

Small Estates

A Final Note

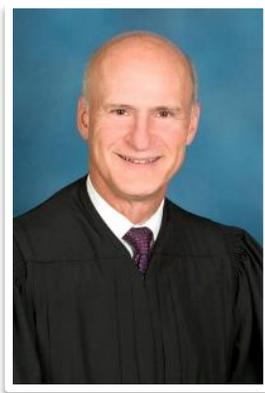
The Court understands that it may be difficult to figure out estate paperwork when you're grieving the passing of a loved one.

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 Small Estates. 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

Small Estates

Relieve from Administration &
Summary Release

ASHTABULA COUNTY COURT OF COMMON
PLEAS
PROBATE DIVISION

ALBERT S. CAMPLESE
JUDGE



Small Estates

Relieve from Administration & Summary Release

For some estates, you may not need to go through the process for opening a full estate for administration. Ohio law allows for certain small estates to be handled in less time, and with less paperwork. If an estate is eligible, one may submit an Application to Relieve from Administration or a Summary Release from Administration to settle an estate.

Which Estate is Appropriate?

Which estate filing you file depends on the nature of the estate you are trying to administer. Please review the following requirements to determine the best choice for your situation:

Relieve from Administration

There is a surviving spouse who is the sole beneficiary and the estate is worth no more than \$100,000, or there is no surviving spouse and the estate is worth no more than \$35,000.

Summary Release from Administration

There is a surviving spouse and the estate is worth no more than \$40,000. If the surviving spouse has paid funeral and burial expenses of no more than \$5,000, then the surviving spouse may also claim that for a total of up to \$45,000. If there is no surviving spouse, then the value of the funeral and burial expense may not exceed \$5,000.

Please refer to our website to access the forms for each type of estate.

WHAT IF I CAN'T FIGURE THIS OUT?

The deputy clerks at Ashtabula County's Probate Court are knowledgeable, but cannot provide legal advice. The following questions may help you determine if the estate you are applying to administer can qualify for a Relieve or Summary Release:

- If there is a Will, who are the beneficiaries? (You must file the original Will with the court.)
- Is there a surviving spouse?
- Who are the heirs?
- What are the probatable assets? What is the total value of those assets? (Probatable assets are assets that are not automatically transferred to someone else upon death.)
- Who paid the funeral bill?
- Are there any other debts?

WHAT'S THE NEXT STEP?

The following four requirements must be met for an estate to be released from administration:

1. The monetary limits have been met.
2. All the probate assets are reported on the application filed with the court.
3. All interested parties, including next of kin, beneficiaries under the Will, and creditors must be given notice of the filing of the application and any hearing on the matter.
4. The decedent's creditors will not be prejudiced by approval of the application.

WHAT DO I NEED TO BRING TO PROBATE COURT?

Once you have chosen which of the estate filing options is best, you will be asked to provide the following to complete the process:

- Original Will of the decedent
- Completed packet of forms
- Copy of the death certificate
- Paid funeral bill
- Verification of existence of assets in the decedent's name, which may include:
 - Bank statement summary
 - Copy of Ohio Certificate of Title to vehicles, including mobile homes, boats, trailers, motors, and motorcycles
 - Auditor's tax printout for real property
 - Statement of stocks and bonds
 - Proof of valuation (KBB, NADA, etc.)

HOW LONG WILL THIS TAKE?

While the Probate Court deputy clerks strive to work as efficiently as possible, all applications must be reviewed by our magistrate and approved by the Judge. The average time to process Applications to Relieve from Administration and Summary Release is between 7 and 14 days. If your application for a Relieve from Administration is approved, you will have sixty days to file the final Report of Distribution with the Probate Court.

