

60.2 Relieving Estates from Administration

(A) This rule shall apply to estates where the probate assets are less than Thirty Five Thousand Dollars (\$35,000.00) all in accordance with the provisions of R. C. Sec. 2113.03.

(B) When an application to relieve an estate from administration has been filed, at least five (5) days notice, in writing, of the hearing shall be given to the surviving spouse and the heirs at law in accordance with Civil Rule 73(E) unless waived on Standard Form 5.2.

(C) Publication of notice is not necessary if there is a surviving spouse and/or minor children of the decedent and there is a paid funeral bill or waiver by the funeral director. In all other cases, publication is required.

(D) In those cases where publication is required, the applicant shall complete Form 5.4 and file the same with Forms 5.0, 5.1 and 5.2. Upon the filing of Form 5.4, the applicant shall check the box that authorizes one (1) publication. The applicant will be responsible for the procurement of a hearing date from the Court and publication of notice with a local newspaper.

(E) In the event the Court appoints a commissioner, the appointed commissioner shall file with the Court a Report of Distribution upon completion of his duties.

(F) In cases of estates entitled to be relieved from administration and where there is a will, such will shall be presented for probate. If the will is admitted to probate, an application for an order relieving the estate from administration may be filed in lieu of the appointment of the executor named in the will. If probate of the will is denied, an application for an order relieving the estate from administration may be granted and distribution made under the laws of intestate succession.

(G) Where administration of the estate has commenced, the entry relieving the estate from administration shall contain the words, "The filing of a final account is dispensed with and the fiduciary and surety, if any, are hereby discharged."