

# Guardianship of the Estate

*Participant Manual*



THE SUPREME COURT *of* OHIO  
JUDICIAL COLLEGE



# THE SUPREME COURT *of* OHIO

## GUARDIANSHIP OF THE ESTATE

### PARTICIPANT MANUAL



**SHARON L. KENNEDY**  
CHIEF JUSTICE

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ADMINISTRATIVE DIRECTOR



# THE SUPREME COURT *of* OHIO JUDICIAL COLLEGE

## Guardianship of the Estate Curriculum

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**MELISSA S. ULRICH** is a Magistrate at Stark County Probate Court. Magistrate Ulrich graduated from the University of Akron School of Law in 1990 and attended the Master of Laws program at the McGill Institute of Air and Space Law in Montreal, Quebec, Canada. Prior to her position with the Stark County Probate Court, Magistrate Ulrich worked in civil litigation for over twenty years, and owned her own legal research and writing business. In addition to working in private practice, she served as Lead Faculty and Assistant Professor of Paralegal Studies at the University of Akron, and was a staff attorney at the Ohio Court of Appeals, Fifth District.



SUPREME COURT OF OHIO JUDICIAL COLLEGE  
*Adult Guardianship Continuing Education: Guardian of the Estate*

A.M. Session Agenda


8:40	Welcome, Introductions & Announcement	Judicial College Staff
8:45	<b>Identify Steps to Location of Ward's Assets</b>	<i>Samuel A. Peppers, III, Esq.</i> <i>Partner</i> Dinsmore & Shohl, LLP  <i>Magistrate Melissa Ulrich</i> Stark County Probate Court
9:45	Break	
10:00	<b>Complete Accurate Inventory</b>	<i>Samuel A. Peppers, III, Esq.</i> <i>Magistrate Melissa Ulrich</i>
10:30	<b>Identify Steps to Complete Accurate Monthly Record to Support Accurate Annual Accounts</b>	<i>Samuel A. Peppers, III, Esq.</i> <i>Magistrate Melissa Ulrich</i>
11:00	<b>Identify Steps to Properly Spend Ward's Money</b>	<i>Samuel A. Peppers, III, Esq.</i> <i>Magistrate Melissa Ulrich</i>
11:30	<b>Complete Accurate Annual Guardian's Account</b>	<i>Samuel A. Peppers, III, Esq.</i> <i>Magistrate Melissa Ulrich</i>
Noon	Adjourn	

SUPREME COURT OF OHIO JUDICIAL COLLEGE  
*Adult Guardianship Continuing Education: Guardian of the Estate*

P.M. Session Agenda

12:55	Welcome, Introductions & Announcement	Judicial College Staff
1:00	<b>Identify Steps to Location of Ward's Assets</b>	<i>Samuel A. Peppers, III, Esq.</i> <i>Partner</i> Dinsmore & Shohl, LLP  <i>Magistrate Melissa Ulrich</i> Stark County Probate Court
2:00	<b>Complete Accurate Inventory</b>	<i>Samuel A. Peppers, III, Esq.</i> <i>Magistrate Melissa Ulrich</i>
2:30	Break	
2:45	<b>Identify Steps to Complete Accurate Monthly Record to Support Accurate Annual Accounts</b>	<i>Samuel A. Peppers, III, Esq.</i> <i>Magistrate Melissa Ulrich</i>
3:15	<b>Identify Steps to Properly Spend Ward's Money</b>	<i>Samuel A. Peppers, III, Esq.</i> <i>Magistrate Melissa Ulrich</i>
3:45	<b>Complete Accurate Annual Guardian's Account</b>	<i>Samuel A. Peppers, III, Esq.</i> <i>Magistrate Melissa Ulrich</i>
4:15	Adjourn	

**GUARDIANSHIP OF THE ESTATE**



**Learning Objectives**

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- Overview
- Identify steps to locate Ward’s assets
- Complete accurate Inventory
- Identify steps to complete accurate monthly records to support accurate annual accounts
- Identify steps to properly spend Ward’s money
- Complete accurate Annual Guardian’s Account

**Definitions**

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- Guardian
  - Person appointed by the Probate Court to protect, make decisions for and act in the best interest of the Ward
- Ward
  - Any person for whom a guardian is acting

## Definitions cont'd

- Incompetent

“Any person who is so mentally impaired as a result of a mental or physical illness or disability, or mental retardation, or as a result of chronic substance abuse, that the person is incapable of taking proper care of the person's self or property or fails to provide for the person's family or other persons for whom the person is charged by law to provide, or any person confined to a correctional institution within this state.” R.C. 2111.01(D)

## Types of Guardians

- Person

- Protect the person of the ward and make decisions that are in the ward's best interest



- Estate

- Collect, preserve and manage the ward's assets for the best interest of the ward

## Letters of Guardianship

- Documentation that you are authorized by the Court to act on behalf of the Ward
- Give to every institution at which Ward may have assets to allow you to gather information about the assets

