

ATHENS COUNTY COURT OF COMMON PLEAS

PROBATE DIVISION

LOCAL RULES

These supplemental local rules are adopted pursuant to the authority set forth in the Ohio Supreme Court's Rules of Superintendence and numbered as required by Rule 75. Attached are miscellaneous forms and Appendixes A through G referred to in these local rules and hereby adopted for use in this Court.

RULE 9.1 All persons shall be subject to the Athens County Security Policy and Procedure Manual, as adopted and as amended by the Court, in order that appropriate levels of security prevail in the Court to protect the integrity of Court procedures, to protect the rights of individuals before the Court, to deter those persons who would take violent action against the Court or litigants, and to sustain the proper decorum and dignity of the Court, and to ensure that Court facilities are secure for all persons.

Rule 51.1 Computer generated forms are permitted, but must comply with the specifications and format outlined by the Supreme Court in Rule 51 and 52. Computer generated forms must be in the exact format including space for file stamping as the preprinted forms provided by the Court. Supreme Court Form numbers shall be included on such forms. The signature of the applicant or attorney constitutes a certificate that the computer generated forms comply with the rules.

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RULE 52.1 All computer generated forms must have the most recent revision date in the lower right hand corner and when a court docketing code is in the lower left hand corner you must add the codes to your computer generated forms.

Rule 53.1 The Probate Court of Athens County, Ohio shall be open for the transaction of ordinary business from 8:00 a.m. to 4:00 p.m. Monday, Tuesday, Wednesday, Thursday and Friday, with legal holidays as provided by law to be observed except as otherwise ordered by the Court.

Rule 54.1 Any person may represent himself or herself pro se in any matter before this Court except as otherwise ordered by the Court for good cause shown.

No person, who is not currently licensed to practice law in Ohio may assist another person in matters before this Court, unless appointed as a fiduciary or guardian ad litem or otherwise ordered by the Court.

If it comes to the attention of the Court, in open court, and in the presence of the Court, that a person, not a duly licensed Ohio attorney, or relative of a person, is representing, assisting, or advising a pro se person, and has, or is receiving a fee for such service, the Court may summarily find such person in contempt of the Court. Such person, so found to be in contempt may be punished by this Court, as is provided by Ohio Revised Section 2705.01 et seq. and the matter will be referred to the Ohio Supreme Court's Commission on Unauthorized Practice of Law.

Rule 55.1 Copies of records may be obtained at a cost per page as authorized by the Judge.

Rule 56.1 Any request for a continuance, or extension of time shall state whether it is the first such request, second such request, and so forth. All motions for continuance, or extensions must state a ground for said request. An automatic continuance, or request will not be the practice of this Court.

Rule 57.1 Filing by Electronic Means (FAX)

(A) Pleadings subject to the provision of paragraph 24.2(B) may be filed by facsimile pursuant to Ohio Rules of Civil Procedure 5 (E). The Clerk shall charge the party filing such papers sufficient sums to cover the cost of transmission and may additionally charge the filing party for copying expense if multiple copies of pleadings are required. These fees shall not be taxed as costs. In lieu thereof, the Clerk may require the party filing papers by facsimile to forward the required number of copies after the original has been accepted for filing by electronic means. In all instances the original document shall be filed forthwith with the Court.

(B) Filing by electronic means are hereby limited to filings of an emergency or time critical nature. The Court reserves the right to strike electronic filings which are not of an emergency or time critical nature.

Rule 57.2 When required on a Court document, an attorney or fiduciary address must be a street address and, if applicable, any post office box numbers used as a mailing address. The address of the fiduciary must be the fiduciary's legal residence.

Rule 57.3 Filings may be refused if every signature does not have the typewritten or legibly printed name clearly indicated on the filing.

Rule 58.1 An initial deposit will be required in every petition for adoptive placement or petition for adoption. A deposit of not less than \$700 will be required to file an independent or stepparent adoption; not less than \$150 to file a Children Services Agency adoption. A refund will be made at the completion of the case if overpayment has been made. Additional court costs may become due and must be paid prior to an adoption or placement being finalized. (Fees effective May 24, 1999.)

Rule 58.2 The charge for transcripts is \$3 per page for the original transcript and \$1 per page for each copy of the transcript payable before the transcript is released.

Rule 58.3 A deposit of \$500 will be required for all jury trials.

Rule 58.4 A \$5 fee will be assessed for each reminder, notice or citation issued by the Court.

