

**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 6, 2009 on the following proposed amendments to Local Rules of Practice for the Lucas County Probate Court 60.1, 64.1, and 78.8.

Comments on the proposed amendments should be submitted in writing to the Lucas County Probate Court, Lucas County Courthouse, 700 Adams Street, Toledo, Ohio 43604 or www.lucas-co-probate-ct.org not later than July 6, 2009.

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 COUNTY COURT OF
COMMON PLEAS, PROBATE DIVISION**

RULE 60.1 Application for Letters of Authority to Administer Estate and Notice of Appointment.

(A) Special Administrator

- (1) Application for the appointment of a Special Administrator pursuant to R.C. 2113.15 shall be filed in conjunction with an Application for Authority to Administer Estate.
- (2) The Court in its discretion may waive or modify notice requirements and may limit the Special Administrator's powers.
- (3) Inventory—Special Administrator is to file with the Probate Court within three (3) months of appointment or upon appointment of the executor or administrator, whichever is sooner, an inventory of the decedent's interest in real estate located within this State and of the tangible and intangible personal property of the decedent that has come into the Special Administrator's possession or knowledge.

- (4) Account—Special Administrator is to file with the Probate Court within six (6) months of appointment or upon appointment of the executor or administrator, whichever is sooner, an accounting of the tangible and intangible personal property of the deceased, decedent’s interest in real estate located in within this State, and for the debts of the deceased that the Special Administrator receives as Special Administrator.

Upon adoption, said rule shall will be a new rule.

Rule 64.1 Accounts. Amended in part as follows:

A. The time for filing accounts shall be as follows:

- 5) An Account of Distribution shall be filed no later than ninety (90) days after the approval of a final account.
- 6) A Supplemental Final Account shall be filed no later than ninety (90) days from the date the estate administration is re-opened and an executor or administrator is appointed.

Upon adoption, said rule shall amend the current Local Rule No. 64.1

Rule 78.8 Safe Deposit Box

Prior to the appointment of a fiduciary, authority to open a safe deposit box shall only be granted to an attorney at law licensed to practice law in the State of Ohio who has been appointed by the Court as commissioner to report on the contents of a safe deposit box.

Upon adoption, said rule shall amend the current Local Rule No. 78.1 by adding new Local Rule 78.8.

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

**PROPOSED FORMS FOR THE LUCAS COUNTY COURT OF
COMMON PLEAS, PROBATE DIVISION**

NOTICE OF PROPOSED FORMS

Comments Requested: The Lucas County Probate Court will accept public comments until July 6, 2009 on the following proposed forms for the Lucas County Probate Court.

Comments on the proposed forms should be submitted in writing to the Lucas County Probate Court, Lucas County Courthouse, 700 Adams Street, Toledo, Ohio 43604 or www.lucas-co-probate-ct.org not later than July 6, 2009.

The following proposed forms are available for review at the Lucas County Probate Court or on the Probate Court web site www.lucas-co-probate-ct.org.

ENTRY APPOINTING SPECIAL ADMINSTRATOR; LETTERS OF AUTHORITY-FORM LCPC ES 4.5SPA

Upon adoption, said form will be a new form.

APPLICATION FOR APPOINTMENT OF A COMMISSIONER TO REPORT ON THE CONTENTS OF A SAFE DEPOSIT BOX-FORM LCPC FORM 2.8

Upon adoption, said form will be a new form.

REPORT ON CONTENTS OF SAFE DEPOSIT BOX-LCPC FORM 2.8 RPT.

Upon adoption, said form will be a new form.

ORDER UPON REPORT ON CONTENTS OF SAFE DEPOSIT BOX-LCPC FORM 2.8 JE

Upon adoption, said form will be a new form.

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

**PROBATE COURT OF LUCAS COUNTY, OHIO
JACK R. PUFFENBERGER, JUDGE**

ESTATE OF _____, DECEASED

CASE NO. _____

ENTRY APPOINTING SPECIAL ADMINISTRATOR; LETTERS OF AUTHORITY
[R.C. 2113.15 – 2113.17] & [R.C. 2109.08]

Name of Fiduciary: _____

Title of Fiduciary: Special Administrator

On hearing in open Court the application of the above fiduciary for authority to administer decedent's estate (until an executor or administrator is hereinafter appointed), the Court finds that;

Decedent died [check one of the following] testate intestate – on _____,
domiciled in _____.

