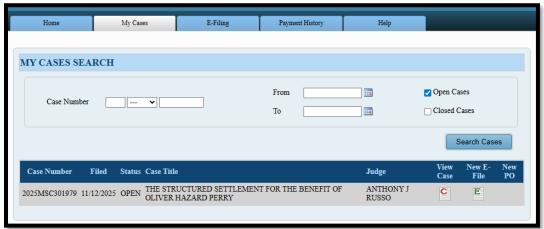
TSS Applications submitted 'new' with an existing case on record with Probate Court will be rejected and must be resubmitted on the existing case.

Login using your Login ID (email address) and your Password.



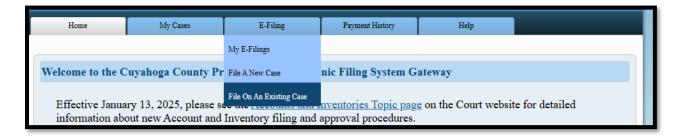
Searching for Existing Cases

On the Welcome screen, there are multiple ways to search for existing cases. If you are already a party to an existing case, you can find the case listed under the **My Cases** tab.

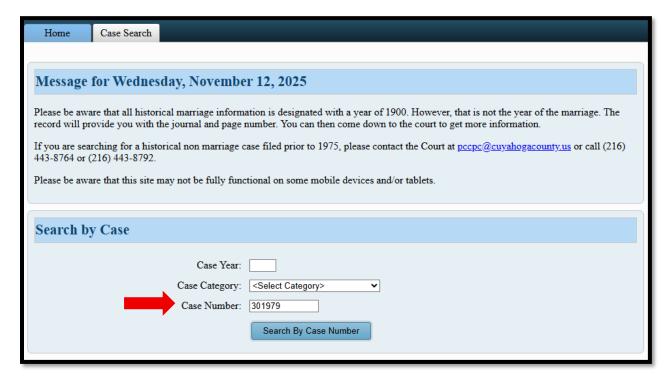


From the **My Cases** tab, you can access a summary of the case (C) or E-File on it (E).

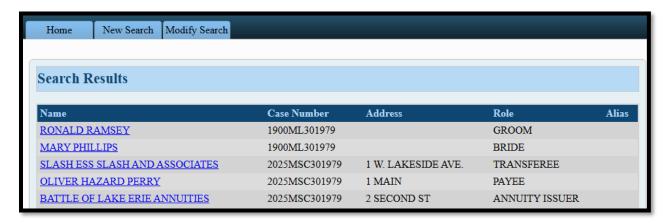
Another way to find and file on an existing case is to select the **E-Filing** Tab, and from the menu, choose **File On An Existing Case**...



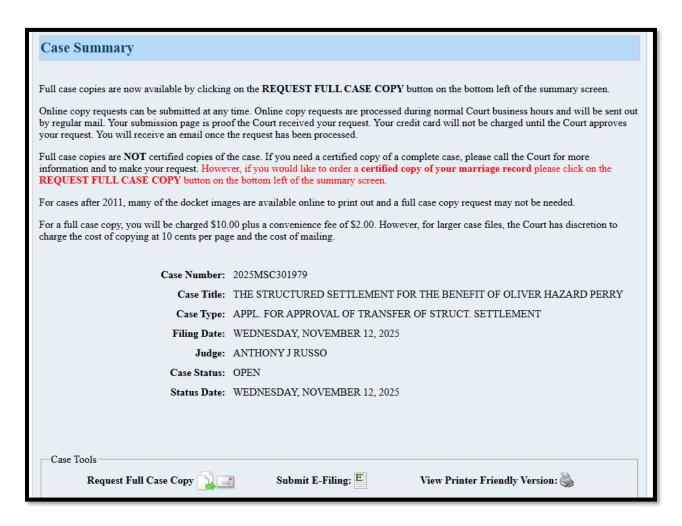
On the next screen, search by Case or by Party. The example below is a case number search using only the numeric portion of the existing case.



From the displayed results of names, select any party from the prior TSS case...

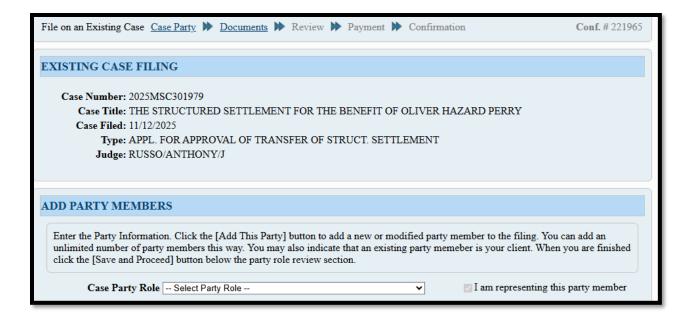


The next screen is the **Case Summary** of the existing case.



Select the **Submit E-Filing (E)** from the Case Tools at bottom.

The next screen displays the **ADD PARTY MEMBERS** screen to begin filing on the existing case and shows your pending filing confirmation number at the top-right of the screen.



Review Existing Party Members

From the ADD PARTY MEMBERS screen...scroll to the screen bottom to PARTY ROLE REVIEW.

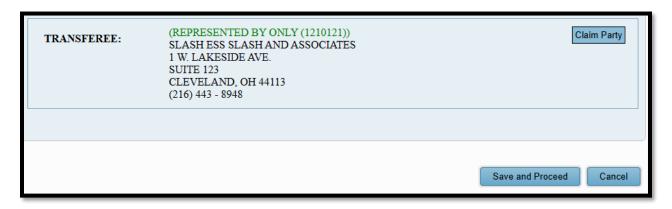


Attorneys may already be associated with the Transferee from previous Applications and will see their name and Bar ID highlighted above the Transferee's name (e.g. **REPRESENTED BY ONLY** (1210121)). If this relationship is established and displayed, select SAVE AND PROCEED.

