

**PROPOSED AMENDMENTS TO THE LOCAL RULES OF PRACTICE FOR
THE LUCAS COUNTY COURT OF COMMON PLEAS, PROBATE DIVISION**

NOTICE OF PROPOSED RULES

Pursuant to the Rules of Superintendence for the Courts of Ohio-Sup.R.5, the following local rules are being proposed for adoption by Lucas County Probate Court. This Court pursuant to Sup.R.5(A)(2) hereby gives notice and an opportunity to comment upon the following proposed rules.

Comments Requested: The Lucas County Probate Court will accept public comments until July 3, 2008 on the following proposed amendments to Local Rules of Practice for the Lucas County Probate Court 58.1, and 73.1.

Comments on the proposed amendments should be submitted in writing to the Lucas County Probate Court, Lucas County Courthouse, 700 Adams, Toledo, Ohio 43604 or www.lucas-co-probate-ct.org not later than July 3, 2008.

Key to Proposed Amendment:

1. Original language of the rule appears as regular typescript.
2. Language to be deleted appears ~~thus~~.
3. Language to be added appears thus.
4. Letters of added language to remain capitalized appears THUS.

**LOCAL RULES OF PRACTICE FOR THE LUCAS COURT OF COMMON PLEAS,
PROBATE DIVISION**

Rule 58.1

COURT COSTS Amended in part as follows:

- A. Deposits in the amounts set forth below shall be required in the following actions and proceedings, including those where the fiduciary is bonded:

Estate (full administration) suggested deposit	\$200.00
Guardianship of Adult Incompetent*	\$225.00 -\$256.00
Conservatorship	\$125.00
Guardianship of Minor-Person and Estate or Person only (Home Study Required)*	\$325.00
Guardianship of Minor-Estate only*	\$125.00 -\$136.00
<u>*Guardianship –Additional cost(s) to be paid at time of filing:</u>	
<u>Waiver of Notice and Consent per form filed</u>	<u>\$1.00 (each)</u>
<u>Personal service of Notice of Hearing</u>	<u>\$15.00 (each)</u>

~~Guardianship~~ Expedited Service of Notice of hearing \$25.00 (each)

~~Guardianship~~ Home study ordered by Court \$200.00

Upon adoption, said rule shall amend the current Local Rule 58.1.

Rule 73.1 Amended in part as follows:

GUARDIAN'S AND CONSERVATOR'S COMPENSATION

Unless otherwise provided by law or ordered by the Court, a guardian may charge a fee for his ordinary services an amount computed in accordance with the following schedule during each accounting period required by statute or Court rule.

- A. Excluding income from real estate, 4% of the first \$3,000 of income, and 3% of the balance in excess of \$3,000; and 4% of the first \$3,000 of expenditures and 3% of the balance in excess of \$3,000.
- B. If the guardian manages real estate, a fee amounting to ten percent (10%) of gross rental real estate income may be allowed. If the guardian receives net income from real estate actively managed by others, the guardian shall treat such net income as ordinary income.
- C. \$2.50 per thousand for the first \$100,000 of fair market value of the principal; \$2.00 per thousand on the next \$300,000 of fair market value of the principal; \$1.50 per thousand of the fair market value of the balance.
- D. A minimum annual fee of \$250.00 will be allowed in each guardianship ~~(eff. 4-1-92)~~ or conservatorship.
- E. Unless otherwise provided by law, the order of the Court, or limitation by the conservatee, a conservator may charge for ordinary services an amount computed in accordance with the above schedule during each accounting required by statute or Court Rule.

Upon adoption, said rule shall amend the current Local Rule No. 73.1.

Any comment should be directed to the Lucas County Probate Court, Lucas County Courthouse, 700 Adams Street, Toledo, Ohio 43604 or www.lucas-co-probate-ct.org.

JACK R. PUFFENBERGER
JUDGE AND EX-OFFICIO CLERK
OF THE PROBATE DIVISION