

COURT OF COMMON PLEAS  
COLUMBIANA COUNTY, OHIO  
PROBATE/JUVENILE DIVISION  
PROBATE COURT RULES

IN RE: )  
COUNTY LOCAL PROBATE RULES ) **CASE NO. 2009 MM 00001**  
OF THE PROBATE COURT OF )  
COLUMBIANA COUNTY, OHIO ) **JUDGMENT ENTRY**

The following rules have been promulgated by the Columbiana County Court of Common Pleas, Probate Division, pursuant to Article IV, Section 5(B), of the Ohio Constitution and Rule 5 of the Ohio Supreme Court Rules of Superintendence for Courts of Common Pleas. They are adopted to provide for the efficient and expeditious management of business before this Court.

These rules become effective April 1, 2009, hereby amending the prior Columbiana County Probate Court local rules, and are subject to review and amendment, as necessary.

These rules are intended to provide for the management of proceedings and other functions of the Court and to supplement and complement the Ohio Rules of Probate Procedure, the Ohio Rules of Civil Procedure, the Rule of Superintendence for the Courts of Ohio and controlling statutes.

These rules shall be applied, construed, and enforced so as to avoid inconsistency with other rules and statutes. They shall be interpreted so as to promote just and expeditious determinations.

The judge or magistrate presiding over a hearing may permit exception from a rule upon specific request and for good cause shown.

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THOMAS M. BARONZZI  
JUDGE

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## COMPLIANCE WITH OTHER RULES

RULE 1.1

The following Rules are intended to supplement the Ohio Rules of Civil Procedure, the Superintendence Rules of the Supreme Court of Ohio and any controlling statutes.

Unless otherwise stated, all filings shall comply in form and content with the Ohio Rules of Civil Procedure and the Local Rules of the Court of Common Pleas of Columbiana County, Ohio which are also applicable to this Court. To the extent that rules may be in conflict, the Local Probate Rule shall prevail.

## COURT APPOINTMENTS

RULE 8.1

Persons appointed by the Court to serve as appraisers, fiduciaries, attorneys, special master commissioners or magistrates, investigators, guardians ad litem, arbitrators, mediators, and trustees for suit, may be selected from lists maintained by the Court.

Appointments will be made from the lists taking into consideration the qualifications, skill, expertise, and caseload of the appointee in addition to the type, complexity, and requirements of the case.

Court appointees will be paid a reasonable fee with consideration given to the factors contained in DR-2-106 of the Code of Professional Responsibility, the Ohio Revised Code and the Local Rules of Court relating to fees.

The Court may require background checks, bonding, or liability insurance coverage of any appointee as a condition of his or her appointment.

The Court may order the parties to submit an advance deposit of costs to compensate professional or other appointees.

RULE 8.2

Upon application and for good cause shown, the Court may appoint a special master commissioner for the limited purpose of making funeral arrangements

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for unclaimed bodies and to investigate and determine whether a decedent owned any assets and to determine if any next of kin survive the decedent.

#### **RECORDING OF PROCEEDINGS**

RULE 11.1           The Court will make an audio recording of formal court proceedings that shall serve as the record of the Court. Parties or other interested persons who desire to have a transcript of the proceedings shall request the transcript in writing from the court reporter and are required to make a deposit in an amount as determined by the court. The requesting party shall pay the full cost of the transcription upon completion.

Tapes of proceedings may not be removed from the Court.

#### **CONDITIONS FOR BROADCASTING AND PHOTOGRAPHING COURT PROCEEDINGS**

RULE 12.1           No radio or television transmission, voice recording device, other than a device used by the judge or a court reporter making a recording in a proceeding, or the making or taking of pictures shall be permitted without the prior express consent of the Court and pursuant to Sup.R.12.

RULE 12.2           All persons appearing in the court facilities shall turn off all cell phones prior to entering. The use of cell phones, for any purpose, by non-court personnel is prohibited without prior authorization of the court. Any violation of this rule will result in the phone being confiscated by court security. A confiscated phone may be picked up at the court security desk at the close of the business day. No photographs shall be taken at any time without prior authorization of the court.

#### **STANDARD PROBATE FORMS**

RULE 51.0           Filings before the Court shall be in conformity with Standard Probate Forms prescribed

by the Rules of Superintendence of the Courts of Ohio, if a standard form has been prescribed. If a standard form has not been prescribed, the form used shall be in conformity with the Ohio Civil Rules or other form prescribed by these Rules of Court.

#### **HOURS OF THE COURT**

RULE 53.1           The Court and its offices will be open for the transaction of business from 8:00 a.m. to 4:00 p.m. daily, except Saturday, Sunday, and legal holidays, unless otherwise determined by the Court. Applications for marriage licenses will not be accepted after 3:30 p.m.

#### **EXAMINATION OF PROBATE RECORDS**

RULE 55.1           Court records shall not be removed from the Court, unless authorized by judgment entry.

RULE 55.2           Copies of open records may be obtained at the cost per page set by the Court.

RULE 55.3           Confidential files shall not be inspected, unless authorized by judgment entry.

RULE 55.4           For purposes of maintaining the efficient operation of the Court and protecting court records, the use of copying equipment brought into the Court for purposes of duplicating court documents may be reasonably limited by the Court.

#### **FILINGS AND JUDGMENT ENTRIES**

RULE 57.1           An applicant shall include the applicant's Driver's License Numbers on papers, pleadings, and other documents, as required by the Court.

**DURING THE PENDENCY OF ANY CASE AND UNTIL ALL COURT COSTS ARE PAID IN FULL, EACH PARTY SHALL KEEP THE COURT ADVISED IN WRITING OF THEIR CURRENT RESIDENCE AND MAILING ADDRESS AND ANY TELEPHONE NUMBER.**

RULE 57.2 Ohio Supreme Court Registration Numbers assigned to attorneys representing all parties to proceedings and the attorney's e-mail address, shall be included on papers, pleadings, and other documents, as required by the Court. All filings must be signed by the individual attorney as the attorney of record for a party and not as a legal entity. A person who is not the attorney of record shall not sign on behalf of the attorney of record.

RULE 57.3 Papers, pleadings, and other documents that are incomplete, or not of sufficient quality to be imaged may be refused for filing, or, if filed, may be stricken from the files. In the event of a dispute regarding filings made via U.S. mail or other postal carrier, the Court may require filing in person to a deputy clerk. All briefs and memoranda of law shall comply with the Supreme Court Rules for Reporting of Opinions unless otherwise ordered by the Court. Copies of all opinions previously referred to as "unpublished" that are not posted on the Ohio Supreme Court website under rule 3 of the Supreme Court Rules for Reporting of Opinions shall be attached as appendices unless otherwise ordered by the Court.

RULE 57.4 Upon the filing of any legal action that affects an estate, a trust, or a guardianship, the fiduciary shall file a notice of litigation with the Court. The notice may conform to the form attached as Appendix A.

#### **FACSIMILE FILING**

RULE 57.5 The Columbiana County Probate Court does not accept filings via facsimile.

#### **ELECTRONIC FILING OF DOCUMENTS**

RULE 57.6 The Columbiana County Probate Court does not accept filings via electronic mail.



**ENTER APPEARANCE AS ATTORNEY OF RECORD**

RULE 57.7                Parties receiving a notice of hearing shall provide a copy of the notice to their attorney so that he or she can enter an appearance and receive notification of future hearings.

**REIMBURSEMENT OF EXPENSES**

RULE 57.8                Any request for reimbursement of costs or other expenses shall be supported by receipts, vouchers or other proof unless otherwise ordered by the Court.

**DEPOSIT FOR COURT COSTS**

RULE 58.1                The amounts set forth by the Court shall be deposited with the Court upon the filing of the respective actions and proceedings. Schedule of the current court costs will be available at the Probate Court or may be available on the Columbiana County Law Library website at [www.columbianacountylawlibrary.com](http://www.columbianacountylawlibrary.com)

RULE 58.2                The Court may order the parties to submit an advance deposit of costs for professional or other fees.

                              Upon the filing of a demand for a jury trial, the party making the demand shall file an advance deposit for costs for juror fees in the amount of \$500.00 or such other amount as the Court may determine. The Court may order additional deposit of costs for multiple plaintiffs or defendants.

