IN THE COURT OF COMMON PLEAS

LOGAN COUNTY, OHIO

FAMILY COURT- PROBATE DIVISION

LOCAL RULES

UPDATED: DECEMBER 13, 2016

JUDGE KIM KELLOGG-MARTIN
JUDGE DAN W. BRATKA

TABLE OF CONTENTS

SUPR. R. 8	**COURT APPOINTMENTS**	**1**
	Local Rule 8.1	
SUPR. R. 9	**COURT SECURITY**	**1**
	Local Rule 9.1	
SUPR. R. 11	**RECORDING OF PROCEEDINGS**	**1**
	Local Rule 11.1	
SUPR. R. 26	**COURT RECORDS MANAGEMENT**	**2**
	Local Rule 26.1 – Record Retention	
SUPR. R. 45	**COURT RECORDS – PUBLIC ACCESS**	**2**
	Local Rule 45.1 – Personal Identifiers	
SUPR. R. 52	**SPECIFICATIONS FOR PROBATE FORMS**	**3**
	Local Rule 52.1 – Caption	
	Local Rule 52.2 – Computerized Forms	
SUPR. R. 53	**HOURS OF THE COURT**	**3**
	Local Rule 53.1 – Hours	
	Local Rule 53.2 – Location	**4**
SUPR. R. 54	**CONDUCT OF COURT**	
	Local Rule 54.1 – Magistrates	**4**
	Local Rule 54.2 – Record	**5**
SUPR. R. 55	**EXAMINATION OF PROBATE FILES**	
	Local Rule 55.1 – Removal of Records	**5**
	Local Rule 55.2 – Copies of Records	**5**
SUPR. R. 56	**CONTINUANCES**	
	Local Rule 56.1 – Hearing Continuance	**5**
	Local Rule 56.2- Inventory/Account	**6**

SUPR. R. 57 FILING AND JUDGMENT ENTRIES

Local Rule 57.1 – Bar Registration 6
Local Rule 57.2 – Microfilm 6
Local Rule 57.3- Standard Probate 1.0 7
Local Rule 57.4-Entries 7
Local Rule 57.5 – Affidavit "due diligence" 7
Local Rule 57.6- Facsimile Filings 7-8
Local Rule 57.7- Fiduciary Signatures 9
Local Rule 57.8- Exhibits 9

SUPR. R. 58 COURT COSTS

Local Rule 58.1 – Deposit 9
Local Rule 58.3 – Guardian Investigator 9
Local Rule 58.4 – Final Costs 10

SUPR. R. 59 APPLICATION TO PROBATE A WILL

Local Rule 59.1 – Charitable Trust 11
Local Rule 59.2 – Deposit of Will 11

SUPR. R. 60 APPLICATION FOR LETTERS OF ADM.

Local Rule 60.1 – Non-resident 11
Local Rule 60.2 – Fiduciary's Acceptance 12
Local Rule 60.3- Notice of Appointment 12
Local Rule 60.4- Special Administrator 12
Local Rule 60.5- Notice of Release 12
Local Rule 60.6 – Short Release Adm. 13
Local Rule 60.7 – Short Release Adm./S.S. 13

SUPR.R. 61 APPOINTMENT OF APPRAISERS

Local Rule 61.1 – Fees 13
Local Rule 61.2 – Notice on Inventory 14
Local Rule 61.3 – Real Estate Descriptions 14
Local Rule 61.4 – Certificate of Transfer 14
Local Rule 61.5 - Valuation of June vehicle 15

SUPR.R. 62 CLAIMS FILED WITH THE COURT

Local Rule 62.1 -Notice to Estate Recovery 15
Local Rule 62.2- Filing of Claim 16
Local Rule 62.3- Insolvency 16

SUPR.R. 64 ACCOUNTS

Local Rule 64.1-Filing Accounts 16
Local Rule 64.2-Partial Accounts 17
Local Rule 64.3-Separate Cases 17
Local Rule 64.4-Notice on Accountings 18
Local Rule 64.5- Delinquency 18
Local Rule 64.6- Report of Distribution 18

SUPR.R. 65 LAND SALES

Local Rule 65.1 – Land Sales 19

SUPR.R.66 GUARDIANS

Local Rule 66.1 – Guardianship Minors 19
Local Rule 66.2- Termination 19
Local Rule 66.3 – Guardians / Incompetent 19
Local Rule 66.3(A) – Emergency Guardianship 19
Local Rule 66.3(B) – Complaints in Guardianship 19
Local Rule 66.3 (C) Responsibilities of Guardians 20
Local Rule 66.3(D) - Pre-appt. meeting 20
Local Rule 66.3(E)- Annual plan 20
Local Rule 66.3(F) - Annual Registration 20
Local Rule 66.3(G) - Filing of Ward's legal papers 21
Local Rule 66.3(H) – Educational Requirements 21

SUPR.R.67 ESTATE OF MINORS LESS THAN 10,000 21

SUPR.R.68 SETTLEMENT OF CLAIMS TO MINORS

Local Rule 68.1 – Attendance Required 21
Local Rule 68.2 - Deposit of Funds 22
Local Rule 68.3- Statement of Facts 22

SUPR.R.69 SETTLEMENT OF CLAIMS OR ADULT WARDS
Local Rule 69.1 – Statement of Facts **22**

SUPR.R.70 SETTLEMENT OF WRONGFUL DEATHS
Local Rule 70.1 – Hearing **22**
Local Rule 70.2 – Report of Settlement **23**

SUPR.R.71 COUNSEL FEES ON ESTATES
Local Rule 71.1 – Application not Necessary **23**
Local Rule 71.2 – Fee Guidelines **23-24**
Local Rule 71.3 - Extraordinary Fees **25**
Local Rule 71.4 – Indigent Counsel Fees **25**
Local Rule 71.5 – Gdnshp. & Trust/ Counsel Fees **26**

SUPR.R.72 EXECUTOR'S AND ADMINISTRATOR'S COMMISSIONS
Local Rule 72.1 – Fee Schedule **26**

