

# **Estate Administration – Admission of Lost, Spoliated or Destroyed Will to Probate**

## **Instructions**

### Requirements

The decedent must have been a resident of Portage County, Ohio at the time of death, or owned real estate in Portage County.

**Note: All paperwork must be typed. We will not accept handwritten documents.  
All filings must be single-sided. We will not accept double-sided originals.  
Please do not staple original paperwork. We cannot accept filings with staples.**

### Initial Filing

- ☐ Paperwork to open a Full Administration or to open a Release from Administration. Note: Omit Forms 2.0 and 2.3. They are replaced in this action by using Local Form *Application to Probate Lost, Spoliated, or Destroyed Will*.
  - ☐ Copy of the Last Will and Testament of decedent or document listing the contents of the will proposed for admission to probate and the original or copy of any prior Will that is known to the applicant
  - ☐ Application to Probate Lost, Spoliated, or Destroyed Will
  - ☐ Affidavit of Witness to Execution of Will
    - o Witnesses who have not executed Affidavits will need to be subpoenaed to appear at the hearing on the Admission of the Lost, Spoliated or Destroyed Will to Probate.
      - o Praecipe for Subpoena
      - o Subpoena
        - If the Court is to serve the Subpoenas, then each Subpoena must be fully prepared and properly addressed to the persons listed. If the Subpoenas are served directly by the Attorney, a copy of each Subpoena must be filed with a copy of the return 5 business days prior to the hearing to evidence proper service.
  - ☐ Acknowledgment and Waiver of Notice of Application on Lost, Spoliated, or Destroyed Will, *If applicable*.
    - o If everyone on the 1.0 signs, no notices will need to be issued unless there is a prior Will provided which lists individuals that are not listed on the 1.0 (who may also acknowledge and waive notice of the application)
- OR**
- ☐ Notice of Application to Admit Lost, Spoliated, or Destroyed Will to Probate, *If applicable*.
    - o Anyone listed on the 1.0 and anyone named in a prior Will provided which lists individuals that are not listed on the 1.0, who does not sign an Acknowledgment and Waiver of Notice of Application will need to be served

**Note:** Notice of Probate of Will and/or Waivers of Notice of Probate of Will and Certificate of Service of Notice of Probate of Will, will still need to be filed after a Lost, Spoliated or Destroyed Will is admitted to probate. Acknowledgment and Waiver of Notice of Application on Lost, Spoliated, or Destroyed Will is NOT a substitute for a Waiver of Notice of Probate of Will.

### Prior to hearing

- ☐ Affidavit Evidencing Service of Notice of Application to Admit Lost, Spoliated, or Destroyed Will

**OR**

- ☐ Certified mail receipts (green cards)