RULE 58.3                Papers, pleadings, and other documents may be refused for filing, or, if filed, may be stricken for failure to make deposits, or to pay court costs, except for good cause shown.

RULE 58.4                No appointment shall be made if there is a failure of the fiduciary or the fiduciary's attorney to pay court costs. Failure of the fiduciary or the fiduciary's attorney to make

additional deposits, or to pay court costs, shall be cause for removal.

RULE 58.5 For the purpose of procuring and maintaining computerized legal research services, an additional fee of One Dollar (\$1.00) shall be collected as costs in each estate, guardianship, trust, minor settlement, civil action, correction of birth record, registration of birth, change of name, or adoption.

RULE 58.6 A member of the United States Armed Services who died while serving in a combat zone or as a result of wounds, disease, or injury incurred while serving in a combat zone shall be exempt the following fees as prescribed in R.C. 2101.16:

1. Any fee for or associated with the filing of the decedent's will for probate;
2. Any fee for any services rendered by the probate court associated with the administration of decedent's estate;
3. Any fee for relieving decedent's estate from administration under R.C. 2113.03;
4. Any fee for granting an order for summary release from administration under R.C. 2113.031.

RULE 58.7 The Clerk of the Probate Court may charge a reasonable fee in each action or proceeding filed, including full administrations of estates, trusts, guardianships, conservatorships, civil actions, wrongful death actions, change of name, and adoption proceedings, for the purpose of the resolution of disputes within the jurisdiction of the Probate Court.

RULE 58.8 The Clerk of the Probate Court may charge a fee in such amount as is charged by the Department of Vital Statistics in the State of birth for each certified copy of a birth record ordered in an adoption or correction of birth record for the issuance of a replacement or corrected birth certificate pursuant to R.C. 3109.14, 3705.24(A) and (B), and 3705.242.

## WILLS

RULE 59.1            If a will confers a power to nominate an executor as described in R.C. 2107.65, the application to probate the will shall include a concise statement setting forth the item number of the will that confers the power, and the name(s) of the holder(s) of the power.

## APPRAISERS

RULE 61.1            An appraiser must be experienced in appraising property in Columbiana County, Ohio, and shall not be a member of the family, business associate, or client of the fiduciary, the fiduciary's attorney, or other person interested in the estate.

Rule 61.2            Upon application and good cause shown, the Court may authorize the fiduciary by order to use the County Auditor's tax value for real property in an estate in lieu of an appraisal.

## INVENTORY

RULE 100.1           Except for good cause shown, the costs of citations shall be deducted from the fiduciary's compensation.

RULE 100.2           Except for good cause shown, estate assets shall not be sold, transferred, or distributed until the inventory or inventory and appraisal has been filed and approved by judgment entry.

RULE 100.3           All applications for authority to administer estate, application for appointment for guardian, or trustee shall be accompanied by a bond, except for qualifying applicants for whom bond is waived by will, in the amount required by law unless the applicant files a motion and the Court approves waiver of the above bond pending the filing of the inventory.

If said motion is granted, bond shall be filed at the time of the filing of the inventory. A motion to continue the waiver of bond may be

filed if: a) the assets of the trust, estate or guardianship have been placed in a restricted account with the Court's approval, with no withdrawals unless authorized by the Court; b) for other good cause demonstrated to the satisfaction of the Court.

#### **TRANSFER OF STRUCTURED SETTLEMENTS**

RULE 101.1           The person giving independent professional Advice to the payee regarding the legal and other implications of the transfer of a structured settlement pursuant to O.R.C. §2323.583(C) shall be present at the hearing.

RULE 101.2           Upon application for the transfer of a structured settlement an affidavit shall be filed regarding the status of any child support or spousal support owed by the applicant.

RULE 101.3           In all transfer of structured settlement matters, a criminal background check of the prospective transferor may be required by the Court.

#### **CHANGE OF NAME**

RULE 102.1           The Court, in its discretion, may deny an application for change of name to the following individuals:

- 1) An individual who is in arrears for any child support payment, or
- 2) A Sexual Predator/Offender as defined in the Ohio Revised Code.

#### **CLAIMS AGAINST ESTATES**

RULE 62.1           The amount set forth by the Court shall be deposited with the Court upon the filing of a claim pursuant to R.C. 2117.06. A copy of the schedule of court costs will be available at the Probate Court or may be available on the Columbiana County Law Library website at [www.columbianacountylawlibrary.com](http://www.columbianacountylawlibrary.com)

RULE 62.2 All fiduciaries shall apply to the Court for authority to compromise or settle any claim on behalf of the estate, including but not limited to personal injury claims of the decedent.

RULE 62.3 Any electronic transfer of settlement funds shall be preceded by a written consent of the fiduciary filed with the Court. Payment of any settlement funds pursuant to electronic transfer is at the risk of the insurance company until funds are distributed pursuant to judgment entry.

#### **APPLICATION TO SELL PERSONALTY**

RULE 63.1 The affidavit and report required by R.C. 2109.45 and 2113.42 shall include a statement that the property was not purchased by the fiduciary, by a member of the fiduciary's family, or by an agent of the fiduciary.

#### **ACCOUNTS**

RULE 64.1 Except for good cause shown, the costs of citations shall be deducted from the fiduciary's compensation.

RULE 64.2 If a fiduciary is delinquent in filing an account, and no extension of time for filing has been granted, the Court may refuse to appoint the fiduciary to another office of trust.

RULE 64.3 Final Account: Every fiduciary shall render a final account for each estate within six (6) months of the date of appointment of the fiduciary pursuant to Ohio Revised Code Section 2109.301(B)(1) unless extended by the Court. Periodic Account: Every fiduciary shall render an account for each trust or guardianship on the 1<sup>st</sup> anniversary of the appointment of the fiduciary, on the 2<sup>nd</sup> anniversary, and every two (2) years thereafter, unless otherwise ordered by the Court.

RULE 64.4 A Trustee shall provide a copy of his or her account to all parties interested in the Trustee's account.

RULE 64.5            A Trustee shall file a current list of the names and addresses of all persons interested in the trust and the interest of each party in the trust with the Trustee's account.

**LAND SALES**

RULE 65.1            The affidavits required by Sup. R. 65 (A) shall include a statement that the property was not purchased by the complainant, by a member of the complainant's family, or by an agent of the complainant.

RULE 65.2            In all actions to sell real estate, the application to the Court to allow a real estate commission, required by R.C. 2127.28, shall state the specific amount of the commission requested.

RULE 65.3            Upon the filing of a complaint to sell real property (O.R.C. 2127), pursuant to Sup.R. 65 a preliminary title search report shall also be filed which sets forth the complete legal description of the property, a copy of the last recorded instrument of conveyance and a complete statement of all liens and exceptions of record.

**GUARDIANSHIPS**

RULE 66.1            Except for good cause shown, an application for the appointment of a guardian shall contain the name of one proposed ward and shall be heard separately from any other application.

RULE 66.2            Except for good cause shown, the hearing on the application for the appointment of a guardian shall be attended by the applicant and the proposed ward.

RULE 66.3            Each guardian shall file an annual report with the Court containing the information required by the Court on the 1<sup>st</sup> anniversary of the appointment of the guardian, the 2<sup>nd</sup> anniversary, and every 2 years thereafter. No guardian shall change the residential placement of a ward without prior application to and approval of the Court. The application shall

state the reason for relocating the ward and any recommendation for relocation made by health providers. In the event the ward is relocated outside the State of Ohio, guardian shall file for transfer of jurisdiction to the appropriate venue within sixty (60) days of the Court's approval of relocation.

RULE 66.4           An application for the appointment of a guardian of a minor shall not be filed if the only reason for the guardianship is to establish a residency for school purposes. Custody for school purposes is a matter to be heard and determined in the Juvenile Court of the Court of Common Pleas. No guardian of the person of a minor may create a power of attorney pursuant to R.C. 3109.52 transferring the guardian's rights and responsibilities without specific authority of the Court.

RULE 66.5           Guardianship assets shall not be expended until a written application has been heard by the Court and allowed by judgment entry.