SUPR.R.73 GUARDIAN'S COMPENSATION
Local Rule 73.1 – Guardian's Compensation **27**

SUPR.R.74 TRUSTEE'S COMPENSATION
Local Rule 74.1 – Trustee's Compensation **28**

SUPR.R.75 ADOPTIONS
Local Rule 75.1 – Adoption Deposits **28**
Local Rule 75.2 – Affidavit of Support **28**
Local Rule 75.3 – Home Studies **28**
Local Rule 75.4 – Father Registry **29**

SUPR.R. 78 CASE MANAGEMENT
Local Rule 78.1 – Case Management Estates **29**

Civil Actions 29
Land Sales 30
Wrongful Deaths 30
Motions 30

Local Rule 78.2 – Service Process
Certified Mail 30

Local Rule 78.3 – Jury Management 30

ATTACHMENTS:

Appendix A – Attorney Certificate
Appendix B - Attorney Fee Statement
Appendix C – Application to Enter into Fee Contract

LOCAL FORMS:

Certificate of Reasonable Diligence
Certificate of Service of Appointment of Fiduciary
Affidavit of Service of Notice: Inventory/Account
Certificate Regarding Estate Recovery Program
Affidavit of Support (Adoption)
Supplemental Affidavit (Name Change)
Order of Indigence (Guardianship)

IN THE COMMON PLEAS COURT OF LOGAN COUNTY, OHIO
FAMILY COURT – PROBATE DIVISION

RULE 8
COURT APPOINTMENTS

COUNTY LOCAL RULE 8.1 – Court Appointments

The Probate Court may request practicing attorneys with law offices in Logan County to be available for Court appointments. Every attorney who practices in the Probate Court shall be deemed competent to provide legal services for those that are unable to retain counsel. If indigent, fees shall be according to the County Commission.

RULE 9
COURT SECURITY

COUNTY LOCAL RULE 9.1 – Court Security Plan

The Court Security Plan shall be the same as set forth in the Logan County Common Pleas Court - Rule 39 adopted June 29, 1995 by Common Pleas Court, Probate, Juvenile and Domestic Relations Divisions.

RULE 11
RECORDING OF PROCEEDINGS

COUNTY LOCAL RULE 11.1 – Recording of Proceedings

The Court may make an audio recording of the proceedings as the record of the Court unless a stenographic record is requested. Parties who desire to have a stenographic record of the proceedings must advise the Court Reporter at least twenty-four (24) hour prior to date scheduled for hearing.

Any interested party may request a transcription of an audio recording to be prepared by the Court Reporter. The person making the request shall pay for the costs of the transcription. The Court will maintain electronically recorded proceedings for three

(3) years from the date of hearing. Any interested person desiring to preserve the record beyond that period must make arrangements to have the record transcribed as provided.

EXHIBITS – Rules provided by County Local Rule 57.8

RULE 26
COURT RECORDS MANAGEMENT AND RETENTION

COUNTY LOCAL RULE 26.1 – Record Retention

Pursuant to 26 (G) of Rules of Superintendence for the Courts of Ohio, the Probate Division of the Family Court of Logan County, Ohio adopts the Court Records Management and Retention and schedules; with the following exceptions:

Will Record Books A-G (years 1820-1850) and Probate Cases 1850-1930 with accompanying indexes (general index 1, 2, and partial 3 (Case Numbers A-# - Z-# dating prior to case number 1).

Probate Cases – Case Numbers 1- 6114 (years 1922-1946) with accompanying indexes.

These Probate cases will be moved and located at the Logan County Historical Society under contract with the Court; Probate Court will retain microfilm of cases (1-6114) for public access.

RULE 45
COURT RECORDS – PUBLIC ACCESS

COUNTY LOCAL RULE 45.1 – Personal Identifiers

"Personal Identifiers" as defined by Sup. R. 44 (H), Court Records must be omitted from all case documents that are filed with this Court. The filing party; pursuant to Sup. R. 45 (D) (1) and (3) is solely responsible for assuring that the personal identifiers

are omitted. When first omitted from a filing, the omitted personal identifiers may be filed on Standard Probate Form (45 D) which will not be a public record. Thereafter subsequent reference to a particular identifier may be made by reciting the last four digits of the identifier. The clerk may redact personal identifiers at the time of filing with the consent of filer.

RULE 52
SPECIFICATIONS FOR PRINTING PROBATE FORMS

The specifications in this rule govern the reproduction of blank forms intended for, or used in, all probate proceedings.

COUNTY LOCAL RULE 52.1 – Caption

The following caption shall be used, respectively, on all forms in probate proceedings:

LOGAN COUNTY FAMILY COURT
PROBATE DIVISION
DAN W. BRATKA, JUDGE
KIM KELLOGG-MARTIN, JUDGE

The following caption shall be used, respectively, on all pleadings and motions:

IN THE COMMON PLEAS COURT OF LOGAN COUNTY, OHIO
FAMILY COURT – PROBATE DIVISION

COUNTY LOCAL RULE 52.2 – Computerized Forms

Computer generated forms must comply with the specifications and format outlined by the Rules of Superintendence.

RULE 53
HOURS OF THE COURT

COUNTY LOCAL RULE 53.1 – Hours

The Logan County Family Court, Probate Division and its office shall be open for the transaction of business from 8:30 a.m. to 4:30 p.m. Monday through Friday. The Court shall be closed on Saturdays, Sundays and legal holidays, as ordered by the

Commissioners of Logan County. Marriage Applications shall not be accepted after 4:00 p.m.

The Court and its offices, at the discretion and upon order of the Administrative Judge, may be opened or closed at other times for matters of extraordinary nature or importance or for the convenience of the public.

COUNTY LOCAL RULE 53.2 – Location

Court sessions shall be held at Family Courtroom A, B, C, D located at Carnegie Building, 140 N. Main Street or Courtroom # 4 located in the Logan County Annex building thereof in such manner as shall be ordered by Judge Dan W. Bratka or Judge Kim Kellogg-Martin sessions may be held at such other places in this County as may be provided by order of either Judge from time to time or for special cases as the interests of justice may require.

