

PROBATE COURT OF CUYAHOGA COUNTY, OHIO

ANTHONY J. RUSSO, Presiding Judge

LAURA J. GALLAGHER, Judge

TRUST OF _____, DECEASED/GRANTOR

CASE NUMBER _____

APPLICATION FOR APPOINTMENT OF TESTAMENTARY TRUSTEE

The undersigned, an adult, hereby makes application to be appointed Trustee for the benefit of _____

under the terms of the Last Will and Testament of _____

_____, a resident of Cuyahoga County, Ohio,

deceased, No. _____, and states that the asset(s) which

will come into their possession by virtue of the trust is as follows:

Personal Property.....\$ _____

Real Estate.....\$ _____

Annual Rentals.....\$ _____

☐ Applicant says that decedent's Will requests that no bond be required of them, and therefore asks the Court to dispense with bond.

☐ Applicant offers the attached bond in the amount of \$ _____.

Attorney Signature for Applicant

Applicant Signature

Typed or Printed Name

Typed or Printed Name

Address

Address

City State Zip

City State Zip

Phone Number (include Area Code)

Phone Number (include Area Code)

Email Address

Email Address

Attorney Registration No. _____

WAIVER

_____	_____
_____	_____
_____	_____
_____	_____

ACCEPTANCE OF DUTIES AS TRUSTEE

I, _____, applicant for appointment as Trustee in the above-captioned matter, acknowledge that the following is a partial listing of my duties as Trustee:

- 1) I MUST file an inventory of this estate within three (3) months.
- 2) I MUST file an account every two (2) years.
- 3) I am subject to removal without compensation for failure to perform my duties.
- 4) I am subject to penalties for conversion of property.
- 5) I shall be personally liable for assets that are wrongfully distributed.

- _____
☐ Trustee
☐ Attorney for any of the above.

Attorney Registration No. _____

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TRUST OF _____

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FIDUCIARY'S ACCEPTANCE

TRUSTEE

[R.C. 2109.02]

I hereby accept the duties which are required of me by law, and such additional duties as are ordered by the Court. As trustee of this estate, I will:

1. Make and file an inventory of the real and personal assets of the trust within 3 months after appointment, or such time as extended by the Court;
2. Deposit funds which come into my hands in a lawful depository located within this state; The trust checking accounts must provide canceled checks, as these canceled checks must be displayed when filing accounts;
3. Keep trust funds in separate trust accounts at all times during the administration of the trust;
4. Invest all funds in a lawful manner;
5. Timely pay bond premium, if any;
6. Make and file 1st account within one (1) year following my appointment or such time as ordered by the Court; File additional accounts on at least an annual basis; **Accounts require a personal appearance; Filings by mail are not accepted;**
7. Timely file all tax documents as required by law;
8. Submit all filings with original signatures; In all matters with multiple fiduciaries, the signature of all fiduciaries is required; Persons who are not an attorney may not sign on behalf of an attorney;
9. Obey all orders of the Court; and
10. Immediately notify the Probate Court if I change my address.

I acknowledge that I am subject to removal as trustee if I fail to perform my fiduciary duties.

I acknowledge that I am subject to possible civil and criminal penalties for improper conversion of the property which I hold as fiduciary.

Note ORC §2109.02 states that every fiduciary, before entering into the execution of a trust, shall receive letters of appointment from a Probate Court having jurisdiction of the subject matter of the trust.

The duties of a fiduciary shall be those required by law, and such additional duties as the Court orders. Letters of appointment shall not issue until a fiduciary has executed a written acceptance of those duties, acknowledging the appointment shall not issue until a fiduciary has executed a written acceptance of those duties, acknowledging the possibility of removal for failure to perform those duties, and further being subject to possible penalties for conversion property held as a fiduciary. The written acceptance of duties may be filed with the application for appointment.

Date

Trustee

Email Address

Typed or Printed Name

Phone Number (include Area Code)

Address

City

State

Zip