RULE 66.6           Before a guardian is appointed, the Court may require a criminal background check of the applicant(s) which shall be performed by the Columbiana County Sheriff's Department. Upon order of the Court, each applicant shall sign a Consent to Criminal Background Check and appear at the Columbiana County Sheriff's Department for the background check within five days of filing of the consent. In addition, the Consent shall authorize the court investigator appointed by the Probate Court to perform a criminal background check of local law enforcement agencies.

RULE 66.7           Medical and psychological reports are confidential and there shall be no access to these reports without prior order of the court.

RULE 66.8           All guardians of the estate of a ward are required to retain and maintain an attorney licensed to practice law in the State of Ohio, to assist and advise them regarding their duties.

RULE 66.9 All guardians of the estate are required to deposit the ward's funds in a guardianship account in banking facilities that provide check imaging or canceled checks. Unless otherwise ordered by the Court, the guardianship account shall be maintained in an institution within the boundaries of Columbiana County, Ohio. All assets shall remain in the state of Ohio unless otherwise authorized by judgment entry.

RULE 66.10 Guardians of the estate are not permitted to use ATM machines or debit cards for guardianship accounts.

#### **CONSERVATORSHIPS**

RULE 66.11 All rules governing Guardians shall govern Conservators unless otherwise provided by law or order of the Court.

#### **MANDATORY REPORTS**

RULE 66.12 (A) Any attorney, guardian, or any person in a fiduciary relationship with a ward of the Court having reasonable cause to believe that the ward is being abused, neglected, or exploited, or is in a condition which is the result of abuse, neglect, or exploitation shall immediately report to the Probate Court.

(B) Any person having reasonable cause to believe that a ward has suffered abuse, neglect, or exploitation may make a report to the Probate Court.

(C) The reports made under this rule shall be made orally or in writing except that oral reports shall be followed by a written report if a written report is requested by the Probate Court. Reports are confidential and there shall be no access to these reports without prior order of the court.



Written reports shall include:

- (1) The name, address, and approximate age of the ward who is the subject of the report;
- (2) The name and address of the individual responsible for the ward's care, if any individual is, and if the individual is known;
- (3) The nature and extent of the alleged abuse, neglect, or exploitation of the ward;
- (4) The basis of the reporter's belief that the ward has been abused, neglected, or exploited.

**ESTATES OF MINORS OF NOT MORE THAN TEN THOUSAND DOLLARS**

RULE 67.1            Upon the opening of a court-ordered account under \$10,000 ("restricted account"), the account shall be titled in the sole name of the minor. All interest and principal shall be impounded. Deposited funds shall not be released until the minor reaches age 18 or upon further order of the Court. The verification of receipt and deposit from the bank filed with the Court shall contain the information required by the Court.

RULE 67.2            Certificates of deposit may be renewed without court order, even if there is a change of interest rate or term. Funds may be moved from savings account to certificate of deposit (or vice versa) without a court order and shall remain a restricted account. A transfer to any other bank product shall require a court order.

RULE 67.3            Funds may be released to the account owner (the former minor) by the bank at the age of 18 without a court order.

**SETTLEMENT OF INJURY CLAIMS OF MINORS**

RULE 68.1            An application shall be accompanied by a current statement of the examining physician as provided in Sup.R.68(B). The presence of the injured minor shall be required at the hearing as provided in Sup.R.68(C) except for good cause shown.

RULE 68.2            Upon the opening of a court-ordered account ("restricted account"), the account shall be titled in the sole name of the minor. All interest and principal shall be impounded. Deposited funds shall not be released until the minor reaches age 18 or upon further order of the Court. The verification of receipt and deposit from the bank filed with the Court shall contain the information required by the Court.

RULE 68.3            Certificates of deposit may be renewed without court order, even if there is a change of interest rate or term. Funds may be moved from savings account to certificate of deposit (or vice versa) without a court order and shall remain a restricted account. A transfer to any other bank product shall require a court order.

RULE 68.4            Funds may be released to the account owner (the former minor) by the bank at the age of 18 without a court order.

**SETTLEMENT OF CLAIMS OF OR AGAINST ADULT WARDS**

RULE 69.1            A guardian shall not settle the claim of an adult ward without application to and approval by the Court of the settlement.

RULE 69.2            Funds deposited into restricted accounts shall not be released until a written application has been heard by the Court and allowed by judgment entry. All interest and principal shall be impounded.

RULE 69.3            Certificates of deposit may be renewed without court order, even if there is a change of interest rate or term. Funds may be moved from savings account to certificate of deposit (or vice versa) without a court order and shall remain a restricted account. A transfer to any other bank product shall require a court order.

RULE 69.4            The verification of receipt and deposit from the bank filed with the Court shall contain the information required by the Court.

## COUNSEL FEES

### RULE 71.1

The allowance of counsel fees as part of the expense for administering a decedent's estate, a trust, or a guardianship shall be based upon the actual services performed by the attorney, and the reasonable value of the services.

- (A) Attorney fees paid pursuant to a fully executed Certificate of Termination as provided for in Revised Code 2109.30 do not require Court approval.
- (B) Where the attorney on application to the Court prior to or during estate administration requests a fixed fee, the Court, if it deems it appropriate, will then fix a reasonable fee for legal services beneficial to the administration of the estate. Pursuant to Superintendence Rule 71(D), "The Court may set a hearing on any application for allowance of attorney fees regardless of the fact that the required consents of the beneficiaries have been given."
- (C) Counsel fees for the administration of a decedent's estate and in connection with Trusts and Guardianships shall be reasonable and beneficial to the matter. The application for fees shall be in writing setting forth details supporting the calculations on which requested fees are based. See Appendix B, C, D and F.
- (D) Counsel fees for the administration of estates, trusts, and guardianships, as set forth in the Appendix, may serve as a guide in determining fees to be charged for legal services of an ordinary nature rendered for a fiduciary in any such matter. In the case of legal services rendered of an extraordinary nature, counsel are directed to apply to the Court for the allowance of extraordinary fees. Counsel should include with said application for extraordinary fees time records and a detailed statement of services performed. The accompanying

consent or approval of the fiduciary is also helpful.

- (E) Such guides, however, are not to be considered nor represented to clients as schedules of minimum or maximum fees to be charged. The primary responsibility concerning the establishment of fees in a particular matter rests between counsel and the fiduciary and/or beneficiaries involved. The Court's role is limited to passing on the reasonableness of the compensation.
- (F) Where the attorney, law partner or firm associate is appointed as fiduciary, guardian, or trustee, the total administration fees for any period may not exceed the total of either the counsel or fiduciary fees, as selected by counsel, plus one-half of the other fee. Pursuant to Superintendence Rule 71(B), "Attorney fees for the administration of estate shall not be paid until the final account is prepared for filing unless otherwise approved by the Court upon application and for good cause shown." This Court hereby requires that Final Account be filed not later than sixty (60) days following Court approval of attorney fees.
- (G) If disparity or injustice result due to application of any percentages set forth in the Appendix, such disparity or injustice may be reviewed on the Court's own motion; upon the filing of exceptions to any account; or upon timely motion filed by any interested party.
- (H) Counsel are advised to maintain accurate records of work completed and time spent on all matters.
- (I) Counsel fees in guardianships and trusts may be based upon lump sum approved by Court, hourly rate reviewed and approved, or counsel may use as guidelines for the computation of fees in guardianships and trusts the guidelines provided for guardian's compensation and individual trustee's compensation set forth in Local Rules 73.1 and 74.1, respectively. Minimal

fees of \$200.00 for securing the appointment of a guardian and \$100.00 for preparing a two-year accounting report in the case of non-indigent guardianships are considered reasonable in MOST CASES. Please consult Appendix D and F for sample entries and computations to be submitted when requesting approval of counsel fees in guardianships and trusts.

- (J) Counsel fees shall not be paid by the fiduciary until a written application has been approved by judgment entry.
- (K) Interested parties may waive notice of hearing and sign written consents to applications for approval of counsel fees.
- (L) Prior to a fiduciary entering into a contingent fee contract with an attorney for any legal services, an application for authority to enter into the contract shall be filed with and approved by the Court. The application may conform to the form attached as Appendix E. Otherwise, counsel fees may be determined on a quantum meruit basis.
- (M) At the time of entering into a contingent fee agreement, if there is a fee splitting agreement, the fee split and the identity of all lawyers participating must be disclosed in writing. Counsel shall file with the Court a copy of any fee splitting agreement.