RULE 54
CONDUCT OF COURT

COUNTY LOCAL RULE 54.1 –Magistrates

Magistrates may be appointed by the Administrative Judge of the Family Court, and shall serve as full-time or part-time employees of the Court as provided in Civil Rule 53. Civil Magistrates shall have those powers as set out in Civil Rule 53 and as set out in any Order of Reference.

The Magistrates so appointed are hereby referred all matters, including pre-trials, pertaining to estates, guardianships, trusts, adoptions, civil commitments, and name changes and minor settlements. This reference includes all powers of the court except as restricted by law.

Prior to an appeal of, or objection to, a Magistrate's decision, a request for Finding of Fact and Conclusions of Law shall be filed, pursuant to Civil Rule 52.

COUNTY LOCAL RULE 54.2 – Record

Court reporter fee for each hearing shall be set at $25.00

RULE 55
EXAMINATION OF PROBATE FILES, RECORDS, AND OTHER DOCUMENTS

COUNTY LOCAL RULE 55.1 – Removal of Records

No person shall be permitted to remove records from the Family Court, Probate Division an original Will or Codicil on file therein. All other non-confidential files, including microfilm, may be taken from the court for good cause shown and with the approval of the Court for a period not exceeding three (3) days, upon giving the proper receipt therefore. A second violation of the time period herein shall result in the suspension of the privilege of withdrawing files until a further order of the Court.

COUNTY LOCAL RULE 55.2 – Copies of Records

Copies of records that are not confidential may be obtained at the cost of 25 cents per page. Certification of any document shall be a $1.00 charge.

RULE 56
CONTINUANCES

COUNTY LOCAL RULE 56.1 – Continuance of Hearing

Absent good cause shown supported by affidavit, motions for continuances shall be submitted in writing with adverse parties approval, three (3) days prior to scheduled hearing.

COUNTY LOCAL RULE 56.2 – Continuance of Filing Inventories and Accountings

Continuances or requests for extensions of time for filing inventories and accountings in estates, guardianships, and trust proceedings said continuance requests must contain the signature of fiduciary indicating the approval of the fiduciary, or such approval may be shown by other means such as, including but not limited to telephonic and/or written communication.

Application for extension of time on filing accounting or inventory shall not be accepted for filing after the issuance of a citation notice. Subject to the issuance of the citation, inventories and accountings must be filed prior to hearing or appearance of both fiduciary and attorney of record will be required.

The Court will accept three extensions on a past-due account in 30 day increments with the exception that unless the only asset is real estate, then 90 day increments can be granted with the three extensions.

RULE 57
FILING AND JUDGMENT ENTRIES

COUNTY LOCAL RULE 57.1 – Bar Registration

The information required by Rule 57.1 (2), including bar registration number is only required by this Court once, at the time of filing the initial papers in a case and need not be repeated on every filing unless there is a change of counsel in that event, the bar registration must be included on the next pleading filed.

COUNTY LOCAL RULE 57.2 – Microfilm – original record

Microfilm copies of all cases and other permanent records in this Court shall

constitute an original record pursuant to Ohio Revised Code Section 9.01. No copied microfilm filings will be accepted that will not make a clear copy after being microfilmed by our county.

COUNTY LOCAL RULE 57.3 – Standard Probate Form 1.0

The information required on the Standard Probate Form 1.0 need only be filed once unless there is a change, in which event an amended form 1.0 should be filed containing the updated information.

When a next of kin takes per stripes, the name of the deceased parent and the parent's relationship to the decedent shall be stated on the standard probate form 1.0.

COUNTY LOCAL RULE 57.4 – Filing Entries

The judgment entry submitted shall contain either proof of service to opposing counsel or indicate approval of opposing counsel. Failure of counsel ordered to submit entry may result in matter being dismissed and the Court issuing a contempt citation or Court may prepare appropriate entry.

COUNTY LOCAL RULE 57.5 – Affidavit – definition of "due diligence"

In interpreting the definition of "due diligence" the Court shall require an affidavit to be filed with steps and procedures that an individual would expect to be successful in locating an address of an individual by using available resources. An approved form is available at the Probate Court to be used as a guideline. (Local Form)

COUNTY LOCAL RULE 57.6 – Facsimile Filings

This local rule is adopted under Civ. R. 5 (E) and Civ. R. 73 (J).
Pleadings and other papers may be filed with the Probate Clerks' Office by facsimile transmission to (937)292-4121, facsimile machine operates seven (7) days a week and (24) hours a day, subject to the following conditions:

a. These rules apply to probate proceedings in the Logan County Family Court.
b. These rules do NOT apply to **adoption** and **mental illness/mental retardation** proceedings or **an appeal** of any case in the probate jurisdiction. In these cases no facsimile will be accepted.

The following documents will **not** be accepted by facsimile:

1. Original wills, codicils,
2. Pleadings that require service of summons to follow
3. Pleadings that will require issuances of documents
4. Surety bonds or verifications of receipt or deposits of assets
5. Any filings that would require a certification by the Court
6. Consents to any proceedings
7. Any filings that assess cost to a case with exception to extensions of fiduciaries inventories and accountings
8. Any facsimile in excess of 10 pages/ or sent out by Court Staff.
9. Any filing that would require the issuance of a new case number or originate a proceeding.

A document filed by facsimile shall be stricken from the record by judgment entry if the original is not filed within (3) three business days.

If a document is sent by facsimile to the Logan County Probate Court for filing it must be sent with a cover sheet that includes: Name of Court, title of case, case number, title of documents being filed, date of transmission, transmitting fax number, indication of number of pages in facsimile, name and address of sending party.

TIME OF FILING – subject to the provisions of these rules, all documents sent by facsimile and received by the clerk shall be considered file-stamped with the clerk's office as of the date the transmission of the facsimile. The clerk may, but need not

acknowledge receipt of facsimile. The risks of transmitting a document by facsimile shall be borne entirely by the sending party.