Rule 58.5 Pursuant to Ohio R.C. 2101.16(F), the Court hereby establishes the fee of Fifty Dollars (\$50) for the filing of a Petition for the Release of Adoption Information as provided by Ohio R.C. 3107.41.

Rule 58.6 A deposit of \$100 will be required for all civil actions.

Rule 59.1 When a tax return only is filed, the attached will must be admitted to probate or filed for record only.

Rule 59.2 Fiduciaries appointed to administer testate estates shall file a Certificate of Service of Notice of Probate of Will within one hundred twenty days of their appointment or be subject to removal proceedings.

Rule 61.1 All appraisers must be approved by the Court in advance unless the appraiser is listed on the approved list of appraisers provided in accordance with Section 2115.02-.06-.07. A copy of the approved list of appraisers is available from the Court. An individual can be approved after providing the proper credentials to the Court. Once an individual is approved he or she will be added to the list.

Rule 64.1 Acceptance of Imaged Checks for Accountings

Imaged checks are acceptable for filing with the Court in all accountings on the condition that (1) the front and back of said checks are legibly imaged and (2) a bank official certifies the accuracy of the same.

Rule 64.2 Unless notice is waived, upon the filing of all fiduciary accounts as required by R. C. 2109.32, the fiduciary shall serve a copy of the account and the notice of the hearing in accordance with the Statutes and Rules of Civil Procedure. (Section 2109.33)

Rule 64.3 When an account or commissioner's report is filed the Court will verify that it is in proper form, and that all original receipts are attached. Service charges will be verified either by bank statements or a receipt from the financial institution where accounts were maintained. It is the responsibility of the fiduciary and attorney to ensure that all accountings are proper. Although the Court may request monthly bank statements to verify that no funds have gone out of the account and later replaced, it is the obligation of the attorney to so inform the Court if this has occurred.

Rule 64.4 A final or distributive account shall not be approved until all court costs have been paid.

Rule 64.5 If land has been sold during the accounting period, the account shall show the gross amount of the proceeds and include a copy of the closing statement itemizing all of the disbursements.

RULE 64.6 Guardian, Conservator and Trustee's accounts are to be filed annually. Guardian's Reports are to be filed annually.

Rule 65.1 In all land sale proceedings, the plaintiff, prior to the issuance of an order finding the sale necessary, shall file with the court evidence of title showing the record condition of the title to the premises described in the complaint and prepared by a title company licensed by the state of Ohio, an attorney's certificate, or other evidence of title satisfactory to the court. Evidence of title shall be to a date subsequent to the date on which the complaint was filed.

Rule 65.2 In all private land sale proceedings by civil action, the judgment entry confirming sale, ordering issuance of deed, and ordering distribution shall show the gross amount of the proceeds and include a copy of the proposed closing statement itemizing all of the proposed disbursements.

Rule 66.1 The appointment of a guardian is not an adjudication of incompetency of the ward for voting purposes.

Rule 66.2 Indigent Guardianship Fund

The County has established a guardianship fund for indigent wards. The fund receives its revenues from fees collected pursuant to R.C. 2101.16. An application for appointment of a guardian for a ward who is indigent must be completed. Said form is attached and incorporated herein as Appendix H. Upon receipt of the Application, the Court will determine if the request for the use of funds from the indigent guardian fund should be granted. The Court may later seek reimbursement from the ward or the person making application for appointment of a guardian for a ward who is indigent if the Court determines funds are available from the ward for this purpose and would not impair the living conditions of the ward; or if the Court finds the person making said application did so in bad faith. Attorney fees in indigent guardianship cases will be \$50 per hour with an annual cap of \$500. The attorney may petition the Court to exceed the cap if done in advance of exceeding said cap and by making written application showing good cause.

Rule 66.3 The Court may appoint an attorney guardian ad litem to review the ward's situation unless the Court specifically finds such appointment unnecessary. The fee of said guardian ad litem shall be fixed by the Court and paid from any proceeds. The guardian ad litem must indicate in writing that the guardian ad litem approves said settlement on behalf of said ward. The fee for said guardian ad litem shall be \$90 per hour with a cap of \$360 unless application is made to the Court and good cause is shown.

Rule 67.1 The Court may appoint an attorney guardian ad litem to review the proposed settlement for the minor. The fee of said guardian ad litem shall be fixed by the Court and paid from the settlement proceeds. The guardian ad litem must indicate in writing that he or she approves said settlement on behalf of said minor or minors. The fee for said guardian ad litem shall be \$90 per hour with a cap of \$360 unless application is made to the Court and good cause is shown.