#### **EXECUTOR'S AND ADMINISTRATOR'S COMMISSIONS**

RULE 72.1

- A) An application for allowance of executor's or administrator's commissions for ordinary services rendered in the complete administration of a decedent's estate may conform to the computation form attached as Appendix G.
- (B) The Court may set a hearing on an application for allowance of executor's or administrator's commissions, and if a hearing is scheduled, notice shall be given to all parties affected by the payment of

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commissions, unless otherwise ordered by the Court.

- (C) Interested parties may waive notice of hearing and sign written consents to applications for approval of executor's or administrator's commissions.

RULE 72.2           The itemized statement for extraordinary services required by Sup. R. 72 (A) shall itemize the services performed, the date services were performed, the time spent in rendering the services, and the rate charged per hour.

RULE 72.3           Executor's and administrator's commissions of an ordinary or extraordinary nature shall not be paid from the decedent's estate until a written application has been approved by judgment entry.

#### **COMMISSIONERS**

RULE 72.4           All rules governing Executors and Administrators except those regarding fiduciary commissions shall govern commissioners unless otherwise provided by law or order of the Court.

#### **GUARDIAN'S COMPENSATION**

RULE 73.1           Unless otherwise provided by law, or ordered by the Court, a guardian may charge an annual fee for ordinary services in accordance with the schedule of compensation set forth on Appendix H.

- RULE 73.2
- (A) An application for allowance of guardian's compensation for ordinary services rendered in the administration of each separate guardianship estate may conform to the computation form attached as Appendix H.
  - (B) An application for allowance of guardian's compensation shall be submitted to the Court for approval with the guardian's account.

(C) Interested parties may waive notice of hearing and sign written consents to applications for approval of guardian's compensation.

RULE 73.3

Where there is a claim for extraordinary services or fees of a guardian of a person, the application shall set forth an itemized statement of the services performed, the date services were performed, the time spent in rendering the services, and the rate charged per hour.

RULE 73.4

Guardian's compensation of an ordinary or extraordinary nature shall not be paid from the ward's estate until the application has been approved by judgment entry.

#### **TRUSTEE'S COMPENSATION**

RULE 74.1

(A) CORPORATE TRUSTEES

- (1) Except where the instrument creating the trust makes provisions for compensation, a corporation functioning as testamentary trustee may charge fees on the same basis as it charges for living trusts.
- (2) Fee schedules are to be furnished to the Court on the 1<sup>st</sup> business day of January of each year and whenever a change in fees is made within any calendar year.
- (3) A separate schedule containing computation figures providing a basis for the corporate trustee's compensation shall be set forth in the trustee's account as a condition for its approval.
- (4) The corporate trustee may charge its applicable "sweep fee" for the management of money market funds within testamentary trust accounts.
- (5) Corporate Trustees may, at their option, elect to use the Individual Trustee's compensation schedule set forth below.

23:2/17/2009

(B) INDIVIDUAL TRUSTEES

(1) Except where the instrument creating the trust makes provisions for compensation, an individual functioning as testamentary trustee may charge as follows (See Appendix I):

(a) Principal Fee. A fee of \$2.00 per 1M of the principal's market value held by the trustee.

(b) Income Fee. A fee of six and one-half percent (6.5%) of the total income for the accounting period.

(c) Principal Distribution Fee. A fee of one percent (1%) of the principal distributed during the accounting period.

RULE 74.2

Trustee's compensation of an ordinary or extraordinary nature shall not be paid from the trust estate until the application has been approved by judgment entry.

**MOTIONS AND HEARINGS**

RULE 75.1

(A) All motions and responses shall be submitted in writing, accompanied by a memorandum on the related law, and shall include a proposed judgment entry.

(B) The Court may rule on all motions based on the pleadings, without a hearing, unless a hearing is scheduled by the Court or granted by the Court upon the request of a party.

**TAX PROCEEDINGS**

RULE 75.2

(A) All estate tax filings in the Court shall conform to the requirements of Chapter 5731 of the Revised Code.

(B) The Ohio estate tax return should be filed with the Court no sooner than three (3) months from the date of the appointment of the fiduciary.



- (C) Each attorney, or other person filing an estate tax return, shall also prepare and deliver to the Court the Ohio Estate and additional tax return filing notice (Estate Tax Form 5) together with Certificate of Estate Tax Payment and Real Property Disclosure (Estate Tax Form 22).

**RELEASE FROM ADMINISTRATION**

RULE 75.3

- (A) Pursuant to R.C. 2113.03(B), upon filing of an Application To Relieve Estate From Administration, service upon spouse, heirs and next of kin shall be by certified mail, return receipt requested unless waivers from the spouse, heirs and next of kin are filed with the application. Thereafter, notice by publication as provided in R.C. 2113.03 shall be required unless found unnecessary by judgment entry (See Appendix J). The Court will request deposit of costs with the Application in such amount as is necessary to effect service as required by statute.
- (B) An appraiser's report as provided in R.C. 2113.03 shall be required unless found unnecessary by judgment entry.
- (C) Upon filing of an Application For Summary Release From Administration pursuant to Ohio Revised Code Section 2113.031, all persons listed on the receipt for payment of funeral expenses must join in the application or file their written consent to transfer of estate assets to one or more of the persons who paid the funeral bill.
- (D) The Court may require verification of payment of claims in the order of priority outlined in R.C. 2117.25.

## ADOPTIONS

- RULE 75.4
- (A) To maintain the confidentiality of adoption records, each adoption petition shall contain the name of one person proposed for adoption.
  - (B) The adoption petition shall allege the grounds upon which the Court may find that the consent of a person required to consent to the adoption is not necessary. The adoption petition shall also allege the circumstances under which the person proposed for adoption was placed with the petitioner.
  - (C) Each person consenting to an adoption shall sign a separate consent to adopt form which shall be filed with the Court. Except for good cause shown, a consent shall not be signed more than 90 days before filing the petition for adoption.
  - (D) A petitioner's account form shall be filed in each adoption proceeding. For good cause shown, the Court may waive some account filings in the adoption proceeding. No fee or retainer shall be taken without prior approval of the Court.
  - (E) All persons entitled to notice of an Adoption hearing shall be served with notice in accordance with the Rules of Civil Procedure even though those persons have signed and filed a written consent to adopt form.
  - (F) Except for good cause shown, service by publication in accordance with the Rules of Civil Procedure shall be made on an unnamed parent or parents.

(G) The petitioner or the petitioner's attorney shall provide the Court with written instruction for service or an affidavit that service was properly made when any question arises regarding service.

(H) A petition for adoption of a child born to an unwed mother, must include copies of proof of legal or administrative determinations of parentage. If no determination of parentage has been pursued, then, a certified copy of search results of the Ohio Putative Father Registry from the Department of Job and Family Services shall be filed with the Petition. If no putative father of the child to be adopted is identified on the petition, then an affidavit of the birth mother shall be filed demonstrating why the identity of a putative father of the child cannot be determined in the exercise of due diligence or should not be disclosed.

(I) If there is a pending proceeding in a juvenile or domestic relations court, the probate court will not proceed on a petition for adoption until the matter is concluded in that juvenile or domestic relations court.

(I) Upon the filing of a petition, the petitioner shall disclose to the Court in writing whether the petitioner owes any back due child support and whether any back due child support is owed by the birth parents for the proposed adoptee.

**GUARDIAN AD LITEM**

RULE 75.5

(A) A guardian ad litem may be an attorney who is not associated with an attorney of record for the proceeding in which the guardian ad litem has been appointed.

