

**AMENDMENTS TO THE
RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO**

The following amendments to the Standard Probate Forms in the Rules of Superintendence for the Courts of Ohio (Probate Forms 12.0 and 12.1 and new Forms 19.2, 19.3, and 25.0 through 25.6) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

August 5, 2013	Initial publication for comment
January 9, 2014	Final adoption by conference
March 1, 2014	Effective date of amendments

PROBATE COURT OF _____ COUNTY, OHIO
_____. **JUDGE**

ESTATE OF _____ DECEASED

CASE NO. _____

APPLICATION FOR CERTIFICATE OF TRANSFER
[R.C. 2113.61]

Applicant states that decedent died on _____.

Decedent's domicile at death was _____
Street Address

City or Village, or Township if unincorporated area County

Post Office State Zip Code

Decedent died owning the real property described in the accompanying Certificate of Transfer No. _____, which also lists those persons to whom the real property passed. Applicant asks the Court to issue a Certificate of Transfer so that new ownership interests may be recorded.

[Check the applicable boxes]

- Decedent died intestate.
- Decedent died testate on _____; will admitted to probate on _____.
- Decedent's known debts have been paid or secured to be paid.
- Sufficient other assets are in hand to pay decedent's known debts.
- Estate is insolvent and the transfer shall apply toward the allowance for support.
- Applicant was appointed by this Court on _____ and is the qualified and acting executor or administrator of decedent's estate.
- Executor or administrator of decedent's estate failed to file this application before being discharged.
- Applicant is the executor or administrator appointed in another state. There is and has been no ancillary administration in Ohio. The real property to be transferred is located in this county.
- The transfer is subject to a written contract for the sale and conveyance of the real property, entered into but uncompleted by decedent before death. A copy of the contract is attached.
- There has been no administration and none is contemplated [R.C. 2113.61(D)].
- The transfer is pursuant to decedent's Will.
- The transfer is pursuant to the statutes of descent and distribution.
- The transfer is pursuant to summary release from administration [R.C. 2113.031(D)(3)].
- The real property to be transferred is subject to a charge in favor of the surviving spouse in the amount of \$_____ as computed pursuant to R.C. 2106.11 on attached Exhibit A, and as shown on the accompanying Certificate of Transfer, in respect of the unpaid balance of the specific monetary share which is part of the surviving spouse's total intestate share.

CASE NO. _____

- Spousal elections have been exercised.
- Disclaimers or assignments have been filed.
- The transfer is of decedent's entire interest in the mansion house to the surviving spouse, who hereby elects to take such interest as part or all of the intestate share and/or allowance for support. **[If this paragraph is checked, the following must be completed, and both the surviving spouse and applicant must sign this form].**

The value of the total intestate share to which decedent's surviving spouse is entitled is \$ _____

The value of the allowance for support to which decedent's surviving spouse is entitled is \$ _____

The value of decedent's entire interest in the mansion house is:

Interest in mansion house \$ _____

Interest in household goods in house \$ _____

Interest in lots or farm land adjacent to house and used in conjunction with it, which are described in Certificate of Transfer and which spouse hereby elects to include \$ _____

Less: Decedent's share of liens on any and all of above \$ _____

Total \$ _____ \$ _____

Surviving Spouse

Applicant

Title or status

ENTRY ISSUING CERTIFICATE OF TRANSFER

The Court finding that the above application contains the information required by statute orders that Certificate of Transfer No. _____ be filed with this Entry and a copy of the Certificate of Transfer be issued for recording.

[Check if applicable] The Court further finds that the transfer is subject to a charge pursuant to R. C. 2106.11.

Date

Probate Judge

CASE NO. _____

The legal description of decedent's interest in the real property subject to this certificate is: **[use extra sheets, if necessary]**.

Prior Instrument Reference:

Parcel No:

This instrument was prepared by _____

ISSUANCE

This Certificate of Transfer is issued this _____ day of _____, 20_____.

Probate Judge

AUTHENTICATION

I certify that this document is a true copy of the original Certificate of Transfer No. _____ issued on _____ and kept by me as custodian of the official records of this Court.

