

PROBATE COURT OF MONROE COUNTY, OHIO

**IN THE MATTER OF LOCAL RULES OF
COURT FOR THE PROBATE DIVISION
OF THE COURT OF COMMON PLEAS OF
MONROE COUNTY, OHIO**

Probate Court
Monroe County Ohio

MAR 16 2015

FILED

JOURNAL ENTRY

The Probate Division of the Court of Common Pleas of Monroe County, Ohio, adopts the following local rules, pursuant to Sup. Rule 5.

These rules shall take effect immediately and shall supersede all existing rules in conflict herewith.

PREAMBLE

This court takes judicial notice that Monroe County is 87th of the 88 counties in Ohio by population. Only Vinton County has a smaller population. 2010 census statistics indicate that Monroe County has a population of only 14,859. As such this court has one of the smallest caseloads in the state. In two adjacent counties, Morgan and Noble, there is no separate probate and juvenile division and one judge hears cases in both the general division and the probate juvenile division.

As such this court does not require a comprehensive set of rules as a larger county might; i.e., Cuyahoga – population 1,266,049. Cuyahoga County has roughly 85 residents for every one in Monroe County. These rules are designed to be of a bare bones variety and have some of the forms used in this court attached as exhibits for the convenience of counsel.

LOCAL RULE 1 SECURITY PLAN

The Monroe County Probate Court has determined the entire Security Plan as submitted to the Supreme Court of Ohio, by the general division of this court, effective August 30, 1995, be maintained as confidential and not a matter of public record and that it shall serve as the security plan for this division of the court.

LOCAL RULE 2 REQUEST FOR TRANSCRIPTS

Any person requesting a transcript of the record of any court proceeding shall be required to pay an initial deposit of One Hundred Dollars (\$100.00). Upon completion of the transcript, the party requesting the transcript shall pay any additional costs over the \$100.00 deposit as billed by the transcribing stenographer.

LOCAL RULE 3 PHYSICAL CASE INVENTORY

The Judge of the Probate Court shall on September 30 of each year physically inventory and review each open file to ensure each case is proceeding in a timely fashion. This date may be rescheduled when in conflict of the Court's calendar and/or a weekend or scheduled holiday.

LOCAL RULE 4 EXAMINATION OF FILES - PHOTOCOPIES

Those seeking copies of public records will be charged only the actual cost of making copies as follows:

- 1. Court files are not to be removed from the court under any circumstance. In years past it has been the custom to allow members of the bar to take files out of the court. This will no longer be permitted.**
- 2. The charge for paper copies \$1.00 (one dollar) per page.**
- 3. The charge for downloaded computer files to a compact disc is Five Dollar (\$5.00) per disc. Disc must be provided by person making request.**

LOCAL RULE 5 EXAMINATION OF RECORDS

Adoption and civil commitment proceedings are confidential except as authorized by statute. Records of those proceedings, and other records that are confidential by statute, may be accessed by judgment entry only.

LOCAL RULE 6 FACSIMILE FILINGS

The Court will accept filings by facsimile transmission unless the filing requires a cost deposit. No filings requiring a deposit will be file stamped until the deposit is received.

LOCAL RULE 7 FORWARDING COPIES

The Court will return file-stamped copies by mail with a return, self-addressed, stamped envelope provided or the cost will be charged to the case.

LOCAL RULE 8 COMPUTER DISKS

The parties may, or if the Court directs, shall submit proposed entries, briefs, memoranda, jury instructions, or other documents on a disk or flash drive in Microsoft Word format or by emailing them to the court.

LOCAL RULE 9 DISPOSITION OF EXHIBITS

All exhibits offered for admission during a hearing or trial shall be labeled by party name and item identification number or letter. Exhibits shall be placed in the Court case file, unless otherwise ordered by the Court.

By agreement of the parties or by order of the Court, copies may be substituted for the original exhibit.

Disposal of exhibits shall be pursuant to Sup. R. 26.

LOCAL RULE 10 DEPOSITS

An advanced deposit for costs, in an amount set forth in Appendix A shall be required at the time of filing an action or proceeding listed therein.