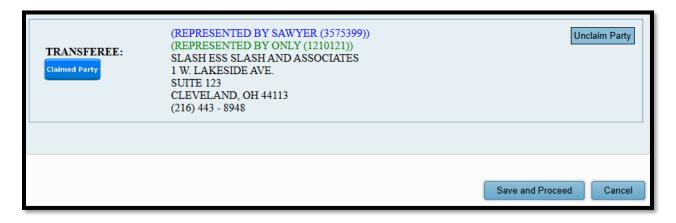
TRANSFEREE:

(REPRESENTED BY ONLY (1210121))
SLASH ESS SLASH AND ASSOCIATES
1 W. LAKESIDE AVE.
SUITE 123
CLEVELAND, OH 44113
(216) 443 - 8948

If an attorney is not yet associated with the Transferee, they may select the **Claim Party** if it is available to establish the filing association with the Transferee.



Example: Attorney *Tom Sawyer* claims Transferee *Slash Ess Slash And Associates*, the screen refreshes, and *REPRESENTED BY SAWYER* and attorney Bar ID is added to the display (along with attorney named *Only*) confirming the association to the Transferee.



If the *Transferee*, *Payee*, and *Annuity Issuer* party roles are correct with updated information, select **SAVE AND PROCEED** to advance to the **ADD DOCUMENTS** screen...

Add Documents and Final Review

At the **ADD DOCUMENTS** screen, upload your **new Application** (all forms in a single PDF with the Application as the first page). *Form 45D* should be uploaded separately in the same submission.

Other common pleadings (notices, motions, affidavits, etc.) filed after the Application should be uploaded using available dedicated codes from the document menu. Examples listed below.

Proposed orders should be uploaded as individual PDFs but sent in the same submission as the related motion or pleading.

Separate PDFs Saved on your PC or Device	Docket codes in menu
Application for Approval of Transfer of Structured Settlement Payments (Submit these documents as one PDF with the Application as the first page.) • Proposed Purchase Contract • Disclosure Statement(s) • Statement of Professional Representation, or • Waiver of Right to Seek Independent Professional Advice	Application for Approval of Transfer of Structured Settlement Payments
Additional supporting documents	Supplemental Document
Form 45D	Confidential Disclosure of Personal Identifiers
Notice of Proposed Transfer	Notice of Proposed Transfer
Notice of Dismissal	Notice of Dismissal
Affidavit of Notice	Proof of Service of Notice Of Hearing/Affidavit
	of Service of Notice
Proposed Order	Proposed Order
Amended Application (for Approval)	Amended Application

Browse and locate on your PC or device your saved PDF files. Enter the number of pages in the area provided. Then select **Add This Document.**

Added document(s) will display in the **DOCUMENT REVIEW** area at the bottom of the screen. Repeat the steps as necessary to upload supporting documents (e.g. *Form 45D*). When all documents are uploaded, proceed to the **Final Review** screen.

At the **FILING REVIEW** screen, select **EDIT** to make corrections.



Note: The **NOTE FOR CLERK** area can be used to make brief requests or notes to the E-File Department. It is NOT to be used for testimony or to ask questions of hearing officers.

When all information is correct, select **Save and Proceed** to continue to the **PAYMENT** screen.

Payment

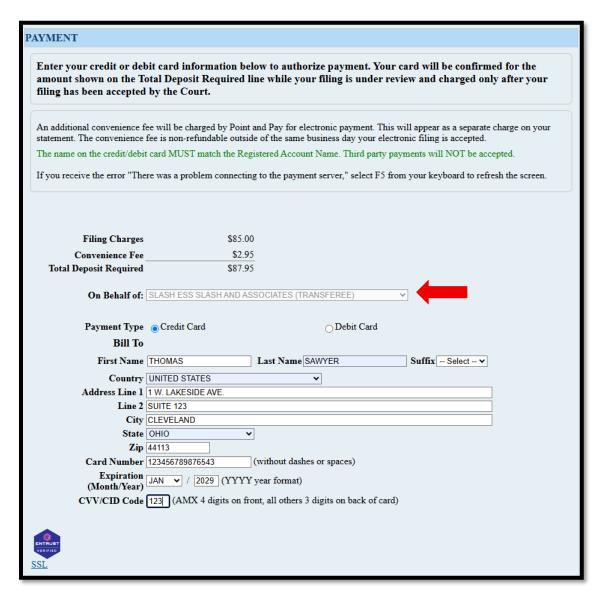
Payment for new or Amended Applications of \$85.00 is authorized at the time of submission, including an additional \$2.95 for credit/debit card convenience fees.

Other filings with fees and related convenience fee will also display on this screen.

Your credit or debit card will be charged after your E-Filing has been accepted. Cards are not charged for rejected or canceled submissions.

Submit the filing on behalf of the **TRANSFEREE** party role.

Complete card billing information. The name on the credit/debit card **MUST MATCH** the Registered Account Name. Third party payments will **NOT** be accepted. Attorneys who wish to file with a third-party firm card may contact the E-File Department by phone to set up an E-Firm account.



Review your information, then select **SUBMIT** to send your filing to the Court for review. **Print a copy of the submission confirmation screen for your records.**

Help and Contact Information

For procedural questions (about TSS cases), or to speak to a Magistrate	General Magistrate's Office (216) 443-8979
To pay back costs owed on cases (via credit or debit card), or for questions about case billing	Clerk's Office (216) 443-8785 Press '0' after the prompt to speak to a cashier clerk
For copy requests	Quality Assurance Department (216) 443-8793
For help with your E-File User account and E-Filing	E-File Department (216) 443-8948 probate efile@cuyahogacounty.us