Rule 68.1 The Court may appoint an attorney guardian ad litem to review the proposed settlement. The cost of said guardian ad litem shall be fixed by the Court and paid from the settlement proceeds. The guardian ad litem must indicate in writing that he or she approves said settlement on behalf of said minor or minors. The fee for said guardian ad litem shall be \$90 per hour with a cap of \$360 unless application is made to the Court and good cause shown.

Rule 68.2 In the settlement of a minor's claim a discharge statement from the examining physician is mandatory.

RULE 69.1 The Court may appoint an attorney guardian ad litem to review the proposed settlement. The cost of said guardian ad litem shall be fixed by the Court and paid from the settlement proceeds. The guardian ad litem must indicate in writing that he or she approves said settlement on behalf of said adult ward. The fee for said guardian ad litem shall be \$90 per hour with a cap of \$360 unless application is made to the Court and good cause shown.

Rule 70.1 The Court in appropriate Wrongful Death cases may appoint an attorney guardian ad litem to review the proposed settlement. The fee of said guardian ad litem shall be fixed by the Court and paid from the settlement proceeds. The Court will review the written report of said guardian ad litem prior to approval of such proposed settlement. The fee for said guardian ad litem shall be \$90 per hour with a cap of \$360 unless application is made to the Court and good cause shown.

Rule 71.1 Attorney fees are a matter between the fiduciary and the attorney, subject to the provisions of ORC 2113.36 and the Code of Professional Responsibility, DR-2-106. Upon application by the fiduciary, the Court will allow reasonable attorney fees to be taken as an expense to the estate. Nothing in this rule shall in any way prevent or prohibit an attorney from charging a fee less or more than the amount that would be paid if calculated in accordance with the attached schedule which is marked and incorporated herein as Appendix A and C. However, if said fee exceeds the amount that would be paid if calculated in accordance with the attached schedule there must either be an explanation or an itemization of time to justify said fee which shall in any event be subject to the approval of the Court. This rule applies to administered estates and estates relieved from administration. Appendix B attached hereto gives examples of extraordinary services. No hearing will be had except on written application of a party.

Rule 71.2 No attorney (or any member of the attorney's law firm) shall be awarded both a full attorney fee and a fiduciary fee unless a written explanation of the charging of said fee was signed by the decedent prior to death and said statement indicates that the desire to have the attorney serve as fiduciary was initiated by the decedent. If the decedent dies intestate then the heirs must sign a statement that they understood that the attorney would receive both a full attorney fee and a fiduciary fee at the time the attorney was employed to settle the estate. This rule shall apply to all fiduciaries.

Rule 71.3 Attorney fees are a matter between the fiduciary and the attorney but subject to approval by the Court. Upon application by the fiduciary the Court will allow reasonable attorney fees to be taken as an expense to the guardianship. Nothing in this rule shall prevent or prohibit an attorney from charging a fee less or more than the amount that would be paid if calculated in accordance with the court schedule which is attached and incorporated herein as Appendix D. However, if said fee exceeds the amount that would be paid if calculated in accordance with the attached schedule there must be an explanation or an itemization of time to justify said fee and such itemization or explanation approved by the Court.

Rule 71.4 Attorney fees are a matter between the fiduciary and the attorney but subject to approval by the Court. Upon application by the fiduciary, the Court will allow reasonable fees to be taken as an expense to the trust. However, see Rule 74.1 regarding compensation to testamentary trustees. Nothing in this rule shall in any way prevent or prohibit an attorney from charging a fee less or more than the amount that would be paid if calculated in accordance with the attached schedule which is incorporated and marked as Appendix F and G. However, if said fee exceeds the amount that would be paid if calculated in accordance with the attached schedule there must be an explanation or an itemization of time to justify said fee and such itemization or explanation approved by the Court.

Rule 72.1 The Court may deny or reduce commissions if there is a delinquency in the filing of an inventory or an account, or if, after hearing, the court finds that the executor or administrator has not faithfully discharged the duties of the office.

Rule 73.1 Guardianship fees must be reasonable and approved by the Court. The Athens County Probate Court has adopted the attached fee schedule for guardians which is incorporated and attached herein as Appendix D and E. Nothing in this rule shall in any way prevent or prohibit a guardian from charging a fee less or more than the amount that would be paid if calculated in accordance with the attached schedule. However, if said fee exceeds the amount that would be paid if calculated in accordance with the attached schedule there must either be an explanation or an itemization of time to justify said fee and such itemization or explanation approved by the Court.