COUNTY LOCAL RULE 57.7 – Fiduciary Signatures

Every pleading, filing or other documents by law or rule requiring the fiduciary's signature shall have the original signature of the fiduciary. The attorney may not sign for the fiduciary. When co-fiduciaries have been appointed, each fiduciary must sign original filing or the filing must explain the reason for the absence of the fiduciary's signature and the efforts made to obtain signature. (Exception CLR 56.2)

COUNTY LOCAL RULE 57.8 – Exhibits

All exhibits offered for admission during a hearing or trial shall be labeled by party name and item identification as directed by the Court Reporter. Court Reporter shall retain custody of exhibits admitted unless otherwise directed by the Court. Disposal of exhibits shall be by the retention rules of this Court.

RULE 58
COURT COSTS

COUNTY LOCAL RULE 58.1 – Deposit

The Court shall require a $30.00 filing fee at the time of filing applications for appointments of the following: Executors, Administrators, Trustees and Guardians. This filing fee is paid directly to the Guardianship Indigent Fund provide by Ohio Revised Code Section 2101.16 (C).

COUNTY LOCAL RULE 58.3 – Guardianship Investigator Fee

The Court shall require a guardianship investigator fee of fifty dollars ($50.00) ($25.00 for the investigator's initial contact with ward and $25.00 for the investigator's report to Court) at the time of filing an application to appoint a guardian for an

incompetent person. If amendments to an application are needed or additional visits are required, investigator's fee will be adjusted properly.

COUNTY LOCAL RULE 58.4 – Final Costs

Total costs must be paid in each of the following actions at the time indicated, unless waived for good cause shown by motion and entry:

ESTATES

Estate with Appointment of Fiduciary
- upon filing of Accounting (s)
- Certificate of Termination

Relieve Estate from Administration
- Report of Distribution

Relieve Estate from Administration with only Asset being Real Estate
-Certificate Transferring Real Estate

Tax Proceedings
- Tax Return

Depositing Will for Safekeeping
-Application to Deposit Will

GUARDIANSHIPS

Guardianship of person and estate
-upon filing of accounting (s)

Guardianship of the person only
-Guardian's report

TRUST

Testamentary Trust
- upon filing of Accounting (s)

ADOPTIONS

Petition for Adoption

- Deposit of $275.00 / or $175.00 without publication / remaining costs due at adoption hearing

MINOR SETTLEMENTS / CHANGE OF NAME
Costs to be paid at Court Hearing

RULE 59
APPLICATION TO PROBATE A WILL

COUNTY LOCAL RULE 59.1 – Charitable Trust

It is the responsibility of the fiduciary and attorney to file the notice required by Ohio Revised Code Section 109.26, charitable trust together with a copy of the Will with the Ohio Attorney General. A statement that this has been done shall be endorsed on the application.

It is also the duty of both fiduciary and or attorney to determine if a Will of a decedent has been deposited with the Court prior to death.

COUNTY LOCAL RULE 59.2 – Deposit Last Will and Testament for Safekeeping

Any Last Will and Testament that is being deposited with the Court for safekeeping by Motion and Judgment Entry after the death of testator a (1.0) surviving spouse, next of kin, legatees and devisees form shall be filed.

RULE 60
APPLICATION FOR LETTERS OF ADMINISTRATION

COUNTY LOCAL RULE 60.1 – Appointment of Non-resident

Upon compliance with O.R.C. Section 2109.21, the Court may appoint a non-resident executor or trustee named in a Will or nominated in accordance with any power

of nomination conferred in a Will.

COUNTY LOCAL RULE 60.2 – Fiduciary's Acceptance

The written acceptance of duties (form # 1 DF) required by Ohio Revised Code Section 2109.02, must be executed and filed before approval of appointment.

COUNTY LOCAL RULE 60.3 – Notice of Appointment

The Administrator shall give notice of appointment pursuant to Sup. R. 60 (B). Said notice shall be issued by regular U.S. Mail and proof of service shall be given to the Court by filing a certificate of service. (Local Form)

COUNTY LOCAL RULE 60.4 – Special Administrators

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. Special Administrator shall collect the assets and debts of the decedent and preserve them for the executor or administrator who thereafter is appointed.

The Court in its discretion may waive or modify notice and bond requirements and may limit the Special Administrator's powers.

Inventory of the Special Administrator is to be filed with the Probate Court within three (3) months of the appointment or upon appointment of the executor or administrator, whichever is sooner.

An Accounting of the Special Administrator is to be filed with the Probate Court within six (6) months of the appointment, Thereafter, good cause shown to consider Appointment of Executor or Administrator pursuant to ORC 2113.15.

COUNTY LOCAL RULE 60.5 – Notice of Release of Administration

Unless waived by all parties or notice has been dispensed with by the Court in a Release from Administration pursuant to O.R.C. Section 2113.03 (B)

the Court will hereby order seven (7) days written notice to be issued upon the heirs at law.

COUNTY LOCAL RULE 60.6– Release of Administration – Assets less than $5,000

Upon satisfying the Court that all creditors are paid in full and that assets of the decedent are less than $ 5,000 dollars, the court will allow a form 5.0A, Short Release from Administration to be filed. Unless waived, notification of said Application must be given to all next of kin. Receipt of distribution of estate assets and total costs paid within 30 days of order. Court will waive notice if applicant is receiving assets in lieu of reimbursement for his/her expenses or re-imbursement being made to Medicaid Recovery Program. The Court will require an application and judgment entry to deposit the will if an original will is not being admitted to the Court and is going be filed with the application of Short Release from Administration.

COUNTY LOCAL RULE 60.7 – Release of Administration – Sole Heir/Surviving Spouse - Assets less than $10,000.00 (form 5.0A)

RULE 61
APPOINTMENT AND COMPENSATION OF APPRAISERS

COUNTY LOCAL RULE 61.1 – Fees

Fees paid to appraisers by the fiduciary shall not be based upon the amount of the appraisal or amount of the sale. The fee shall be a maximum of $450.00 per appraiser as agreed upon by the fiduciary and the appraiser. Any amount over $450.00, must be approved by the Court prior to payment upon the written application of the fiduciary,

setting forth the time spent and work completed by the appraiser as well as the type and character of the property appraised.

