

IN THE COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO
PROBATE DIVISION
JUDGE JACK R. PUFFENBERGER

In The Matter of: * CASE NO. MISC-64385
Local Rules of Practice *
* JUDGMENT ENTRY
*

The Rules of Superintendence for the Court of Common Pleas, Probate Division are hereby amended and adopted in accordance with Rule 5 of the Rules of Superintendence for the Courts of Ohio, effective January 1, 2021 to include the following changes.

Rule 58.1
COURT COSTS

- A. As of this effective date, all Court costs shall be listed on the Probate Court website: www.lucas-county-probate-ct.org, and no matter pending before this Court shall be finalized by the Court until all costs are paid. It is recommended that you contact the court prior to filing to ascertain exact costs related to your case.
- B. The Court has determined that additional fees shall be collected for the purpose of procuring and maintaining computerized legal research; for Court computerization; for the purpose of procuring or maintaining microfiche records; to implement dispute resolution, to pay for special projects of the Court; for costs, fees and charges associated with the guardianship of indigent wards; and for the conduct of business of the Probate Court. These fees are included in the costs listed on the court website.

Rule 65.1
LAND SALES

- A. Parties under Legal Disability. In a land sale proceeding involving a party defendant who is under legal disability, namely minors, incarcerated persons, and adult incompetent persons, the Court shall appoint a guardian ad litem who shall be an attorney not associated with the attorney or law firm who filed the land sale complaint. The answer of the guardian ad litem shall set forth the facts involved in the sale of the real estate, the interests of the defendant who is under legal disability in the sale of the real estate, and recommendation to the Court as to what action is in the best interest of the defendant who is under legal disability. The Court shall have final approval for all fees submitted by the guardian ad litem.

- B. The Auditor and Treasurer do not need to be named as party-defendants in a land sale proceeding. The Court will provide a copy of the complaint to the Prosecutor. A Notice of Certificate of Lucas County Treasurer and Auditor of Taxes Due shall be filed by the Prosecutor.

Rule 71.1

COUNSEL FEES

- C. Except as provided in paragraphs (C), (D) and (E) below, an application, signed by the fiduciary, Application and Entry Allowing Fees (LCPC 13A), must be filed for allowance of all fees. Each application shall set forth: 1) an itemized statement of the services performed; 2) the date services were performed; 3) the time spent rendering the services; 4) the average rate charged per hour; and 5) the source from which the fees will be paid. If additional fees are claimed for extraordinary or unusual services, the application shall set forth details.

Rule 78.9

ABANDONMENT Of REAL PROPERTY

- A. This Rule governs the abandonment of real property in situations in which the total of all outstanding liens and encumbrances on the property exceeds its appraised value, making it detrimental to the estate to maintain, sell, transfer or account for the property due to its lack of economic value to the estate
- B. Motion A Fiduciary may file a motion to abandon real property seeking the Court's authority to exclude the real property from further administration.(LCPC Form 78.9-A) A proposed order abandoning real property (LCPC Form 78.9-D) must accompany the Motion.
- C. Legal Description The Fiduciary must attach a current and accurate legal description of the real property to the motion. The legal description must include the parcel identification number and must have a county engineer's stamp verifying that the legal description is accurate and suitable for recording. The approved legal description must be attached as an exhibit to proposed order abandoning real property.
- D. Notice/Waiver Within three days after filing the motion, the Fiduciary must serve by ordinary mail a copy of the motion and a notice of hearing (LCPC Form 78.9-B) on all of the following persons and entities, except those persons or entities who have waived notice and consented to the abandonment (LCPC Form 78.9-C)).
- a. All heirs and beneficiaries identified on Form 1.0.
 - b. All persons and entities identified in the motion.
 - c. The auditor, treasurer and prosecuting attorney of the county in which the real

- property is located.
- d. The city, village or township in which the real property is located.
 - e. The sanitary engineer providing any sanitary sewer or water services to the real property.
- E. Hearing Unless all persons and entities entitled to notice under this Rule have filed a waiver of notice and consent to abandon real property (LCPC Form 78.9-C), the Court will hold a hearing on the motion no sooner than 14 Calendar Days after the date of filing the motion.
- F. Order If the Court finds that the motion is well-taken, the Court will issue an order abandoning real property (LCPC Form 78.9-D). The Fiduciary must record a certified copy of the order in the office of the recorder in the county in which the real property is located within 10 Calendar Days after the date of the order. The Fiduciary must also file a photocopy of the recorded order with the Court within 30 Calendar Days after the date of the order. The Court will not approve the Fiduciary's next accounting unless the Fiduciary timely files a photocopy of the recorded order.

IT IS THE ORDER OF THIS COURT THAT THIS AMENDMENT TO THE LOCAL RULES IS EFFECTIVE JANUARY 1, 2021.

Date

Judge Jack R. Puffenberger