Rule 73.2 The Court may deny or reduce compensation if there is a delinquency in the filing of an inventory or account, or after hearing, the court finds the guardian has not faithfully discharged the duties of his office.

Rule 74.1 Trustee fees must be reasonable. The Athens County Probate Court has adopted the attached fee schedule for trustees which is incorporated and attached herein as Appendix F and G. Nothing in this rule shall prevent or prohibit a trustee from charging a fee less or more than the amount that would be paid if calculated in accordance with the attached schedule. However, if said fee exceeds the amount that would be paid if calculated in accordance with the attached schedule there must either be an explanation or an itemization of time to justify said fee and such itemization or explanation approved by the Court.

Rule 74.2 If a fiduciary and/or an attorney received a fee to complete an estate that deposited funds into a testamentary trust, neither said attorney (or any member of his or her law firm) nor the fiduciary is entitled to another fee on the corpus of the trust. However, said attorney or fiduciary may take a fee pursuant to the fee schedule for income received after the establishment of said trust pursuant to Appendix G.

Rule 74.3 The Court may deny or reduce commissions if there is a delinquency in the filing of an inventory or an account, or if, after hearing, the court finds that the executor or administrator has not faithfully discharged the duties of the office.

Rule 75.1 Unless notice is waived, upon filing of an inventory as required by Ohio R.C. 2115.02, the executor or administrator shall serve notice of the hearing upon those interested in the estate in accordance with the Statutes and Rules of Civil Procedure. (Ohio R. C. 2115.16)

Rule 75.2 Wills deposited for safekeeping pursuant to Ohio R.C. 2107.07 shall only be released to a Court of probate jurisdiction after the testator's death.

Rule 75.3 The fee for dispute resolution as authorized by Ohio R.C. 2101.163(A) and 2101.163(B) shall be \$10 per case and \$5 per marriage license application.

Rule 75.4 Mental illness hearings will be conducted every Thursday beginning at 8:30 a.m. unless another time is scheduled by the Court, for good cause shown. The hearings will be held at the Southeast Psychiatric Hospital to accommodate the patients and staff of the Southeast Psychiatric Hospital or such other place as the Court from time to time directs. The hearings are closed to the public unless the consent of the alleged mentally ill person and the Court is given.

Rule 75.5 The compensation for magistrates conducting mental illness hearings shall be \$115 per case heard. Attorneys appointed to represent persons alleged to be mentally ill shall be compensated at the rate of \$90 per hour.

Rule 75.6 Compensation for a conservator and the attorney representing the conservator must be agreed upon in writing at the time the conservatorship is established. If the petitioner elects to terminate the conservatorship the funds in the control of the conservator will be utilized to pay the compensation agreed upon to the conservator and the attorney upon application to the Court prior to said conservator turning said funds over to the petitioner. See Rule 42.1 for computation of attorney and conservator fees.

Rule 75.7 The Athens County Probate Court has jurisdiction pursuant to R.C. 2101.24(c) to hear and determine actions involving informed consent for medication of persons hospitalized pursuant to section R.C. 5122.141 or R.C. 5122.15. A request to involuntarily administer psychotropic medication to such a person will be decided upon proper application by the hospital and after hearing held in accordance with Ohio law. Pursuant to R.C. 5122.271 Ohio Legal Rights is to receive notice of all such hearings.

Rule 75.8 Independent psychological evaluations may be ordered only in cases where they are requested. Counsel for said alleged mentally ill individuals may make a request either in writing or verbally in open court to the magistrates for an independent psychological evaluation if said attorney believes it is warranted.

Rule 78.1 Guardian, Conservator and Trustee's accounts are to be filed annually.
Guardian's Reports are to be filed annually.

Rule 78.2 An attorney shall not be permitted to file pleadings to begin a new action if such attorney, or any member of the attorney's firm is on the Court's delinquency list.

Rule 78.3 The Court may seek reimbursement for attorney fees and independent psychological evaluations from the respondent if the Court determines an alleged mentally ill person is not indigent.

Rule 78.4 The attorney of record and the fiduciary shall be subject to the citation process.

RULE 78.5 Pursuant to Ohio R. Section 2109.021, an improper or incomplete filing shall be rejected, and the court shall return it to the sender, and impose a cost of two dollars and fifty cents per improper or incomplete filing, chargeable against the estate.