COUNTY LOCAL RULE 61.2 –Notice on Inventory

Unless notice is waived, inventories of executors and administrators filed in this Court shall be set for hearing no later than one month after the filing thereof. The notice of hearing shall be served by the fiduciary upon the following whose place of residence is known:

Intestate Estate – surviving spouse and next of kin listed on the 1.0 form.

Testate Estate – surviving spouse and beneficiaries; and any next of kin who have not received or waived notice of admission of Will to probate per R.C. 2107.19.

Such notice shall be given by regular mail by the fiduciary, verified by an affidavit of service (Local Form) and further by publication pursuant to Rule 73 (E) (7). The publication shall occur within (15) days of filing.

COUNTY LOCAL RULE 61.3 – Real Estate Descriptions

Inventories of executors, administrators, trustees, or guardians that list real estate as an asset must include the real estate description before obtaining Court approval. The Court will accept the County Auditor's tax evaluation and description if an appraiser is not appointed.

COUNTY LOCAL RULE 61.4 – Certificate of Transfer

No certificate of transfer shall be approved by the court until after filing of the Inventory and Appraisal.

COUNTY LOCAL RULE 61.5- Valuation of Junk Vehicle on Inventory

To list a "0" value for a motor vehicle on an Inventory filed, must state as to why the vehicle is valued at "0" due to being "inoperable" or 'salvage value".

RULE 62
CLAIMS FILED WITH THE COURT

COUNTY LOCAL RULE 62.1 – Notice to the Administrator of the Estate Recovery

Consistent with Ohio Revised Code Section 2117.061 and any amendments thereto, in each estate, the fiduciary or other representative shall investigate whether the decedent's estate is subject to a claim of the Medicaid Estate Recovery Program.

Following such investigation, the fiduciary, shall do one of the following:

1. Notify the Administrator of the Medicaid Estate Recovery Program on the form provided by the Administrator of the Medicaid Estate Recovery Program by filing such form with the Probate Court, and transmitting a copy of said form directly to:

   Stanley R. Evans
   Outside Counsel
   100 South Main Ave.
   Suite 102, Courtview Center
   P.O. Box 499
   Sidney, Ohio 45365-0499

   It is recommended that, to protect the title to probate or non-probate real estate in which the decedent owned an interest, that any response of Outside Counsel be filed with the Court

2. File a certificate that states, to the best of the fiduciary's knowledge, the estate is not subject to a claim by the Medicaid Estate Recovery Program. (Local Form)

COUNTY LOCAL RULE 62.2 – Filing of Claim

If a claim is filed with the Court pursuant to Ohio Revised Code Section 2117.06, the Deputy Clerk shall send a copy of the claim to the attorney of record.

Either a statement or affidavit must be filed regarding the status of each claim filed with the Court or the status shown on the final accounting, before the approval of the final accounting or approval of the report of distribution. Costs of filing claim ($10.00) shall be paid by claimant. Medicaid Estate Recovery Claims shall be exempt of $10.00 filing fee.

COUNTY LOCAL RULE 62.3 – Insolvency in Estate Proceedings

The notice provided for by O.R.C. Section 2117.17 shall also provide to the creditor the proposed calculated amounts to be distributed to each claimant.

Service to next of kin and proof of such shall be waived by the Court if the decedent's assets being applied towards debts are pursuant to O.R.C. 2117.25 (1) and 2117.25 (2).

RULE 64
ACCOUNTS

COUNTY LOCAL RULE 64.1 – Filing Accounts

An account shall not be approved by the Court until:

1. All Court costs have been paid to date, unless upon good cause shown, the Court waives cost.

2. Attorney Certification (Appendix A) has been filed. Included in Attorney Certification the language of probate standard form 13.9, therefore waiving the requirement to the 13.9 form.
3. Schedule (Appendix B, Part I or Part II whichever is applicable) Appendix B, Part I (Attorney Fee Statement) states the basis for calculations of attorney fees by local rule 71.2 guidelines or (Appendix B, Part II) consents given by all beneficiaries to the attorney fees taken.

   A). Application to enter into contract for attorney fees on an hourly basis shall have the judge's approval on fees before filing of account (Appendix C) subject to hearing without consents by all beneficiaries.
4. Written receipts signed by beneficiaries for distribution that was received from estate assets.
5. Closing statement attached to accounting, if real estate was sold during accounting period.

COUNTY LOCAL RULE 64.2 – Partial Accountings

A fiduciary must exhibit all intangible property to the Court at the time of filing a partial account, all accounts or cash balances must be verified by a current letter from the financial institution in which the funds are deposited.

Fiduciary accounts shall be filed annually for all trusts, guardianships and estates, unless waived or modified by the Court.

COUNTY LOCAL RULE 64.3 – Separate Cases

All guardianship accounts, whether for an incompetent or minor, and trust accounts must be filed as a separate account in a separate case file for each ward.

COUNTY LOCAL RULE 64.4 – Notice on Accountings

Notices of the filing and date and place of hearing of all accounts filed in this Court will, unless waived, be mailed by ordinary mail and verified by Affidavit of Service (Local Form) per Civil Rule 73 (E) (7) upon the following where places of residence is known:

Intestate Estate – Surviving spouse and next of kin listed on the 1.0 form
Testate Estate – Surviving spouse and beneficiaries
Incompetent Guardianships – all next of kin that would inherit if the ward died intestate
Minor Guardianships – natural parents or legal guardians of minor child
Trusts – all beneficiaries of trust

On the day set for hearing, the account and service of notice of said hearing will be examined by the Court as provided by law. If proper exceptions are filed timely, the account will be continued for further hearing.

COUNTY LOCAL RULE 64.5 - Delinquency in Filing an Account

NO expenditure, sale, distribution, or fee will be approved while the fiduciary is delinquent in filing an accounting (Sup. R. 78 (D))

COUNTY LOCAL RULE 64.6 – Report of Distribution

Unless waived for good cause, a report of distribution of assets shall be filed within 60 days of the appointment of a commissioner in a release of administration proceedings.

