

Summary Release of Estate

Requirements

This proceeding may only be used in one of the following situations:

1. There is a surviving spouse entitled to the entire family allowance; and

The surviving spouse paid or contracted to pay the funeral bill; and

The assets do not exceed \$40,000 plus \$5,000 (for reimbursement for funeral)

Note: If the funeral bill was prepaid, a surviving spouse may still do a summary release but the assets cannot exceed \$40,000. If a surviving spouse is electing to take the mansion house as an elective share under R.C. §2106.10 and family allowance under R.C. §2106.13, contact the Court for more information on necessary documentation.

OR

2. The applicant (who is not the surviving spouse) paid or contracted to pay the funeral bill; and

The assets do not exceed \$5,000; and funeral expenses are equal to or exceed the amount of assets.

For more detail on these requirements, see R.C. §2113.031.

For dates of death prior to October 12, 2006, funeral expense reimbursement cannot exceed \$2,000

Initial filing

- ☐ Application for Summary Release from Administration (Form 5.10)
- ☐ Surviving Spouse, Children, Next of Kin, Legatees and Devisees (Form 1.0)
 - If there is Surviving Spouse, make sure a box at the bottom of the form is marked
- ☐ Entry Granting Summary Release from Administration (Form 5.11)
- ☐ Copy of funeral bill showing paid and/or executed contract for payment of funeral and burial expenses
 - Applicant must be named on the bill as the person who paid the bill.
 - If the body was donated, evidence of the donation must be provided.
- ☐ Photocopy of the death certificate – with the social security number marked out
- ☐ Original Last Will and Testament *If applicable*
 - This can be filed for record only.

If automobile is being transferred, proof of the value of the automobile must be provided.

If Real Estate is being transferred:

- ☐ Application for Certificate of Transfer (Form 12.0)
- ☐ Certificate of Transfer (Form 12.1)
- ☐ Proof of Valuation:
 - You can use (1) a print out of tax value from the County Auditor's Website or
 - (2) a formal Appraisal. If you file the appraisal you must first file Appointment of Appraiser (Form 3.0).
- ☐ For dates of death prior to January 1, 2013, a form ET 22 is required