RULE 78.6 A report shall be required annually regarding the status of cases with pending litigation or more often if the Court so requires.

RULE 78.7 The fiduciary and attorney shall prepare, sign, and file a written status report with the court in all decedent's estates that remain open after a period of one year from the date of the appointment of the fiduciary. At the court's discretion, the fiduciary and the attorney shall appear for a status review.

RULE 78.8 The court may issue a citation to the attorney of record for a fiduciary who is delinquent in the filing of an inventory, account, or guardian's report to show cause why the attorney should not be barred from being appointed in any new proceeding before the court or serving as attorney of record in any new estate, guardianship, or trust until all the delinquent pleadings are filed.

Rule 79.1 Any individual applying for a marriage license who has been previously married and whose marriage terminated through a legal proceeding must produce a certified copy of the entry which terminated his or her most recent marriage even if the individual has been married more than once before.

Rule 79.2 All individuals applying for a marriage license are required to show proof of identification and age. A driver's license, passport, or other photo identification which are issued by a federal or state agency are sufficient forms of identification.

Rule 79.3 A minor applying for a marriage license must produce the consent of the parent or parents or other person having custody and provide proper documentation of such custodial status.

Rule 79.4 Minor applicants for marriage license will be required to participate in marriage counselling prior to the application being taken. Forms are available at the Court for completion by the marriage counselor. No couple shall be granted a marriage license where the male is under 18 years of age or the female under 16 years of age without a doctor's report showing that the female is currently pregnant, or if the child has been born, a certified copy of the child's birth certificate.

Rule 79.5 Pursuant to Ohio R.C. 2101.27 (B)(1) the fee for solemnizing a marriage by the Probate Judge or by a Judge sitting by assignment in the Probate Court will be \$50.00.

Rule 79.6 Hearings for requests to withhold or withdraw life-sustaining treatment shall be held in conformance with R.C. Chapter 2133.

Rule 79.7 Private adoptions may be considered in Athens County without the utilization of a children services agency. An individual or couple may be pre-approved for placement of a child by filing a complaint for declaratory judgment with this Court. Said action must comply with the placement requirements set forth in the Ohio Revised Code. In addition to the required report of the Assessor, an independent psychological evaluation of the petitioners must be filed.

Rule 79.8 Notice of said change of name shall be published in a local newspaper one time at least thirty days prior to the date of granting of the change of name. Court costs must be paid at the time the application is filed. The publication fee must be paid before the hearing. A certified copy of the birth certificate will be required for all United States births and must be filed with the application for change of name. The appearance of the applicant and if a minor is involved, the minor is required at the hearing.

**FAILURE TO COMPLY WITH THESE RULES MAY RESULT IN
SANCTIONS BY THE COURT.**

EFFECTIVE DATE: MAY 24, 1999

EDWARD S. ROBE, JUDGE

**IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
ATHENS COUNTY, OHIO**

**IN THE MATTER OF THE
LOCAL PROBATE RULES**

JOURNAL ENTRY

The attached Athens County Local Probate Rules were circulated to members of the Athens County Bar Association who have commented thereon. After due consideration, the Court hereby ADOPTS the attached Local Athens County Probate Court Rules effective May 24, 1999.

The Clerk is instructed to forward a copy of this Journal Entry and these Court Rules to the Ohio Supreme Court.

EDWARD S. ROBE, JUDGE

**IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
ATHENS COUNTY, OHIO**

IN THE MATTER OF THE ESTATE OF _____, DECEASED

CASE NO. _____

**APPENDIX C
COMPUTATION OF ATTORNEY FEES FOR ESTATES**

<u>TOTAL PROBATE ASSETS</u>		<u>(PER INVENTORY)</u>		\$ _____
\$ -0-	-	\$ 5,000		\$ 300.00
\$ 5,001	-	\$ 20,000	+ 5.5% OVER \$ 5,000	_____
\$ 20,001	-	\$ 50,000	+ 5% OVER \$ 20,000	_____
\$ 50,001	-	\$ 100,000	+ 4.5% OVER \$ 50,000	_____
\$ 100,001	-	\$ up	+ 4% OVER \$ 100,000	_____

1. **PROBATE FEE TOTAL** \$ _____

TOTAL NON-PROBATE ASSETS
(AS VALUED IN THE OHIO ESTATE TAX RETURN)