- (B) A guardian ad litem may be appointed upon the motion of either party or on the Court's own motion.
- (C) The Court may order a guardian ad litem appointed at any time that it deems necessary and essential to protect the interest of a minor child, to represent an incompetent person or incapacitated adult.
- (D) The guardian ad litem shall be selected and appointed solely by the Court in accordance with the qualifications and guidelines established by this Court.
- (E) Unless otherwise provided, it is the responsibility of each party involved to timely contact the guardian ad litem and to provide the guardian ad litem with information relating to the case.
- (F) Unless otherwise ordered by the Court, upon application and entry, guardian ad litem fees shall be based on a reasonable hourly rate for time expended. Fees may be charged as a court cost. The Court may require an advance deposit for costs.
- (F) All applications for the allowance of guardian ad litem fees shall set forth an itemized statement of the services performed, the date services were performed, the time spent in rendering the services, and the rate charged per hour.
- (H) Unless otherwise directed by the Court, the guardian ad litem shall prepare a guardian ad litem report and deliver the report to the Court with notice to the parties. The guardian ad litem report shall be confidential. There shall be no access without prior application to and approval by the Court.

## REGISTRATION OF PARALEGALS

- RULE 75.6
- (A) Paralegals that perform services in matters before this Court must be registered with the Court. The Court recognizes two categories of paralegals: "employee paralegals" who are employed exclusively by one law firm and only perform services for that firm as an employee, and "independent paralegals" who operate as independent contract paralegals offering services to more than one firm.
  - (B) Registration shall be on the form attached as Appendix K for employee paralegals or Appendix L for independent paralegals.
  - (C) Employee paralegals need only register one time unless they no longer work for the single firm they are registered with as an employee. The registration form must identify the firm and shall be signed by an attorney of the firm stating that the paralegal services will be supervised by the attorney of that law firm. The attorney and paralegal shall sign the registration form attesting that the paralegal is qualified through education, training, or work experience to assist an attorney in matters before this Court and this work will be supervised by an attorney who will be held responsible for the work. The law firm shall notify the Court when the paralegal registered with the Court leaves the exclusive employment of the law firm.
  - (D) Independent paralegals shall be registered for each case in which the independent paralegal is performing services, identifying the case name, case number and supervising attorney. The supervising attorney and the independent paralegal shall sign the registration attesting that the paralegal is qualified through education, training, or work experience to assist the supervising attorney in matters that will be

filed in this Court, and will be supervised by an attorney who will be held responsible for the work.

- (E) Fee statements filed with the Court shall itemize paralegal work separately from services performed by an attorney.
- (F) A paralegal shall not sign any document for the fiduciary, applicant, or supervising attorney.
- (G) Failure to comply with this rule may result in the disallowance of fees and such other action as the Court may deem appropriate.

**ESTATES WITH LITIGATION**

RULE 75.7

- (A) In estates involving litigation, a final and distributive account shall be filed as soon as all assets have been administered and shall indicate that the estate must remain open for litigation purposes.
- (B) Upon the filing of a final and distributive account which indicates that an estate must remain open for litigation purposes only, no subsequent accounts shall be required. Yearly status reports shall be filed by litigation counsel.
- (C) In estates opened for litigation purposes only, where there are no assets to administer, a motion to waive the inventory and accountings pending receipt of funds into the estate may be filed. Yearly status reports shall be filed by litigation counsel and served on all beneficiaries or next of kin.
- (D) In an estate where litigation is anticipated or pending, litigation counsel shall file a notice of appearance and file an annual

status report of the litigation. When any litigation has commenced, a notice of litigation form shall be filed (See Appendix A).

- RULE 75.8
- (A) In actions for the transfer of structured settlement payments under R.C. 2323.58 *et seq.* a copy of the annuity and related assignments shall be filed with the application for transfer.
  - (B) The Court shall grant a transfer of structured settlement payment applications only upon the showing of a compelling reason or circumstance which was not anticipated when the settlement was initially negotiated and agreed upon.

**PRO HAC VICE**

RULE 75.9

An attorney, not licensed to practice law in the State of Ohio, but who is duly licensed to practice law in any other state, District of Columbia, the Commonwealth of Puerto Rico, or territories of the United States may, in the discretion of the Probate Judge, be permitted to represent a party or parties in any matter pending or to be filed in this county after completion of all of the following conditions.

- A) The applicant attorney shall be sponsored in writing by an attorney licensed to practice law in the State of Ohio. A motion shall be filed by the Ohio licensed attorney at least seven days prior to the proceeding certifying such applicants' compliance with this rule and the Rules for Government to the Bar;
- B) The applicant attorney shall certify in writing that he or she is on active status and in good standing to practice law and is not under any disability. Applicant shall further certify in writing that he or she has familiarized

himself or herself with local court rules and will familiarize himself or herself with the appropriate Civil Rules, Rules of Evidence, and the Code of Professional Responsibility;

- C) The sponsoring attorney shall submit with the motion and certification, an entry authorizing approval of the motion;
- D) The sponsoring attorney, or any other attorney licensed to practice law in the State of Ohio, shall be co-counsel with the attorney admitted pro hac vice.

The continuance of any scheduled trial or hearing date shall not be permitted solely because of the unavailability or inconvenience of the out of state counsel.

#### **COMPLIANCE**

##### RULE 77.1

The Court may, in its discretion, appoint an attorney and other person(s), answerable to the Court, who shall investigate the circumstances surrounding any failure or apparent failure of a fiduciary or the fiduciary's attorney to comply with the laws, the Rules of Superintendence, or these rules. The appointee(s) shall file a written report with the Court. The compensation for the appointee(s) performing these services shall be fixed by the Court, according to the circumstances of each case, and shall be taxed as costs or charged to the fiduciary.

#### **SUPERVISION OF ESTATES, TRUSTS, AND GUARDIANSHIPS**

##### RULE 78.1

Certificate of service of notice of probate of will:

- (A) Fiduciaries appointed to administer estates of decedents who have died testate on or after January 1, 2002 are required to file certificate of service



of notice of probate of will with waivers or certified cards attached, within sixty days of their appointment or be subject to removal proceedings.

- (1) On the sixtieth day after the appointment, notice is sent to the attorney for the fiduciary stating that the fiduciary will be removed for failure to file the certificate.
- (2) If the certificate is not filed within fifteen days, a citation is sent to the fiduciary indicating that removal will occur if the certificate is not filed within fifteen days.
- (3) If the certificate is filed, the Court records the filing and advances the system to the next statutory filing requirement.
- (4) If the fiduciary fails to file the certificate within the required time period, the fiduciary is removed and a successor fiduciary is appointed.
- (5) Extensions of time for filing the certificate may be granted for good cause shown by judgment entry.

RULE 78.2 Notice to File Inventory in Estates, Trusts or Guardianships

- (A) Notice must be timely sent to the fiduciary to file the inventory.
  - (1) On the ninetieth day from the appointment of the fiduciary in a decedent's estate, a guardianship, or trust, a notice is sent to the attorney for the fiduciary indicating that if an inventory is not filed, removal will occur.

- (2) If the inventory is not filed within fifteen days, a citation is sent to the fiduciary indicating that removal will occur if an inventory is not filed in fifteen days.
- (3) If the inventory is filed, the Court records the filing and advances the system to the next statutory filing requirement.
- (4) If the fiduciary fails to file the inventory timely, the fiduciary is removed and a successor is appointed.
- (5) Extensions of time for filing inventories may be granted for good cause shown by judgment entry.
- (6) The late filing of any notice, inventory or account does not delay subsequent filing deadlines.

RULE 78.3            Surviving Spouse's Right of Election

"After the initial appointment of an administrator or executor of the estate, the probate court shall issue a citation to the surviving spouse, if any is living at the time of the issuance of the citation, to elect whether to exercise the surviving spouse's rights under Chapter 2106 of the Revised Code, including, after the probate of the will, the right to elect to take under the will or under section 2105.06 of the Revised Code." R.C. 2106.01

RULE 78.4            Accounting by the Fiduciary

- (A) At the time required by R.C. 2109.301 for the filing of an account, a notice is sent to the attorney for the fiduciary to file an account or the fiduciary will be removed.

- (B) If an account is not filed within fifteen days of the notice, a citation is sent to the fiduciary indicating that removal will occur if an account is not filed within fifteen days.
- (C) If the account is not filed, the fiduciary is removed and a successor fiduciary is appointed.
- (D) When a final account is filed and approved, the estate, trust, or guardianship is removed from the system, and the case documents may be microfilmed or digitally stored and disposed.
- (E) Extensions of time for filing accounts may be granted for good cause shown by judgment entry.