Applications accompanied by an affidavit of the applicant of his inability to prepay or give security for court costs shall be accepted without the necessity of

making the deposit as a condition for filing, provided that, in estate and guardianship proceedings, the applicant shall exert diligent efforts to make funds available from the probate or guardianship estate and pay the deposit into court as soon as possible. Costs in all proceedings, as established by Appendix A shall be due at the time of filing or within thirty days after invoice by the clerk. Upon depletion of any advance deposit, additional deposits may from time to time be required.

LOCAL RULE 11 APPRAISAL

A notice of appointment of appraiser shall be required in each case where an appraisal is necessary. (See Appendix B for the Court approved list of appraisers.) If the appraiser is not court listed on Appendix B a brief summary of his/her qualifications should be submitted with the notice of appointment.

LOCAL RULE 12 COURT APPROVED APPRAISERS

Any person, who is not on the approved list of appraisers and desires to be appointed appraiser, may make an oral or written application to the Court. After review of the application, such person may or may not be approved as the Court determines. Upon approval by the Court, such person shall be added to the list of Court approved appraisers.

LOCAL RULE 13 APPRAISER SELF-DEALING

No person who has been appointed appraiser shall, during the administration of the estate or within one (1) year of his/her appointment, whichever period is shorter, directly or indirectly purchase the property inventoried or appraised by such appraiser.

LOCAL RULE 14 APPRAISER'S FEES

The Fiduciary shall be responsible for paying the appraiser's fees as an expense of the estate.

LOCAL RULE 15 ACCOUNTS

(A) Accounts submitted with waivers by all interested parties will be approved without further notice or hearing. Vouchers or canceled checks are not required to be filed.

(B) Any balance due on court costs shall be paid within 30 days from the date of filing the final account. Failure to pay the balance may result in a citation, which will incur additional costs. A final or distributive account shall not be approved until all court costs have been paid.

LOCAL RULE 16 COUNSEL FEES IN ESTATE CASES

(A) The Application for Attorney Fees shall be accompanied by the completed Computation of Attorney Fees form (Appendix C). If the attorney fee being sought exceeds the fee as calculated, such application shall be accompanied by an itemized statement for the entire fee being sought or a statement of facts in support of the application.

(B) The Court may allow the attorney fee requested without hearing provided the fiduciary or other person accountable to the Court and the attorney have signed the application. The Court may on its own motion or that of any interested party set the application for hearing.

LOCAL RULE 17 GUARDIAN'S COMPENSATION

Computation of Guardian's Compensation (See Appendix D)

LOCAL RULE 18 TRUSTEE'S COMPENSATION

Trustee's Compensation. (See Appendix D)


LOCAL RULE 19 ADMINISTRATOR/EXECUTOR FEES

Administrator/Executor Compensation (See Appendix E)

LOCAL RULE 20 JURY MANAGEMENT PLAN

This court's jury management plan will be the one currently in use for the general division of this county.

These Rules adopted this 16 day of March, 2015.



James W. Peters, Judge

Appendix A

Probate Court
Monroe County Ohio

PROBATE COURT OF MONROE COUNTY, OHIO

MAR 17 2015

COURT COSTS/DEPOSITS

FILED

1.	FULL ESTATE ADMINISTRATION:	\$200.00
2.	RELEASE FROM ADMINISTRATION:	\$200.00
3.	ANCILLARY ESTATE:	\$150.00
4.	OTHER: SUMMARY RELEASE REOPEN ESTATE	\$150.00 \$ 50.00
5.	PROCEEDING TO BAR LIENS:	\$100.00
6.	WILL, DEATH CERT, EX/CERT, CERT OF TRANSFER:	\$125.00
7.	WILL & DEATH CERTIFICATE ONLY:	\$ 50.00
8.	AUTHENTICATED WILL:	\$125.00
9.	MINOR'S CLAIM/SETTLEMENT:	\$100.00
10.	LAND SALE PROCEEDING: Advance deposit in addition to above Where service by publication is required	\$100.00 \$200.00
11.	WILL CONTEST: Advance deposit in addition to above Where service by publication is required	\$100.00 \$200.00
12.	CIVIL ACTIONS NOT OTHERWISE LISTED: (Declaration Judgments, Will Constructions, Determination of Heirs and Concealed Asset Cases) Advance deposit in addition to above Where service by publication is required	\$100.00 \$200.00
13.	COUNTER-CLAIM AND CROSS-CLAIM:	\$ 50.00
14.	SUMMARY LAND SALE:	\$ 60.00
15.	REAL ESTATE TRANSFER: (More than 10 years, No Administration)	\$125.00
16.	WRONGFUL DEATH:	\$100.00
17.	DISINTERMENT:	\$ 75.00