\$ _____

-0- AND UP 2%

\$ _____

2. **NON-PROBATE FEE TOTAL** \$ _____

EXTRAORDINARY FEES (ITEMIZED AND ATTACHED TIME RECORDS, IF AVAILABLE)

1. _____
2. _____
3. _____
4. _____
5. _____

3. **EXTRAORDINARY FEES TOTAL** \$ _____

TOTAL ATTORNEY FEE (SUM OF 1, 2, & 3) \$ _____

ATTORNEY FEE TAKEN ON PRIOR ACCOUNT (-) \$ _____

BALANCE OF ATTORNEY FEES REQUESTED ON FINAL ACCOUNT \$ _____

ATTORNEY'S SIGNATURE

FIDUCIARY'S SIGNATURE

**IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
ATHENS COUNTY, OHIO**

**APPENDIX B
EXAMPLES OF EXTRAORDINARY SERVICES**

Examples of extraordinary services which may be compensated in addition to the foregoing suggested guidelines on ordinary fees includes, but are not limited to the following:

- a. In a court other than the Probate Court.
- b. In a contested matter in the Probate Court.
- c. In connection with the preparation or filing, audit, protest, or contest of an income or gift tax return, or liability incurred by the decedent or personal representative.
- d. In connection with the settlement of estate or inheritance taxes with respect to insurance not payable to the estate, gifts in contemplation of death, or general testamentary powers of appointment not exercised by the decedent, and other other negotiation not represented by assets included in the "gross value" of the estate.
- e. With respect to problems of valuation or taxability of property for estate and inheritance taxes or to the protest of such taxes.
- f. Preparation and filing of federal estate tax returns.
- g. Services in connection with land sale proceedings, 4% of the first \$10,000 of valuation and 3% on the balance.
- h. In connection with matters which are unusual or excessive for the size of the estate involved.
- i. In connection with the performance of duties normally performable by the personal representative but which fall to the attorney because of personal representative's inexperience, lack of ability, or absence from the place from which assets of estate must be managed.
- j. Sale of business, business assets, or decedent's assets.
- k. Sale of real estate under power of will.
- l. Proceedings to determine heirship.
- m. Proceedings involving partnership.
- n. Completion of land contract.

**IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
ATHENS COUNTY, OHIO**

APPENDIX F

TRUSTEE'S FEES AND ATTORNEY FEES

I. ON INCOME FROM PERSONAL PROPERTY

6% OF GROSS INCOME

II. ON INCOME FROM REAL PROPERTY

A. 10% OF GROSS INCOME ON PROPERTY MANAGED BY TRUSTEE

**B. 1% OF ADJUSTED GROSS INCOME ON PROPERTY MANAGED BY
SOMEONE ELSE PROVIDED THAT MANAGEMENT FEES AND
TRUSTEE'S FEE COMBINED DO NOT EXCEED 10% OF GROSS
INCOME.**

**ADJUSTED GROSS INCOME IS GROSS INCOME LESS OPERATING
EXPENSES BEFORE DEPRECIATION AND MANAGEMENT FEES ARE
DEDUCTED.**

III. ON PRINCIPAL

\$2 PER HUNDRED DOLLARS PRINCIPAL

IV. ON DISTRIBUTION OF PRINCIPAL (OTHER THAN TERMINATION)

**1% OF REASONABLE MARKET VALUE OF PRINCIPAL PROPERTY
DISTRIBUTED TO BE PAID FROM THE DISTRIBUTION.**

**V. EXTRAORDINARY FEES MAY BE AWARDED UPON APPLICATION AT
DISCRETION OF THE COURT.**

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
ATHENS COUNTY, OHIO

IN THE MATTER OF THE TRUST OF _____

CASE NO. _____

APPENDIX G
TRUSTEE'S AND ATTORNEY FEES FOR COMPUTATION

ACCOUNTING PERIOD OF _____ TO _____

- I. GROSS ANNUAL INCOME FROM PERSONAL PROPERTY @ 6% \$ _____
TOTAL FEE FROM PERSONAL PROPERTY INCOME \$ _____
- II. (A) GROSS INCOME FROM REAL PROPERTY MANAGED BY THE TRUSTEE @ 10% \$ _____
TOTAL FEE FOR TRUSTEE MANAGED REAL PROPERTY \$ _____
- (B) ADJUSTED GROSS INCOME FROM OTHER REAL PROPERTY @ 1% \$ _____
TOTAL FEE TO TRUSTEE ON OTHER REAL PROPERTY INCOME \$ _____
MANAGEMENT FEE _____
- III. PRINCIPAL @ 2% \$ _____
FEE ON PRINCIPAL \$ _____
- IV. PRINCIPAL DISTRIBUTION @ 1% \$ _____
FEE ON PRINCIPAL DISTRIBUTION \$ _____