[Check one of the following] Bond is dispensed with by the Will Bond is dispensed with by law Applicant has executed and filed an appropriate bond, which is approved by the Court (see also R.C. 2109.08); and:

Applicant is a suitable and competent person to execute the trust.

The Court therefore appoints applicant as such Special Administrator, with the power conferred by law to administer decedent's estate. This entry of appointment constitutes the fiduciary's letters of authority.

Special Administrator is to file with the Probate Court within three (3) months or upon appointment of the executor or administrator, whichever is sooner, an inventory of decedent's interest in real estate located within this state and of the tangible and intangible personal property of the decedent that has come into the Special Administrator's possession or knowledge.

Special Administrator is to file with the Probate Court within six (6) months or upon appointment of the executor or administrator, whichever is sooner, an accounting of the tangible and intangible personal property of the deceased, decedent's interest in real estate located within this state, and for the debts of the deceased that the Special Administrator receives as Special Administrator.

NOTICE TO FINANCIAL INSTITUTIONS
Funds being held in the name of the within-named Decedent shall not be released to Special Administrator without a Court Order directing release of a specific fund and amounts thereof.

Date

Judge Jack R. Puffenberger

CERTIFICATE OF APPOINTMENT AND INCUMBENCY

The above document is a true copy of the original kept by me as custodian of the records of this Court. It constitutes the appointment and letters of authority of the named fiduciary, who is qualified and acting in such capacity.

Probate Judge/Clerk

By _____

Date

[Seal]



**PROBATE COURT OF LUCAS COUNTY, OHIO
JACK R. PUFFENBERGER, JUDGE**

ESTATE OF _____ DECEASED

CASE NO. _____

**APPLICATION FOR APPOINTMENT OF A COMMISSIONER TO
REPORT ON THE CONTENTS OF A SAFE DEPOSIT BOX**

Now comes Attorney _____ who requests the appointment of him/her self, as Commissioner to review and report the contents of the decedent's safe deposit box located at _____ a financial institution in the City of _____, State of Ohio. The applicant requests that as Commissioner he/she be permitted to remove the decedent's will(s) and codicil(s) from the safe deposit box and bring the will(s) and codicil(s) to the Court along with a written inventory of the contents of the safe deposit box.

Attorney

Typed or Printed Name

Address

Phone Number (include area code)

Attorney Registration No.

ENTRY

The Court hereby appoints Attorney _____, as Commissioner to open the decedent's safe deposit box in the presence of an employee of the above listed financial institution to inventory the safe deposit box, and to report back to the Court with an inventory of the contents of the safe deposit box along with any will(s) and codicil(s) of the decedent, on or before _____. The report shall be signed and dated by the Commissioner/Attorney, as well as by an employee of the institution where the safe deposit box is located.

With the exception of any will(s) and codicil(s), no other property shall be released from the safe deposit box until presentation of Letters of Authority or upon further order of this Court.

Judge Jack R. Puffenberger

By _____
Magistrate

**PROBATE COURT OF LUCAS COUNTY, OHIO
JACK R. PUFFENBERGER, JUDGE**

ESTATE OF _____, DECEASED

CASE NO. _____

DRAFT

**ORDER
UPON REPORT ON CONTENTS OF SAFE DEPOSIT BOX**

This matter comes before the Court upon a Report on Contents of Safe Deposit Box filed on _____.

The Report sets forth:

- Will(s) (and Codicil(s)) removed from safe deposit box and delivered to the Court.
- Contents of safe deposit box included personal property of the decedent, which is subject to probate administration.
- Contents of safe deposit box are not subject to probate administration.
- No contents.
- Other – Specify: _____

It is therefore ORDERED that:

- Leave granted to file for an administration of decedent’s estate on or before _____.
If no administration is filed by _____, this matter will be closed upon further order of the Court.
- There being no assets to administer, this matter is closed.
- Other: _____

Judge Jack R. Puffenberger

Copies mailed this _____ day of _____, 20____, by ordinary U.S mail to: _____