RULE 78.5           The Court may require verification of births, deaths or marriages to be filed into the court record.

RULE 78.6           All fiduciaries shall deposit assets in a fiduciary account in banking facilities that provide check imaging or canceled checks. Unless otherwise ordered by the Court, the Fiduciary account shall be maintained in an institution within the boundaries of Columbiana County, Ohio. All assets shall remain in the state of Ohio unless otherwise authorized by judgment entry.

**CASE MANAGEMENT OF ADVERSARY PROCEEDINGS**

RULE 78.7           Adversary proceedings, as used in this rule, shall include the following actions: Will Contest; Declaratory Judgment; Determination of Heirs; Construction of Will; Complaint for Accounting; Antenuptial Agreement; Concealment of Assets; Land Sales; Complaint to Purchase; Complaint for Judgment Entry Declaring Will Valid; Presumption of Death; Appropriations; and Objections to Inventories and Accounts.

(1) A pre-trial conference should be set thirty days after the answer date. Counsel shall be present and prepared to report on the following:

1. Whether all necessary parties have been joined and served with process;
2. Whether answers, counterclaims and/or crossclaims have been filed;
3. Issue(s) to be litigated;
4. Whether trial is to bench or jury;
5. Anticipated length of trial;
6. Whether settlement negotiations have taken place;
7. Status of discovery
8. Whether trial subpoenas are expected;

Counsel shall bring their trial schedules and/or calendars and be prepared to schedule the following:

1. Trial date;
2. Discovery cut-off;
3. Identification of expert witnesses and production of report;
4. Deadline for filing of pretrial motions and replies;
5. Deadline for witness lists to be exchanged and filed with the Court;
6. Deadline for exhibits to be exchanged and filed with the Court;
7. Deadline for filing objections to exhibits;
8. Deadline for filing of stipulations.

(2) Notice of the pre-trial conference shall be given to all attorneys of record by mail at least fourteen days prior to pre-trial.

(3) All requests for continuances of the pre-trial conference shall be by motion. The motion shall indicate whether counsel agrees or opposes the continuance. Counsel shall

notify their respective clients and witnesses to any change in the date and time of any trial or pretrial.

- (4) Failure to appear for the pretrial conference or failure to comply with this local rule in any manner, may result in the imposition of sanctions including, but not limited to, monetary sanctions.
- (5) At the conclusion of the pre-trial conference, the Court shall prepare a pre-trial order setting forth:
  - (1) Discovery deadline date;
  - (2) Exchange of witness list deadline date;
  - (3) Pleading and briefing schedules; and,
  - (4) A trial date.
- (6) If a party is represented by multiple counsel, a designation of lead and/or trial counsel shall be filed in the record.

RULE 78.8 Counsel shall provide the Court with copies of all exhibits offered to be admitted to the record.

IT IS SO ORDERED.

---

THOMAS M. BARONZZI  
Probate Judge

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

IN THE MATTER OF )  
 )  
 ) CASE NO. \_\_\_\_\_  
 )  
 ) NOTICE OF LITIGATION

The undersigned represents to the Court that this matter is involved in litigation, being:

Case No. \_\_\_\_\_  
Name of Court \_\_\_\_\_  
Title of Case \_\_\_\_\_  
Nature of Case \_\_\_\_\_  
Date Filed \_\_\_\_\_

The estate is  Plaintiff  Defendant

Estate litigation counsel: Name \_\_\_\_\_ Ohio Supreme Court No. \_\_\_\_\_

First Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number \_\_\_\_\_  
Facsimile Number \_\_\_\_\_  
E-mail \_\_\_\_\_

The undersigned further represents that the Court will be notified within 30 days of the conclusion of the litigation, including Civ.R.41 dismissals, and that a Status of Litigation Report will be filed yearly.

\_\_\_\_\_  
Attorney Signature

\_\_\_\_\_  
Fiduciary Signature

\_\_\_\_\_  
Attorney typed name and Ohio Registration Number

\_\_\_\_\_  
Fiduciary Typed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

**NOTICE OF LITIGATION – APPENDIX A**

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

ESTATE OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**APPLICATION FOR AUTHORITY TO PAY COUNSEL FEES FOR AN ESTATE**

\_\_\_\_\_, Attorney at Law, states that it was necessary for the fiduciary to employ counsel to properly administer the within estate.

The fee agreement between the fiduciary and counsel was based on one of the following indicated methods:

- \_\_\_\_\_ Court fee guideline (calculation attached);
- \_\_\_\_\_ Hourly rate (attached brief summary of hours & rate)
- \_\_\_\_\_ Other (explain): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned states that the reasonable value of professional legal services in this matter as \$\_\_\_\_\_ and, with the consent of the fiduciary, requests approval of the Court directing payment in full from estate assets simultaneously with the filing of the final account.

APPROVED:

\_\_\_\_\_  
Fiduciary signature

\_\_\_\_\_  
Attorney signature

**COUNSEL FEES – ESTATE - APPENDIX B**

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

ESTATE OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**ESTATE COUNSEL FEE GUIDELINE**

The Court hereby adopts as a guideline only the following percentage calculations based on the following definition of "Gross Estate."

The meaning of "Gross Estate" shall be the highest dollar value of (1) Inventory; (2) Ohio Estate Tax Determination; (e) Federal Estate Tax Determination; (4) the Account or Accounts. (Note: Gross Estate shall not include insurance proceeds payable to a named beneficiary, but shall include not less than one-half of all co-owned or survivorship accounts or property in decedent's name payable on death to another person. Where the Federal Estate Tax Return is used as a criterion, the attorney shall file with the Court a brief statement indicating the total assets appearing on the Federal Estate Tax Return.)

In the determination of the attorney's fee, the following percentages were applied to the "Gross Estate" which was determined to be: (Circle the one used)

(1) Inventory	Value _____
(2) Ohio Estate Tax Determination	Value _____
(3) Federal Estate Tax Determination	Value _____
(4) Account or Accounts	Value _____
6% of the first \$50,000.00	\$ _____
4% of the next \$50,000.00	\$ _____
3% of the next \$300,000.00	\$ _____
2% of the balance	\$ _____
Total fee requested	\$ _____

\_\_\_\_\_  
Fiduciary's Signature

\_\_\_\_\_  
Attorney's signature

\_\_\_\_\_  
Fiduciary's typed name

\_\_\_\_\_  
Attorney's typed name



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

ESTATE OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

JUDGMENT ENTRY

COUNSEL FEES FOR AN ESTATE

The Court finds that proper administration of said estate required the Fiduciary or Commissioner to employ \_\_\_\_\_, as Estate Counsel, and that the dollar amount of legal services provided \$\_\_\_\_\_, constitutes reasonable attorney fees, subject to exceptions.

WHEREFORE, the Fiduciary is hereby authorized to make such payment out of this Estate's assets. The actual filing of the Final Accounting shall occur not later than sixty (60) days from the filing of this Order.

Date: \_\_\_\_\_

\_\_\_\_\_  
THOMAS M. BARONZZI  
PROBATE JUDGE

APPROVED:

\_\_\_\_\_  
Fiduciary's signature

\_\_\_\_\_  
Attorney's signature

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

ESTATE OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**APPLICATION FOR AUTHORITY TO PAY ATTORNEY FEES  
(RELEASE FROM ADMINISTRATION)**

\_\_\_\_\_, Commissioner, states that it was necessary for the Commissioner to employ counsel in this Release From Administration. The Release From Administration has been completed subject to the filing of the Report of Distribution and the legal services provided were beneficial to the Estate. In the determination of the Attorney's fee, the following percentages were applied to the "Gross Estate" which was determined to be:

GROSS ESTATE:	_____
6% ON THE FIRST \$3,000.00	_____
5% ON SECOND \$3,000.00	_____
4% ON THIRD \$3,000.00	_____
3% ON FOURTH \$3,000.00	_____
2% ON ALL ABOVE \$12,000.00	_____
TOTAL	_____

The said attorney and Commissioner believe that the reasonable value of the attorney's fees for services in this Release From Administration is \$\_\_\_\_\_.