RECAPITULATION

ITEM I FEES \$ _____
ITEM II FEES \$ _____
ITEM III FEES \$ _____
EXTRAORDINARY FEES \$ _____
(PER APPLICATION)

TOTAL FEES REQUESTED \$ _____

ATTORNEY'S SIGNATURE

TRUSTEE'S SIGNATURE

**IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
ATHENS COUNTY, OHIO**

IN THE MATTER OF _____

CASE NO. _____

APPENDIX H

If you desire a court appointed attorney or investigator to be appointed for the ward, answer the following questions fully and completely. The answers must be sworn to, your failure to answer any questions truthfully may result in criminal charges.

Name of Ward _____ Date of Birth _____

Address _____ Social Security Number _____

<u>Does the Ward Own?</u>	<u>Yes</u>	<u>No</u>	<u>Describe/Value</u>
Real Estate	_____	_____	_____
Car, Truck or Motorcycle	_____	_____	_____
Trailer or Camper	_____	_____	_____
Household Goods	_____	_____	_____
Stereo, Television, VCR	_____	_____	_____
Boat or Motor	_____	_____	_____
Tools or Machinery	_____	_____	_____
Farm Stock or Equipment	_____	_____	_____
Other Valuable Property	_____	_____	_____
Cash on Hand	_____	_____	_____
Checking Account	_____	_____	_____
Savings Account or CD's	_____	_____	_____
Stocks or Bonds	_____	_____	_____
Lawsuits, Workman's Comp. Personal Injury Claims	_____	_____	_____

Does the Ward receive Social Security, Welfare, ADC, Veterans Checks or Money From Family or Any Other Source of Support? Yes _____ No _____ Amount \$ _____ When Is It Received? _____

I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

Applicant Name and Signature

NOTARY PUBLIC:

Subscribed and duly sworn before me according to law, by the above named applicant this _____ day of _____, _____, County of _____ and State of Ohio.

Notary Signature

APPROVED _____ DENIED _____

DATE _____

**IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
ATHENS COUNTY, OHIO**

APPENDIX D

COMPUTATION FEE GUIDELINE

A. COMPUTATION OF GUARDIAN AND ATTORNEY FEES - ANNUALLY

- | | | | | |
|-----|---|---|------------------|----------------|
| (1) | -0- | - | \$1,000 | 4% OF INCOME |
| | (Excludes income from rental property managed by guardian) | | | |
| | \$ 1,001 | - | UP | 3% OF INCOME |
| (2) | -0- | - | \$1,000 EXPENSES | 4% OF EXPENSES |
| | \$ 1,001 | - | UP EXPENSES | 3% OF EXPENSES |
| | (Excludes rental property expenses) | | | |
| (3) | \$3 PER HUNDRED DOLLAR PRINCIPAL | | | |
| (4) | 10% OF GROSS RENTAL PROPERTY INCOME IF MANAGED BY GUARDIAN | | | |
| (5) | MINIMUM OF \$50 PER YEAR | | | |

B. ATTORNEY FEES

- (1) **ATTORNEY FEES UP TO \$200 FOR REPRESENTING A GUARDIAN SUBSEQUENTLY APPOINTED INCLUDING THE FILING OF AN INVENTORY AND AN ENTRY APPROVING THE INVENTORY WILL NORMALLY BE APPROVED WITHOUT APPLICATION.**
- (2) **ATTORNEY FEES UP TO \$225 FOR PREPARING AND FILING AN ANNUAL ACCOUNT AND ENTRY APPROVING SAID ACCOUNT WILL NORMALLY BE APPROVED WITHOUT APPLICATION.**