RULE 65
LAND SALES – R.C. CHAPTER 2127

COUNTY LOCAL RULE 65.1 – Land Sales

In all land sales proceeding prior to the issuance of the sale being necessary, the plaintiff shall file a certification of title to prove the evidence of title, unless modified by the Court.

RULE 66
GUARDIANS

COUNTY LOCAL RULE 66.1 – Guardianship / Minors

The Court will not establish a guardianship for school purposes only or for medical purposes. Custody for school purposes is a matter to be heard and determined by the Juvenile or Domestic Relations Divisions of the Family Court.

COUNTY LOCAL RULE 66.2 - Termination

The Court will not accept for filing a motion to terminate guardianship of the estate in which the total assets does not exceed $ 25,000.00, Rules of Superintendence Rule 67 shall apply.

COUNTY LOCAL RULE 66.3 – Guardians / Incompetent

Each guardian applicant shall complete and sign acceptance of duties and responsibility of guardian in the presence of the Court prior to the Court approving the applicant's appointment to become a Guardian for a ward.

COUNTY LOCAL RULE 66.3 (A) – Emergency Guardianships

The Court will appoint Guardians on an emergency pursuant to ORC 2111.49. The Court will require the appointment of a process server to serve the alleged ward in the proceedings.

COUNTY LOCAL RULE 66.3 (B)-Complaints against Court Appointed Guardians

The Court shall promptly consider any written complaint alleged against any guardian in the Court's jurisdiction by setting a prompt hearing and notifying all interested parties. A verbal complaint shall be reduced to writing with the exception of a complaint alleged by a ward. The Court will not accept an anonymous complaint.

The ward's verbal or written complaint shall be set for a prompt hearing at the Court's discretion.

All filed complaints and the results of said complaints shall be recorded in the public guardianship file.

The Court will only release information in a guardianship file after a request has been filed to release information and all parties involved have been given notice.

COUNTY LOCAL RULE 66.3 (C) – Responsibilities of Guardians

Each Court-appointed Guardian shall initiate and submit to a criminal background check within 7 days of his/her filing application. The Court will accept a certificate of good standing with disciplinary counsel issued by the Supreme Court of Ohio for attorneys that are Court appointed Guardians and therefore waiving the criminal background requirement.

COUNTY LOCAL RULE 66.3(D)-Pre-appointment meeting

Unless otherwise determined by the probate division of the common pleas court for good cause shown, an applicant/guardian shall meet with the proposed ward at least once prior to appearing before the court for a guardianship appointment.

COUNTY LOCAL RULE 66.3(E) - Annual plan

A guardian shall file the guardian's report annually with the probate division of the court of common pleas and it shall be accepted as the guardian's plan.

COUNTY LOCAL RULE 66.3 (F)-Annual Registration

A guardian appointed by the court who has ten or more wards under the guardian's care shall annually register with the probate division of the court of common

pleas and provide such information the court may require on or before January 1st of each year.

COUNTY LOCAL RULE 66.3 (G) - Filing of Ward's Legal Papers

The guardian, as part of the inventory, shall file with the probate division of the court of common pleas a list of all of the ward's important legal papers, including but not limited to estate planning documents, advance directives, and powers of attorney, and the location of such legal papers, if known at the time of the filing on the Guardian's Inventory.

COUNTY LOCAL RULE 66.3 (H) – Educational Requirements for Guardians

Each Court-appointed Guardian shall successfully complete and provide proof of completion to the Court, a six-hour guardian educational course provided by the Supreme Court of Ohio pursuant to Superintendence Rule of Ohio 66.06 (A) and each succeeding year thereafter, a three-hour guardian educational course provided by the Supreme Court of Ohio pursuant to Superintendence Rule of Ohio 66.07 (A) proof of completion shall be filed with the Court on the Guardian's anniversary date of appointment, attachment to the Guardian's annual Guardian's report.

Court-appointed Guardians appointed by the Court prior to June 1, 2015 shall complete the three-hour educational requirement by June 1, 2016.

RULE 67
ESTATES OF MINORS OF
TWENTY -FIVE THOUSAND (25,000) DOLLARS OR LESS

The Court shall secure assets of a minor until the age of majority

RULE 68
SETTLEMENT OF CLAIMS FOR INJURIES
TO MINORS

COUNTY LOCAL RULE 68.1 – Attendance required

Unless waived by the Court, the presence of the injured minor and the parents

shall be required at the hearing on application under this rule.

COUNTY LOCAL RULE 68.2– Deposit of funds

Probate Superintendence Rule 67 (C) shall apply to all settlements under this rule unless otherwise ordered by the Court.

COUNTY LOCAL RULE 68.3 – Statement of facts

Counsel shall file with the Court prior to hearing a statement of facts, Superintendence Rule 68 (B), or be prepared to give an oral statement of facts for the record at the time of hearing.

RULE 69
SETTLEMENT OF CLAIMS OF OR AGAINST ADULT WARDS

COUNTY LOCAL RULE 69.1 – Statement of facts

Counsel shall file with the Court prior to hearing, a statement of facts, Superintendence Rule 69 (B), or be prepared to give an oral statement of facts for the record at the time of hearing.

RULE 70
SETTLEMENT OF CLAIMS FOR WRONGFUL DEATHS

COUNTY LOCAL RULE 70.1 – Hearing

The application for approval of settlement for wrongful death shall be set for hearing in every case, Interested parties may waive notice of hearing. Seven (7) days notice shall be given to interested parties, unless waived by the Court for good cause shown.

COUNTY LOCAL RULE 70.2 –Report of Settlement

After distribution is made in a wrongful death settlement, the applicant or counsel shall file a report detailing the parties to whom distribution was made and the amounts.

The Court shall require proof of distribution of expenses from settlement assets; including payment of claim of Medicaid Recovery if required; if distribution of settlement includes a structured settlement the Court shall require proof of the purchase of said structured settlement and named beneficiary of structured settlement.