Appendix A (Continued)

PROBATE COURT OF MONROE COUNTY, OHIO

COURT COSTS/DEPOSITS

18. CHANGE OF NAME:	\$150.00
When Service is to be made additional monies may need to be deposited Plus Publication Fee-if needed	
19. ADOPTIONS:	\$200.00
When Service is to be made additional monies may need to be deposited Plus Publication Fee-if needed Plus Guardian ad Litem (GAL)-if needed	
20. PETITION FOR RELEASE OF ADOPTION INFORMATION:	\$100.00
21. GUARDIANSHIPS; CONSERVATORSHIP TRUSTS:	\$200.00
MINOR/ADULT/INCOMP. (Per Person) Plus GAL Fee-if needed	
Yearly Filing of Guardian's Report and/or Statement of EE	\$ 10.00
Biennial Accounting	\$ 10.00
22. CLAIM AGAINST ESTATE:	\$ 10.00
23. BIRTH CORRECTION:	\$ 75.00
24. BIRTH REGISTRATION:	\$ 50.00
25. OHIO ESTATE TAX RETURN ONLY:	\$ 50.00
26. EXCEPTIONS TO ANY PROCEEDINGS:	\$ 10.00
27. TRANSCRIPT:	\$100.00
28. CERTIFICATE OF JUDGMENT:	\$ 25.00
	Plus Clerk of Courts Fee

ADDITIONAL COSTS:
(CASH OR CHECK ONLY)

COPIES	\$ 1.00 EACH
CERTIFIED COPY	\$ 5.00
EXEMPLIFIED COPY	\$15.00
WILL (Filed with Court for safe-keeping)	
PERSON LIVING	\$25.00
DECEASED PERSON	\$10.00

Appendix A (Continued)

PROBATE COURT OF MONROE COUNTY, OHIO

COURT COSTS/DEPOSITS

MARRIAGE LICENSE: **\$45.00**

The bride and groom must have a photo ID (i.e. Driver's License, State ID), Birth Certificate and Social Security Card. If previously divorced, a copy of most recent divorce decree or death certificate. Each of the persons seeking a license shall personally appear in the probate court within the county where either resides, or, if neither is a resident of this state, where the marriage is expected to be solemnized. If neither party is a resident of Ohio, the marriage may be solemnized only in the county where the license is obtained. The couple must be married within 60 days; license expires 60 days after issuance. It is the responsibility of the applying couple to determine that the marriages officiate is licensed in the state of Ohio. If either applicant is under the age of eighteen years, the judge shall require the applicants to state that they received marriage counseling satisfactory to the court. A Statement of Marriage Counseling must be completed by an ordained minister or counselor. A Statement of Marriage Counseling form is available in the Probate Court Office, Room 39, Monroe County Courthouse, Woodsfield, Ohio.

ABOVE IS ONLY A GENERAL LISTING OF THE MOST COMMON COURT COST THAT OCCUR IN PROBATE COURT. IF ADDITIONAL AND/OR UNFORESEEN EXPENSES OCCUR THE ADDITIONAL MONIES WILL BE ASSESSED ON A CASE BY CASE BASIS.

Appendix B

PROBATE COURT OF MONROE COUNTY, OHIO

Probate Court
Monroe County Ohio

**IN THE MATTER OF:
THE APPOINTMENT OF APPRAISERS**

MAR 17 2015

FILED

ENTRY

The Court hereby amends its current list of approved appraisers by insertion or deletion and submits the following persons as Court approved appraisers:

**Timothy R. Price
47431 Barnes Run Road
Sardis, Ohio 43946
Phone: 740-483-2393**

**K. Richard Pryor
59960 Pigeon Point Road
Barnesville, OH 43713
Phone: 740-425-3397**

**David L. Shreve
300 Main Street
P.O. Box 9
New Martinsville, WV 26155
Phone: 304-455-4600**

**Gary W. Ricer
SR 78 West
Woodsfield, OH 43793
Phone: 740-472-0041
Expertise: Coins, Gun, Knives**

**Keelan A. McLeish
Rt. 5, Zion Ridge Road
Marietta, OH 45750
Phone: 740-473-2558**

**Rebecca Sims
43290 TH 632
Woodsfield, OH 43793
Phone: 740-472-0847**

**Ross Thomas
509 6th Street
Marietta, OH 45750
Phone: 740-374-8629
Expertise: Glass**

**Greg Christy
47675 SR 145
Lewisville, OH 43754
Phone: 740-567-3519
Expertise: All areas**

**Samuel W. Moore
Swiss Lands Realty
47328 SR 800
Woodsfield, OH 43793
Phone: 740-472-0614**

**Lynn G. Reusser
104 S. Sycamore Street
Woodsfield, OH 43793
Phone: 740-472-5404
Alt.: 740-472-5295**

**Fred A. Leinhauser
117 North Main Street
Woodsfield, OH 43793
Phone: 740-472-0533
Expertise: Coins, Military, Political,
And Scouting Memorabilia**

**Danny R. Lowe
44974 Road Fork Road
P.O. Box 214
Caldwell, OH 43724
Phone: 866-838-1005
Expertise: Real Estate**

MAR 17 2015

FILED

Appendix C

PROBATE COURT OF MONROE COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

COMPUTATION OF ATTORNEY FEES

FULL ADMINISTRATION:

First \$25,000 at 5% \$ _____

Next \$175,000 at 4% \$ _____

Over \$200,000 at 3% \$ _____

RELEASE:

First \$5,000 at 4% \$ _____

Over \$5,000 at 3% \$ _____

JOINT & SURVIVORSHIP PROPERTY:

Two percent (2%) of full value,
Except at one percent (1%) when
co-owner is surviving spouse \$ _____

TOTAL: \$ _____

ACTUAL FEE TAKEN: \$ _____

Attorney for Fiduciary

Regis. No. _____

MAR 17 2015

Appendix D

PROBATE COURT OF MONROE COUNTY, OHIO

FILED

ESTATE OF _____, DECEASED

CASE NO. _____

COMPUTATION OF GUARDIAN'S/TRUSTEE'S COMPENSATION

PERSONAL PROPERTY:

INCOME FEE:

\$ _____ x 5% (gross income) \$ _____

\$ _____ x 2% (gross income) \$ _____
attributable to real estate rentals where the
fiduciary is managing such real estate
chargeable to income.

PRINCIPAL:

\$ _____ x \$3.00 per \$1,000 \$ _____
on the first \$100,000.

\$ _____ x \$2.50 per \$1,000 \$ _____
on the first \$200,000.

\$ _____ x \$1.50 per \$1,000 \$ _____
on the balance.

PRINCIPAL DISTRIBUTION UPON TERMINATION:

\$ _____ x 1% (with Court Approval) \$ _____

TOTAL: \$ _____

ACTUAL FEE TAKEN: \$ _____

Attorney for Fiduciary

Guardian/Trustee

Regis. No. _____

Guardian/Trustee Printed Name

MAR 17 2015

Appendix E

PROBATE COURT OF MONROE COUNTY, OHIO

FILED

ESTATE OF _____, DECEASED

CASE NO. _____

ADMINISTRATOR/EXECUTOR FEES (ORC 2113.35)

I. PERSONAL PROPERTY (IN ESTATE)

0	-	\$100,000.00	@	4.00%	_____
\$100,001.00	-	\$400,000.00	@	3.00%	_____
\$400,001.00	-	Up	@	2.00%	_____

1. TOTAL \$ _____

II. REAL ESTATE (NOT SOLD IN ESTATE)

2. 1% of Value Used in Ohio Estate Tax
\$ _____

III. NON-PROBATE ASSETS (EXCEPT JOINT & SURVIVORSHIP)

3. 1% of Value of Property Includable in
Ohio Estate Tax \$ _____

IV. RECAPITULATION

Item 1 \$ _____
Item 2 \$ _____
Item 3 \$ _____

Total Adm./Exec. Allowable by Statute \$ _____

Fees Paid in Prior Accounts (-) \$ _____

Balance Payable \$ _____

Fees Requested \$ _____

Signature of Admin/Executor

Printed Name of Admin/Executor