CHOOSE EITHER METHOD A OR METHOD B -- NOT BOTH

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
ATHENS COUNTY, OHIO

IN THE MATTER OF THE GUARDIANSHIP OF _____
CASE NO. _____

APPENDIX E
COMPUTATION OF GUARDIAN AND ATTORNEY FEES

ACCOUNTING PERIOD OF _____ TO _____

ORDINARY FEES

TOTAL INCOME DURING PERIOD \$ _____

I. -0- - \$1,000 INCOME @ 4% \$ _____
(EXCLUDES GUARDIAN MANAGED RENTAL PROPERTY INCOME)

\$1,000 AND UP INCOME @ 3% \$ _____

TOTAL FEE FROM INCOME \$ _____

TOTAL EXPENSES DURING PERIOD \$ _____

II. -0- - \$1,000 EXPENSE @ 4% \$ _____
(EXCLUDES RENTAL PROPERTY EXPENSES)

\$1,000 AND OVER EXPENSES @ 3% \$ _____

TOTAL FEE FROM EXPENSES \$ _____

III. PRINCIPAL AT BEGINNING OF ACCOUNTING PERIOD _____
@ 3% \$ _____

TOTAL FEE FROM PRINCIPAL \$ _____

IV. GROSS RENTAL INCOME FROM PROPERTY MANAGED BY GUARDIAN _____
@ 10% \$ _____

TOTAL FEE FROM RENTAL INCOME \$ _____

V. EXTRAORDINARY FEES (ITEMIZE AND ATTACH TIME RECORDS)
A. _____
B. _____
C. _____
D. _____

TOTAL EXTRAORDINARY FEES \$ _____

TOTAL I — V \$ _____

TOTAL FEE REQUESTED \$ _____

ATTORNEY'S SIGNATURE

GUARDIAN'S SIGNATURE

**IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
ATHENS COUNTY, OHIO**

APPENDIX A

ATTORNEY FEES FOR ESTATES

I. TOTAL PROBATE ASSETS (PER INVENTORY)

\$ -0-	-	\$ 5,000	\$300		
\$ 5,001	-	\$ 20,000	(ABOVE)	+	5.5% OVER \$ 5,000
\$ 20,001	-	\$ 50,000	(ALL ABOVE)	+	5% OVER \$ 20,000
\$ 50,001	-	\$ 100,000	(ALL ABOVE)	+	4.5% OVER \$ 50,000
\$ 100,001	-	\$ UP	(ALL ABOVE)	+	4% OVER \$100,000

(TOTAL PROBATE ASSETS FEE IS THE TOTAL OF ALL ABOVE)

II. TOTAL NON-PROBATE ASSETS (AS VALUED IN OHIO ESTATE TAX RETURN)

\$ -0- - UP 2%

**III. EXTRAORDINARY FEES MAY BE AWARDED ON APPLICATION
BASED UPON THE TIME SPENT AND SERVICES RENDERED**

**THIS SCHEDULE IS MERELY A GUIDE FOR DETERMINING FEES FOR COUNSEL IN
AN ORDINARY ESTATE AND SHOULD BE CONSIDERED AS NEITHER A MINIMUM
NOR MAXIMUM FEE SCHEDULE.**

IN THE ATHENS COUNTY COURT OF COMMON PLEAS
PROBATE DIVISION

IN THE MATTER OF THE ESTATE OF : CASE NO. _____

_____ :

APPLICATION FOR APPROVAL OF COMPUTATION
OF EXECUTOR'S/ADMINISTRATOR'S COMMISSION
(R.C. 2113.35)

Whereas R.C. 2113.35 allows for statutory commissions upon the amount of all the personal estate, including the income from the personal estate, that is received and accounted for by an Executor/Administrator, upon the proceeds of real estate that is sold, and upon the value of unsold real estate, the undersigned Executor/Administrator hereby asserts that he/she has faithfully discharged the duties of Executor/Administrator and further seeks allowance of the following commissions:

Item 1: \$ _____, representing 4% of the first one hundred thousand dollars (\$100,000) of all the personal estate, including the income from the personal estate, received and accounted for by the Executor/Administrator, and the proceeds of real estate sold.

Item 2: \$ _____, representing 3% of all property, income, and proceeds of the type mentioned in Item 1, above one hundred thousand dollars (\$100,000) and not exceeding four hundred thousand dollars (\$400,000).

Item 3: \$ _____, representing 2% of all property, income, and proceeds of the type mentioned in Item 1, above four hundred thousand dollars (\$400,000).

Item 4: \$ _____, representing 1% of the value of real estate not sold.

Item 5: \$ _____, representing 1% on all property that is not subject to administration and that is includable for purposes of computing the Ohio estate tax, except joint and survivorship property.

Total commission requested (i.e., the sum of Items 1 through 5 above):

\$ _____

Respectfully submitted,

JUDGMENT

Upon application, and in accordance with R.C. 2113.35, an Executor/Administrator
commission is approved in the amount of \$ _____

Robert W. Stewart, Judge