RULE 71
COUNSEL FEES ON ESTATES

COUNTY LOCAL RULE 71.1 (Application for Attorney Fees NOT Necessary)

In decedents' estate no application for attorney fees is required in either of the following cases:

(a) Payment of the fee is included in an accounting filed by the fiduciary that is also the sole beneficiary of a solvent estate.

(b) If all beneficiaries consent in writing to the specific dollar amount to be paid and such consent instrument containing the caption of the estate is filed with the account (Appendix B, Part II) is filed or percentage guidelines by C.L.R. 71.2 are followed and Attorney Fee Statement (Appendix B, Part I) is filed.

COUNTY LOCAL RULE 71.2 –Attorney Fee Guidelines

The following schedule is merely a guide for determining attorney fees in an ordinary estate and shall not be considered or represented to be a minimum or maximum fee schedule. The law requires that attorney fees be reasonable in each case. Acceptance of an account for filing which reflects payment of attorney fees equal to or less than an amount computed upon the following basis is not approval of the reasonableness of the fee taken. The Court reserves the right to review the fee on its own motion or upon

exceptions to the account as provided by law. For all legal work incident to the **full and complete administration** of a decedent's estate the fees may be calculated as described on (A) (B) and (C) below:

(A) On all property administered:

5% on the first	$100,000.00
3% on the excess over	$100,000.00
2% of all non-probate property	

There is no distinction between real estate and personal property.

(1) Assets set off to surviving spouse under Revised Code Section 2115.13 and Year's maintenance to surviving widow under Revised Code Section 2117.20 et seq shall be included in the basis for calculation of attorney fees on personal property.

(2) Non-probate property includes joint and survivorship assets, TOD/POD assets, IRA's, and annuities.

(B) Fees may be computed on the value of real and personal property from the greater of:

(1) The Federal Estate Tax Return – Form 706 and not otherwise included in the estate attorney fees under Paragraph (A) above. (This is true whether a Federal Estate Tax Return is required to be filed or not based upon the exemption amount.) ;

(2) The value of real and personal property set forth on the inventory.

(3) The value of the assets on the final account.

(C) Land Sale Proceedings:

6% on the first $10,000.00 of gross proceeds

3% on the balance in excess of $10,000.00

(D) Fees on estates where there is not a full and complete administration shall be computed on an hourly basis.

COUNTY LOCAL RULE 71.3 (Application for Extraordinary Fees)

In a decedent's estate, when the estate attorney wishes to charge extraordinary fees, the following procedures shall be followed by the Court:

(1) If the attorney sets forth an application for extraordinary fees and if the Court has evidence of the consent of the fiduciary (Appendix B, Part II) the fee shall be deemed appropriate without setting the matter for hearing.

(2) If the attorney wishes to charge an amount greater than the amount pursuant to County Local Rule 71.2 and if consents by the fiduciary is not in the file, the application (Appendix C) shall be set for hearing with notice being issued to all beneficiaries. In this instance, the application must have time records attached and a description of extraordinary services rendered together with the hourly rate charged must be available at hearing.

NOTE: Attorney Employment Agreement form is at the Probate Court.

COUNTY LOCAL RULE 71.4 – Indigent Counsel Fees

Counsel fees on indigent cases shall follow the guidelines set by the Logan

County Commissioners by resolution number 2-00 (amended 1-4-2000) $50.00 an hour out of court time and $60.00 an hour in court time

COUNTY LOCAL RULE 71.5 (Counsel Fees in Guardianship and Trust Proceedings)

In Guardianships and Trusts, no hearing shall be required upon an application to enter into contract for (Appendix C) attorney fees if it is signed by the fiduciary, contains an **itemized** time sheet statement of legal services performed, applicable hourly rate, and the order approving the fee requested recites that credit may be taken for the allowed fee in an accounting which is subject to exceptions as provided by law.

In Guardianships and Trusts in which the Fiduciary and Attorney are the same Individual or by Attorneys from the same law office, it shall be the Judge's discretion to set the fees for hearing or conference.

RULE 72
EXECUTOR'S AND ADMINISTRATOR'S COMMISSIONS

COUNTY LOCAL RULE 72.1 – Executor's and Administrator's

The compensation which may be taken by Executor's or Administrator's as a credit in their accounting without application and order first obtained must be equal to or less than that provided by the following schedule:

On all property administered:

4% on the first	$100,000.00
3% on the next	$300,000.00
2% of balance over	$400,000.00

RULE 73
GUARDIAN'S COMPENSATION

COUNTY LOCAL RULE 73.1 – Guardian's

The compensation which may be taken by guardians and conservators as a credit in their Accounting without application and order first obtained must be equal to or less than that provided by the following schedule:

(a) To secure the appointment of the fiduciary, the fee to apply to services rendered through the filing of the first account including all assets going into the trust or guardianship and any income for said period and disbursements (not to include distribution).

3% of first	$10,000.00
1 ½ % of balance in excess of	$10,000.00

(b) The following is used for a guide for each accounting period after the first account provided legal services are rendered in addition to the preparation of the account.

3% of income received plus

3% of all disbursements

Existence of the above schedule is not approval by the Court of the reasonableness of the fee so taken, and any credit for a fee in such amount shall be subject to exceptions to the account as provided by law.

RULE 74
TRUSTEE'S COMPENSATION

COUNTY LOCAL RULE 74.1 – Trustee's

C.L.R. 73.1 is applicable to trustees of testamentary trusts.

RULE 75
ADOPTIONS

COUNTY LOCAL RULE 75.1 – Adoption Deposits

(a) The Clerk shall collect a deposit of $275.00, in adoption proceedings which need a notice of publication. The Clerk shall collect a deposit of $175.00 in adoption proceedings where it is unnecessary to publish notice. The said deposit will be applied to Court costs in said proceedings.

(b) The presence of the child to be adopted is required in open Court unless otherwise excused by the Judge.

COUNTY LOCAL RULE 75.2 – Affidavit of Support

Upon filing a Petition for Step-parent Adoption, an affidavit signed by a natural parent that he/she has notified any Child Support Agency that has an active support order of the adoption proceedings. (Local Form)

COUNTY LOCAL RULE 75.3 – Home Studies

The Court shall require **all** home studies and required attachments to be current (within 1 year), unless waived by Court for good cause.