Date

Probate Judge

By _____
Deputy Clerk

PROBATE COURT OF _____ COUNTY, OHIO
_____, JUDGE

ADOPTION OF _____
(Name after adoption)
CASE NO. _____

PETITION TO RECOGNIZE FOREIGN ADOPTION
[R.C. 3107.18]

[Check applicable boxes, complete blanks, strike inapplicable language, and attach supporting documentation]

The Petitioner(s) is/are the adoptive parent(s) of a minor child pursuant to a Foreign Decree or Certificate of Adoption and state that:

PETITIONER(S)

Petitioner's Full Name: _____

Petitioner's Full Name: _____

Residence: _____

Duration of Residence: _____

Marital Status: _____

Date and Place of Marriage: _____

ADOPTED CHILD

Name of Child before Adoption: _____

Name of Child after Adoption: _____

Date and Place of Birth: _____

Attached is a certified copy of the child's Birth Certificate, and if not in English, also attached is a translation certified as to its accuracy by the translator.

A Foreign Decree or Certificate of Adoption in compliance with the laws of the Country of _____ was issued by (Name of Court) _____ in Case Number _____ on the _____ day of _____, 20____.

CASE NO. _____

Attached is a certified copy of the Foreign Decree or Certificate of Adoption which has been verified and approved by the Immigration and Naturalization Service of the United States, and if not in English, also attached is a translation certified as to its accuracy by the translator.

Attached is a fully completed Ohio Department of Health, Division of Vital Statistics, Certificate of Adoption.

The Petitioner(s) state that giving effect to the Foreign Decree or Certificate of Adoption would not violate the public policy of the State of Ohio and respectfully pray for the following Order(s):

An Order that the child's name shall be changed to:

An order to the Ohio Department of Health to issue a new birth record for the adopted person under R.C. 3705.12(A)(1)

Other _____

Attorney for Petitioner

Typed or Printed Name

Street Address

City State Zip Code

Telephone Number (include area code)

Attorney Registration No.

Petitioner

Typed or Printed Name

Petitioner

Typed or Printed Name

Street Address

City State Zip Code

Telephone Number (include area code)

PROBATE COURT OF _____ COUNTY, OHIO

_____, JUDGE

ADOPTION OF _____
(Name after adoption)

CASE NO. _____

ORDER FOR OHIO BIRTH RECORD FOR FOREIGN BORN CHILD

This matter came on to be heard on the _____ day of _____, 20____, upon the Petition to Recognize Foreign Adoption filed by _____

The Court finds the petitioner(s) has/have complied with the requirements of R.C. 3107.18 and giving effect to the Decree or Certificate of Adoption that was issued under the laws of a foreign country would not violate the public policy of the State of Ohio.

It is therefore **ORDERED** that:

- A Final Decree recognizing the Foreign Decree of Certificate of Adoption is entered, herein;
- An Interlocutory Decree recognizing the Foreign Decree or Certificate of Adoption is entered herein which, unless vacated, shall become final on _____.
- The child's name shall be changed from: _____
to _____.
- The Ohio Department of Health shall issue a new birth record for the child pursuant to R.C. 3705.12(A)(1).
- Other _____

Date

JUDGE

PROBATE COURT OF _____ COUNTY, OHIO

_____, JUDGE

DISINTERMENT OF _____, DECEASED

CASE NO. _____

APPLICATION FOR ORDER TO DISINTER REMAINS

[R.C. 517.24 and 517.25]

The Applicant states that this Application is made to disinter the remains of the above named Decedent by Court Order. The Decedent's remains are currently located in _____ cemetery, _____ County.

Applicant further states that the following information is true:

1. Applicant is an interested person of sound mind who is at least eighteen years old.
2. Applicant did or did not assume/have financial responsibility for the funeral and burial expenses of the decedent.
3. Applicant's relationship to Decedent is _____.
4. The remains will be reinterred at _____

(Name and Address)
5. Attached is Form 1.0 listing all persons who would have been entitled to inherit from the Decedent under R.C. Chapter 2105, and if the Decedent had a Will, all legatees and devisees named in that Will.
6. Notice of this Application and Hearing on the Application shall be given by certified mail return receipt requested to Decedent's surviving spouse, to all persons entitled to inherit if Decedent died without a Will, to all legatees and devisees named in Decedent's Will, and to the cemetery in which the Decedent's remains are interred in accordance with R.C. Section 517.24 unless waived.
7. Attached to this application are any written waivers waiving the right to receive the notice stated above.
8. Applicant states that the disinterment is not against Decedent's religious beliefs.
9. Decedent's cause of death was _____.

