

## Estate Administration

### A Final Note

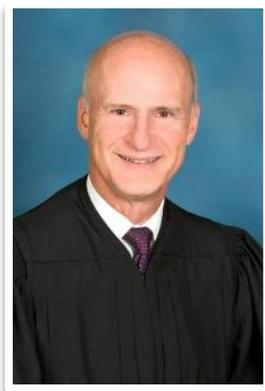
The Court understands that it may be difficult to figure out estate paperwork when you're grieving the passing of a loved one.

Each estate is different and the deputy clerks at Ashtabula County's Probate Court will do everything they can to assist you in this process, **but they cannot give legal advice.**

This pamphlet is provided as a public service to provide an understanding for Estate Administration. It is an overview and should not be considered a legal reference.

## Albert S. Camplese Judge

ASHTABULA COURT OF COMMON PLEAS  
PROBATE/JUVENILE DIVISION



25 W. Jefferson St.  
Jefferson, OH 44047  
440-576-3451  
Hours: 8:00am - 4:30pm

# Estate Administration

ASHTABULA COUNTY COURT OF COMMON  
PLEAS  
PROBATE DIVISION

ALBERT S. CAMPLESE  
JUDGE



# Estate Administration

## WHAT IS ESTATE ADMINISTRATION?

Estate administration is the process by which a person's assets are collected, maintained, and distributed among creditors, heirs, and beneficiaries according to the person's will and the laws of Ohio.

When an individual dies, some of the person's assets may be transferred by trust, joint and survivorship property, payable on death accounts, transfer on death property, and beneficiaries named under life insurance and retirement benefits. These are non-probate assets. Other assets must be transferred through proceedings in probate court and these are called probate assets. Most people die owning both probate and non-probate assets.

## HOW DOES THE PROBATE PROCESS BEGIN?

After the death of an individual, the probate process begins by any interested person filling an application to administer the estate in the county in which the decedent lived. The court will appoint an estate representative, called a fiduciary. The fiduciary is responsible for administering the decedent's estate and accounting to the court for that administration. A bond may be required of the fiduciary to protect the beneficiaries and creditors of the estate and to insure proper administration of the estate's probate assets.

## DOES THE FIDUCIARY NEED AN ATTORNEY?

Due to the complexity of law and the legal issues that can arise in estate administration, **the court strongly recommends all fiduciaries retain legal counsel.**

## HOW LONG SHOULD IT TAKE TO ADMINISTER AN ESTATE?

The time it takes to administer an estate depends on each estate's circumstances. Some estates are administered in six to nine months.

## WHAT ARE THE STEPS OF AN ESTATE ADMINISTRATION?

The basic steps are as follows:

- File an application for authority to administer the estate and admit the will to probate, if one exists
- Appointment of fiduciary
- Inventory and obtain appraisals of assets, if required
- File inventory
- Pay Creditors
- File income tax returns, if any
- Distribute remaining assets to beneficiaries
- File accounts
- Close estate

## MAY FUNDS BE WITHDRAWN FROM BANK ACCOUNTS?

Accounts registered in the decedent's name alone may only be withdrawn by a court-appointed fiduciary or by court order. Survivorship, payable on death, and transfer on death accounts may be withdrawn by the survivor or beneficiary. A tax release is required when an account exceeds \$25,000. Tax releases are obtained from the county auditor.

## MAY ITEMS BE REMOVED FROM A SAFE DEPOSIT BOX?

Generally, an interested person may remove items from a safe deposit box and provide an inventory of its items to the court if necessary. However, not all financial institutions allow this and the court will appoint a person to retrieve the items in a safe deposit box.

## WHAT IF THERE IS NO WILL?

If the decedent had no will, the decedent's probate property is distributed to the decedent's nearest surviving kin in the manner as set forth in the law.

## WHAT IF THE WILL IS UNCLEAR?

If the will is unclear, an action to construe the will may be filed in the probate court. A hearing is held to determine the intent of the testator.

## MAY I OBEJECT TO THE WILL?

Any interested party may contest the validity of the will. A will contest must be filed within three months after the filing of a certificate that all interested persons were given or waived notice of the admission of the will to probate.

## WHAT PROPERTY MUST BE APPRAISED?

Property must be appraised if the value is not readily attainable. Examples include real estate and business interests. Appraisers must be experienced in appraising properties in Ashtabula County. Appraisers that do not have an office in Ashtabula County must demonstrate familiarity with the local market. The fiduciary may be able to use the County Auditor's tax value for real property.