Assessor fees for step-parent adoptions shall be set at $300.00 per home, unless

extra -ordinary services are required.

COUNTY LOCAL RULE 75.4 - Father Registry

Putative Father Registry shall be searched, and results filed with the Court on **all** adoptions, unless a legal father has been determined by a Court. Further, birth certificates filed with the Petition for Adoption shall be obtained within 6 months of filing said Petition.

RULE 78
CASE MANAGEMENT

COUNTY LOCAL RULE 78.1 – Case Management

ESTATES - Issuance of citations shall be given to fiduciaries on delinquent filings by certified mail. No extensions will be granted after the issuance of the citation. Appearance of the fiduciary and attorney is required at hearing. Said hearing will be waived only after proper filings are made. Court may at its discretion, order citation

CIVIL ACTIONS – A pre-trial conference shall be conducted in all cases prior to being scheduled for trial, except for land sale proceedings. Pre-trial shall be set within (30) days after the last answer date. The following decisions shall be made at the pre-trial conference: A) Discovery schedule, B) exchange of witness list shall be determined, C) Definite date for filing of all motions, date for final pre-trial.

At Final Pre-trial Decisions, all counsel attending must have full authority to enter into a binding final pre-trial order. A) the Court will rule on all pre-trial motions, B) Briefs on any legal issues shall be submitted, C) Proposed jury instructions shall be submitted, D) Proposed jury interrogatories shall be submitted, E) clients shall be present. F) No motions shall be heard after final pre-trial without leave of Court and without good cause shown.

LAND SALES – All land sales which have not been concluded within (1) one year from the date of filing shall be set for pre-trial.

WRONGFUL DEATH SETTLEMENTS – All hearings shall be held within thirty (30) days after application to settle is filed.

MOTIONS – All responses to motion shall be filed within fourteen (14) days, Court shall set a hearing within thirty (30) days after receipt of the request or, if no request then hearing shall be within (30) days if the Court deemed it necessary before ruling.

COUNTY LOCAL RULE 78.2 – Service Process

CERTIFIED MAIL – Service of process by certified mail, return, receipt requested, pursuant to Civil Rules 4.1, 4.3 and 4.5 may be perfected, if needed, through a "Track and Confirm" verification by the United States Postal Service website; verification shall be made part of record.

COUNTY LOCAL RULE 78.3 – Jury Management

The Logan County Family Court adopts the current jury management plan of the Logan County Common Pleas Court, General Division, as amended from time to time, and incorporates said plan herein by reference as if fully rewritten.

BARRETT BROTHERS - DAYTON, OHIO

LOGAN COUNTY FAMILY COURT — PROBATE DIVISION
DAN W. BRATKA, Judge — KIM KELLOGG-MARTIN, Judge

IN RE: CASE NO.

CERTIFICATION
ATTORNEY CERTIFICATE

I hereby certify that:

(1) The attached account complies in all respects with R.C. 2109.30, The Rules of Superintendence and Local Rules of the Logan County Family Court, Probate Division.

(2) Each credit, disbursement or distribution in the attached account is supported by a voucher, cancelled check, or receipted bill or bank statement indicated "paid" by the creditor. These records have been reviewed by the undersigned.

(3) The fiduciary fee is according to statute.

(4) This certifies that a true and accurate copy of the Account was served upon all known residuary beneficiaries.

Dated: _____

_____
Attorney for Estate

Name:
Address:

( ) Partial Account ( ) Final Account

Statement regarding the reason the estate proceeding is pending: (must be completed on estates that have been pending for more than two (2) years.)

_____
_____
_____

Appendix A
(1/14)

LOGAN COUNTY FAMILY COURT – PROBATE DIVISION
DAN W. BRATKA, Judge – KIM KELLOGG-MARTIN

In The Matter Of _____

Case No. _____

ATTORNEY FEE STATEMENT

PART I

AMT. OF ATTORNEY FEE $ _____

$ _____

TOTAL = $ _____

(Complete (A) portion of form or complete (B) portion whichever is applicable)

(A) Basis for Calculation:
The highest value from:

Check one: _____ Inventory
_____ Federal Estate Tax Return
_____ Account

is $ _____

Calculation: (County Local Rule 71.2)

5% of the first $100,000.00 = _____
3% of the excess over $100,000.00 = _____
2% of non-probate property = _____
(non-probate property includes joint and survivorship assets, TOD/POD assets, IRA's, and annuities.)

Total $ _____

Land Sale

Total sale price $ _____

6% of first $10,000.00 = _____
3% of balance = _____

Total $ _____

PART II

(B) Consent of Beneficiaries and Fiduciary to Attorney Fee (Optional)

The undersigned do agree that the above stated amount for the attorney fee in this matter are thereby reasonable and hereby have no objection to said fee:

_____ _____

_____ _____

BARRETT BROTHERS - DAYTON, OHIO

LOGAN COUNTY FAMILY COURT — PROBATE DIVISION
DAN W. BRATKA, Judge — KIM KELLOGG-MARTIN, Judge

IN THE MATTER OF _____

CASE NO. _____

APPLICATION TO ENTER INTO CONTRACT FOR LEGAL SERVICES

Comes now _____ the duly appointed qualified and acting fiduciary in this matter and makes application to the Court of an allowance of fees on an hourly basis.

_____ hours X $_____ hour rate = $_____
(attached time sheets)

expenses = $_____

TOTAL FEE = $_____

APPROVED:

_____
Attorney

_____
Fiduciary

CONSENT OF BENEFICIARIES TO ATTORNEY FEE (Optional)

The undersigned do agree that the above stated amount for the attorney fee in this matter are thereby reasonable and hereby have no objection to said fee:

_____ _____

_____ _____

ENTRY

The Court having reviewed the application for fiduciary to enter into a contract for legal services hereby allows attorney fees to be paid without further hearing, but subject to exceptions as provided by law.

_____
Judge

APPENDIX C