CASE NO. _____

- 10. The Decedent did not die of a contagious or infectious disease, or if so, a permit has been issued by the appropriate Board of Health, attached.
- 11. Decedent had had not executed a written Declaration of Assignment of Right of Disposition pursuant to R.C. 2108.70 *et seq.*

Attorney for Applicant

Applicant

Typed or Printed Name

Typed or Printed Name

Address

Address

Telephone Number (include area code)

Telephone Number (include area code)

Attorney Registration No.

Sworn to and subscribed in my presence this _____ day of _____,
_____.

Notary Public

PROBATE COURT OF _____ COUNTY, OHIO

_____, JUDGE

DISINTERMENT OF _____, DECEASED

CASE NO. _____

**JUDGMENT ENTRY SETTING HEARING
ON APPLICATION FOR DISINTERMENT**

The Application for Disinterment filed by _____ is
hereby set for hearing on the _____ day of _____, _____, at
_____ o'clock _____ .m., in this Court. The Court is located at _____
_____.

The Court Orders that notice of hearing be given to the surviving spouse and next of kin and, if applicable, all legatees and devisees named in the decedent's Will, by the person requesting the hearing, and that proof of services be filed.

Judge

PROBATE COURT OF _____ COUNTY, OHIO

_____, JUDGE

DISINTERMENT OF _____, DECEASED

CASE NO. _____

NOTICE OF HEARING ON APPLICATION FOR DISINTERMENT

To: _____

An Application has been filed in this Court to disinter the remains of the Decedent. The Application is attached to this Notice. The hearing on the Application will be heard on the _____ day of _____, _____, at _____ o'clock _____m., in this Court.

The Court is located at _____
_____.

Applicant

PROBATE COURT OF _____ COUNTY, OHIO

_____, JUDGE

DISINTERMENT OF _____, DECEASED

CASE NO. _____

AFFIDAVIT OF SERVICE OF NOTICE ON HEARING ON APPLICATION FOR DISINTERMENT

The undersigned Applicant states that all persons interested in the Application, as described by R.C. Section 517.24(B)(2)(a), have been notified according by law; or have waived notice of the hearing on the Application; or their names and addresses are unknown to Applicant and cannot with reasonable diligence be ascertained.

The following persons for the following reasons were not notified:

<u>Name</u>	<u>Reason</u>
_____	_____
_____	_____
_____	_____

Applicant

Sworn to and subscribed in my presence this day _____, 20_____.

Notary Public/Deputy Clerk

PROBATE COURT OF _____ COUNTY, OHIO

_____, JUDGE

DISINTERMENT OF _____, DECEASED

CASE NO. _____

VERIFICATION OF REINTERMENT

The undersigned _____
(Name and Title)
of the _____ cemetery, states that the remains of the
above-named Decedent were reinterred on the _____ day of _____, 20____,
pursuant to the Order of this Court.

Signature

Typed or Printed Name

Cemetery

Address

Telephone (include area code)

PROBATE COURT OF _____ COUNTY, OHIO

_____, JUDGE

DISINTERMENT OF _____, DECEASED

CASE NO. _____

WAIVER OF NOTICE OF APPLICATION TO DISINTER REMAINS

(R.C. 517.24 and 517.25)

The undersigned, being persons entitled to notice of the disinterment of the Decedent, waive such notice and consent to the disinterment and reinterment of the Decedent as stated in said application, and hereby acknowledge receipt of a copy of said application:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

PROBATE COURT OF _____ COUNTY, OHIO

_____, JUDGE

DISINTERMENT OF _____, DECEASED

CASE NO. _____

ORDER TO DISINTER REMAINS

An application for Order to Disinter Remains came on for hearing on the _____ day of _____, _____.

The Court finds that all interested parties, whose names and addresses are known, have been notified according to law or have waived notice of hearing on the application.

The Court further finds that the statements contained in the application are true and that no testimony was adduced to establish that disinterment would be against the decedent's religious beliefs.

The Court further finds that a permit has has not been issued pursuant to R.C. 517.23(B) by the Board of Health (or other authorized agency) and that if issued, has been filed herein.

It is the Order of this Court that:

- (1) Applicant is hereby authorized to disinter the remains of the decedent from _____ Cemetery;
- (2) Applicant is hereby authorized to reinter the remains of the decedent at _____ Cemetery;
- (3) Unless the gravestone or marker is relocated to the site of reinterment, Applicant shall cause said gravestone or marker to remain at the site of original interment; and
- (4) Applicant shall file a Verification of Reinterment within thirty (30) days that the remains of the decedent have been reinterred.

Judge