WHEREFORE, it is prayed that the Court allow the sum of \$\_\_\_\_\_

As the reasonable value of said attorney's fees for services and that the Commissioner be authorized to make said payment out of the assets of the Estate.

\_\_\_\_\_  
Attorney's signature

\_\_\_\_\_  
Commissioner's signature

**COUNSEL FEES – RELEASE FROM ADMINISTRATION - APPENDIX C**

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

ESTATE OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**COUNSEL FEES FOR A RELEASE OF ADMINISTRATION**

The Court finds that proper administration of said estate required the Commissioner to employ \_\_\_\_\_, as Estate Counsel, and that the dollar amount of legal services provided \$\_\_\_\_\_, constitutes reasonable attorney fees, subject to exceptions.

WHEREFORE, the Commissioner is hereby authorized to make such payment out of this Estate's assets. The actual filing of the Report of Distribution shall occur not later than sixty (60) days from the filing of this Order.

Date: \_\_\_\_\_

\_\_\_\_\_  
THOMAS M. BARONZZI  
PROBATE JUDGE

APPROVED:

\_\_\_\_\_  
Commissioner's signature

\_\_\_\_\_  
Attorney's signature

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

GUARDIANSHIP OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**APPLICATION FOR AUTHORITY TO PAY  
COUNSEL FEES - GUARDIANSHIP**

Now comes \_\_\_\_\_ Guardian, who states that it was necessary for the guardian to employ counsel to properly administer the guardianship.. The fees requested for the period of \_\_\_\_\_ to \_\_\_\_\_ are calculated as follows:

**ORDINARY FEES**

I. Total Income During Period (\$_____ ) X 6%	\$_____
II. Principal Fee of \$4 per thousand (.004) of the first \$200,000 of market value	\$_____
\$1.50 per thousand (.0015) of market value over \$200,000.00	\$_____
TOTAL ORDINARY FEES	\$_____

**EXTRAORDINARY FEES**

III. Extraordinary Fees (Itemize and attach time records)	\$_____
_____	
_____	
_____	
TOTAL I, II, AND III	\$_____
TOTAL FEE REQUESTED	\$_____

\_\_\_\_\_  
Attorney's signature

\_\_\_\_\_  
Guardian's signature

**COUNSEL FEES-GUARDIANSHIP-.APPENDIX D**

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

GUARDIANSHIP OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**JUDGMENT ENTRY - COUNSEL FEES**

The Court finds that proper administration of the guardianship required the Guardian to employ \_\_\_\_\_, as Guardianship Counsel, and that the dollar amount of legal services provided \$\_\_\_\_\_ constitutes reasonable attorney fees.

WHEREFORE, the Guardian is hereby authorized to make such payment out of the Guardianship assets.

Date: \_\_\_\_\_

\_\_\_\_\_  
THOMAS M. BARONZZI  
PROBATE JUDGE

APPROVED:

\_\_\_\_\_  
Guardian's signature

\_\_\_\_\_  
Attorney's signature

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

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

**APPLICATION TO ENTER INTO CONTINGENT FEE CONTRACT**

The undersigned applies to the Court for authority to enter into the contingent fee contract attached as Exhibit A with:

Attorney: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

The undersigned represents that legal services are necessary as a result of the following described matter:

\_\_\_\_\_  
\_\_\_\_\_

The undersign further represents that no fees will be paid until reviewed by the Court and allowed by judgment entry.

_____ Date	_____ Signature of Fiduciary	_____ Title
	_____ Type or Print Name	

**APPLICATION TO ENTER INTO CONTINGENT FEE CONTRACT –  
APPENDIX E**

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

IN THE MATTER OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_ )  
 ) )  
 )

**ENTRY APPROVING APPLICATION TO ENTER  
INTO CONTINGENT FEE CONTRACT**

Upon application of the Fiduciary and for good cause shown, the Fiduciary is hereby authorized to enter into contingent fee contract as submitted to the Court on \_\_\_\_\_ . No fees shall be paid until reviewed by the Court and allowed by further Judgment Entry.

Date: \_\_\_\_\_

\_\_\_\_\_  
THOMAS M. BARONZZI  
PROBATE JUDGE

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

IN THE MATTER OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**APPLICATION FOR AUTHORITY TO PAY COUNSEL FEES - TRUST**

Now comes \_\_\_\_\_ Trustee, who states that it was necessary for the Trustee to employ counsel to properly administer the trust. The fees requested for the period of \_\_\_\_\_ to \_\_\_\_\_ are calculated as follows:

**ORDINARY FEES**

- |      |   |          |
|------|---|----------|
| I.   | Principal Fee = \$2.00 per \$1,000 of principal's market value _____ =<br>\$2.00 X \$ _____ | \$ _____ |
| II.  | Income fee = 6.5% of total income during Accounting period _____ =<br>6.5% X \$ _____       | \$ _____ |
| III. | Principal distribution fee – 1% of principal distributed _____<br>= 1% X \$ _____           | \$ _____ |

TOTAL FEES COMPUTED FROM ABOVE \$ \_\_\_\_\_

TOTAL FEES REQUESTED \$ \_\_\_\_\_

\_\_\_\_\_  
Attorney's signature

\_\_\_\_\_  
Trustee's signature

**COUNSEL FEES – TRUST - APPENDIX F**



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

IN THE MATTER OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**JUDGMENT ENTRY - COUNSEL FEES - TRUST**

The Court finds that proper administration of the trust required the Trustee to employ \_\_\_\_\_, as Trust Counsel, and that the dollar amount of legal services provided \$ \_\_\_\_\_ constitutes reasonable attorney fees.

WHEREFORE, the Trustee is hereby authorized to make such payment out of the Trust assets.

Date: \_\_\_\_\_

\_\_\_\_\_  
THOMAS M. BARONZZI  
PROBATE JUDGE

APPROVED:

\_\_\_\_\_  
Trustee's signature

\_\_\_\_\_  
Attorney's signature

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

ESTATE OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**APPLICATION FOR AUTHORITY TO PAY  
EXECUTOR'S/ADMINISTRATOR'S COMMISSION**

Now comes \_\_\_\_\_ the Fiduciary in the above-captioned estate, and requests authority to pay Executor's/Administrator's commission pursuant to Ohio Revised Code Section 2113.35, calculated as follows:

I.	Personal Estate		
	0 to \$100,000	@ 4%	_____
	\$100,001 to \$400,000	@ 3%	_____
	\$400,001 to _____	@ 2%	_____
	Total	-----	\$ _____
II.	Real Estate (Not sold in Estate)		
	Value from Ohio Estate Tax Return of _____	@ 1%	\$ _____
III.	Non-Probate Assets (Except Joint & Survivorship)		
	Value from Ohio Estate Tax Return of _____	@ 1%	\$ _____
IV.	Summary		
	A. Total Commission Requested (Per I, II, and III)		\$ _____
	B. Less Commissions previously approved by the Court		\$ _____
	C. Balance of Commission requested from Estate		\$ _____

Note:

- A. Commissions will not be allowed when there is a delinquency in filing an account.
- B. Commissions will be shared equally between co-fiduciaries, unless the will provides otherwise.
- C. Commissions may be reduced when citations have been issued and when extraordinary attorney fees have been granted.
- D. Commissions shall not be paid until allowed by judgment entry.

Date: \_\_\_\_\_

\_\_\_\_\_  
Fiduciary's signature

**EXECUTOR'S/ADMINISTRATOR'S COMMISSION - APPENDIX G**

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

ESTATE OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**JUDGMENT ENTRY**

**EXECUTOR'S/ADMINISTRATOR'S COMMISSION**

Upon application of the Fiduciary and for good cause shown, the Fiduciary is authorized to pay Executor's/Administrator's fees in the sum of \$\_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
THOMAS M. BARONZZI  
PROBATE JUDGE

APPROVED:

\_\_\_\_\_  
Fiduciary's signature

\_\_\_\_\_  
Attorney's signature

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

GUARDIANSHIP OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**APPLICATION FOR AUTHORITY TO PAY GUARDIAN FEES**

Now comes \_\_\_\_\_ Guardian, and requests authority to pay Guardian's fees calculated for the period of \_\_\_\_\_ to \_\_\_\_\_ as follows:

<u>ORDINARY FEES</u>		
I.	Total Income During Period (\$ _____) X 6%	\$ _____
II.	Principal Fee of \$4 per thousand (.004) of the first \$200,000 of market value	\$ _____
	\$1.50 per thousand (.0015) of market value over \$200,000.00	\$ _____
TOTAL ORDINARY FEES		\$ _____

<u>EXTRAORDINARY FEES</u>		
III.	Extraordinary Fees (Itemize and attach time records)	\$ _____
_____		
_____		
_____		

TOTAL I, II, AND III	\$ _____
TOTAL FEE REQUESTED	\$ _____

\_\_\_\_\_  
Attorney's signature

\_\_\_\_\_  
Guardian's signature

- LIMITATIONS ON COMPENSATION – COMPENSATION WILL NOT BE ALLOWED FOR:
1. Investment of funds and reinvestments of assets shall not be considered money or property originally received or income or expenditures.
  2. Final distribution of unexpended balances to a ward at the closing of a guardianship or to a successor guardian
  3. Compensation will not be allowed when there is a delinquency in filing an account.
  4. Compensation will be shared equally between co-guardians.
  5. Compensation may be reduced when citations have been issued and when extraordinary attorneys fees have been granted.
  6. Compensation shall not be paid until allowed by judgment entry.
  - 7.

**GUARDIAN'S COMPENSATION - APPENDIX H**

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

GUARDIANSHIP OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**JUDGMENT ENTRY - GUARDIAN'S FEES**

The Court approves and orders paid reasonable compensation to the Guardian in the sum of \$ \_\_\_\_\_ and orders the same paid from the assets of the Guardianship.

Date: \_\_\_\_\_

\_\_\_\_\_  
THOMAS M. BARONZZI  
PROBATE JUDGE

APPROVED:

\_\_\_\_\_  
Guardian's signature

\_\_\_\_\_  
Attorney's signature

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

IN THE MATTER OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**APPLICATION FOR AUTHORITY TO PAY TRUSTEE'S FEES**

Now comes \_\_\_\_\_ Trustee, and requests authority to pay  
Trustee's fees calculated for the period of \_\_\_\_\_ to  
\_\_\_\_\_ as follows:

- |      |  |          |
|------|--|----------|
| I.   | Principal Fee = \$2.00 per \$1,000 of<br>principal's market value _____ =<br>\$2.00 X \$ _____ | \$ _____ |
| II.  | Income fee = 6.5% of total income during<br>Accounting period _____ =<br>6.5% X \$ _____       | \$ _____ |
| III. | Principal distribution fee – 1% of<br>principal distributed _____<br>= 1% X \$ _____           | \$ _____ |

TOTAL FEES COMPUTED FROM ABOVE \$ \_\_\_\_\_

TOTAL FEES REQUESTED \$ \_\_\_\_\_

**LIMITATIONS ON COMPENSATION: COMPENSATION SHALL NOT BE ALLOWED FOR:**

1. Investment of funds and reinvestment of assets shall not be considered money or property originally received, or income, or expenditures.
2. Final distribution of unexpended balances to a beneficiary at the closing of a trust, or to a successor trustee.
3. Compensation will not be allowed when there is a delinquency in filing an account.
4. Compensation will be shared equally between co-trustees.
5. Compensation may be reduced when citations have been issued and when extraordinary attorney fees have been granted.
6. Compensation shall not be paid until allowed by judgment entry.

\_\_\_\_\_  
Attorney's signature

\_\_\_\_\_  
Trustee's signature

**TRUSTEE'S FEES - APPENDIX I**

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

IN THE MATTER OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**JUDGMENT ENTRY - TRUSTEE'S FEES**

The Court approves and orders paid reasonable compensation to the Trustee in the sum of \$\_\_\_\_\_ and orders the same paid from the assets of the Trust.

Date: \_\_\_\_\_

\_\_\_\_\_  
THOMAS M. BARONZZI  
PROBATE JUDGE

APPROVED:

\_\_\_\_\_  
Trustee's signature

\_\_\_\_\_  
Attorney's signature

IN THE COURT OF COMMON PLEAS  
PROBATE DIVISION  
COLUMBIANA COUNTY, OHIO  
THOMAS M. BARONZZI, JUDGE

ESTATE OF \_\_\_\_\_, DECEASED

CASE NO. \_\_\_\_\_

APPLICATION TO DISPENSE WITH PUBLICATION OF NOTICE

The undersigned hereby makes application to the Court to dispense with publication of notice of the Application To Relieve Estate From Administration. Applicant states that all debts of the decedent have been or will be paid, and creditors of the estate will not be prejudiced.

\_\_\_\_\_  
Attorney for Applicant

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Typed or printed name

\_\_\_\_\_  
Typed or printed name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone number

\_\_\_\_\_  
Telephone number

\_\_\_\_\_  
Registration number

JUDGMENT ENTRY

Based upon the representations in the above application, the Court finds that publication of notice of the Application To Relieve The Estate From Administration is unnecessary and can be dispensed with.

So ordered.

\_\_\_\_\_  
THOMAS M. BARONZZI  
PROBATE JUDGE



PROBATE COURT OF COLUMBIANA COUNTY, OHIO  
THOMAS M. BARONZZI, JUDGE

IN RE: Paralegal Registration of \_\_\_\_\_

CASE NO. \_\_\_\_\_

**PARALEGAL REGISTRATION: EMPLOYEE**  
(FOR USE BY A PARALEGAL EMPLOYED EXCLUSIVELY BY ONE LAW FIRM)  
[LOCAL RULE 75.6]

The Law Firm of \_\_\_\_\_  
Registers \_\_\_\_\_ a paralegal employed by  
the Firm, who

Will be assisting on matters filed in this Court.

The Law Firm and the paralegal certify that:

1. The paralegal is qualified through education, training, or employment experience to assist the Firm in legal matters in this Court.
2. The attorney from the Firm will supervise and be responsible for all services of the paralegal.
3. Paralegal services and fees shall be itemized separately in fee statements filed with the Court, and;
4. The Firm shall notify the Court when the registered paralegal leaves the exclusive employment of the Firm.

\_\_\_\_\_  
Signature of attorney

\_\_\_\_\_  
Signature of Paralegal

\_\_\_\_\_  
Typed or printed name

\_\_\_\_\_  
Typed or printed name

\_\_\_\_\_  
Address of Attorney

\_\_\_\_\_  
Employment address of paralegal

\_\_\_\_\_  
Telephone number

\_\_\_\_\_  
Telephone number

\_\_\_\_\_  
Attorney registration number

\_\_\_\_\_  
Paralegal registration number

**PARALEGAL REGISTRATION: EMPLOYEE - APPENDIX K**

**PROBATE COURT OF COLUMBIANA COUNTY, OHIO  
THOMAS M. BARONZZI, JUDGE**

IN RE: Paralegal Registration  
of: \_\_\_\_\_

CASE NO. \_\_\_\_\_

**PARALEGAL REGISTRATION: INDEPENDENT**  
(FOR USE BY AN INDEPENDENT PARALEGAL)  
[LOCAL RULE 75.6]

The undersigned attorney of record registers \_\_\_\_\_  
\_\_\_\_\_ a paralegal who will be assisting in the  
matter of \_\_\_\_\_  
Case No. \_\_\_\_\_ in this Court.

The attorney and the paralegal certify that:

5. The paralegal is qualified through education, training,  
or employment experience to assist the attorney in legal  
matters in this Court.
6. The attorney will supervise and be responsible for all  
services of the paralegal, and;
7. Paralegal services and fees shall be itemized separately  
in both fee statements and accountings filed with the  
Court.

\_\_\_\_\_  
Signature of attorney

\_\_\_\_\_  
Signature of Paralegal

\_\_\_\_\_  
Typed or printed name

\_\_\_\_\_  
Typed or printed name

\_\_\_\_\_  
Address of Attorney

\_\_\_\_\_  
Employment address of paralegal

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Telephone number

\_\_\_\_\_  
Telephone number

\_\_\_\_\_  
Attorney registration number

\_\_\_\_\_  
Paralegal registration number

**PARALEGAL REGISTRATION: INDEPENDENT - L**