## Types of Assets

- Cash
- Uncashed Checks
- Bank Accounts
- Stocks and/or Bonds
- Promissory Notes
- Partnerships
- Other Business Interests
- Life Insurance Policies
- Real Estate
- Furniture
- Antiques
- Artwork
- Jewelry
- Valuable Pets
- Valuable Collections
- Vehicle(s)

## Inventory (Form 15.5)

- Due three months from date of appointment
- Lists all assets owned by Ward at time of appointment of guardian, including values
  - Value of real property - auditor tax value
  - Value of vehicles - Kelly Blue Book or NADA value
- Expenditures will not be approved until Inventory is filed.
- Supplemental inventory may be used to report assets discovered after Inventory is filed.
- Include only newly discovered assets on Supplemental Inventory

## Application to Release Funds - Form 15.6

PROBATE COURT OF STARK COUNTY, OHIO  
 OSHE PARK, JUDGE

GUARDIANSHIP OF \_\_\_\_\_  
 CASE NO. \_\_\_\_\_

APPLICATION TO RELEASE FUNDS TO GUARDIAN

Now comes the guardian of the above-named ward and makes application for authority to secure the release of the following funds of the ward.

The applicant further states that it is for the best interest of the ward that this authority be granted.

\_\_\_\_\_  
 Guardian

ORDER AUTHORIZING RELEASE OF FUNDS

This \_\_\_\_\_ day of \_\_\_\_\_, this cause came on to be heard upon the application of the guardian of the above-named ward and the evidence, and the Court being fully advised in the premises, hereby authorizes the release of the above funds to the guardian.

\_\_\_\_\_  
 OSHE PARK, Probate Judge

FORM 15.6 - APPLICATION TO RELEASE FUNDS TO GUARDIAN

- Determine banks or financial institutions in which your Ward has funds
- Send each a copy of Letters of Authority and request account numbers and balances of Ward's accounts
- File Application for Authority to Release Funds
- Deposit funds into Guardianship Account

## Application For Release Of Funds - SPF 15.6

### COMMON ERRORS

- Failure to list the names of the institution, last 4 digits of the number and balance of the account to be released
- Failure to complete Confidential Disclosure of Personal (SCPC Form 45(D))
- Using the form when seeking authority to expend funds
- Submission of an outdated form

## GOLDEN RULE #1

### DO NOT COMMINGLE FUNDS!

- If Ward is a family member with whom guardian had joint account, MUST open new guardianship account



## Establish Guardian's Accounts

- Checking Account
  - For use to pay recurring and small bills or debts of Guardianship
  - Must have Court approval before expending guardianship funds
- Sequestered Account
  - Funds not needed to pay for routine or minor expenses
  - May be a savings or investment account
- Make sure bank you choose will accept guardian's accounts and will provide you with access to cancelled checks

## GOLDEN RULE #2



NO EXPENDITURES WITHOUT PRIOR COURT APPROVAL!

## Expenditure of Funds

- Request Court authority to spend money for Ward
- Application for Authority to Expend Funds (Form 15.7)

PROBATE COURT OF STARK COUNTY, OHIO  
 DEWE PARK, JUDGE

GUARDIANSHIP OF \_\_\_\_\_  
 CASE NO. \_\_\_\_\_

APPLICATION FOR AUTHORITY TO EXPEND FUNDS

Have sworn the undersigned, guardian of the estate of the above-named \_\_\_\_\_, minor incompetent ward, and make application for authority to expend funds for the best interest of the ward as follows:  
 (State amount requested, nature of expenditures, and the frequency and duration of authority requested. Attach additional explanation, documentation, or estimate as needed.)

\_\_\_\_\_

\_\_\_\_\_

ORDER AUTHORIZING EXPENDITURE OF FUNDS

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, this court came on to be heard upon the application of the guardian of the estate of the above-named ward and the evidence, and the court being fully advised in the premises, hereby authorizes the guardian to expend funds as set forth in the application.

\_\_\_\_\_

DeWE Park, Probate Judge

FORM 15.7 - APPLICATION FOR AUTHORITY TO EXPEND FUNDS

## Expenditure of Funds cont'd

- Expenditures may be for:
  - Recurring expenses – Budget (rent, utilities, etc.)
  - One-time expenses – Real estate taxes
  - Extraordinary expenses – ex., \$7,000 wheelchair
- Court will not approve overdraft fees if caused by guardian

## Ward's Real Property

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- If Ward is continuing to reside in his or her home, Guardian pays household expenses (use budget)

## Application for Authority to Expend Funds GD 15.7

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### COMMON ERRORS

- Failure to clearly specify the type of expenditure, i.e., what “living expenses” ?
- Failure to specify the amount of the expenditure or to set parameters
- Using the Application to Release Funds to Guardian form to authority to expend

## Guardian's Account (Form 15.8)

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- R.C. §2109.30
- Due 1 year from date of appointment
- Maintain records and balance checkbook monthly
- Receipts – initial amounts of money received plus interest other incomes received
- Disbursements – should be easy if you kept records and cancelled checks
- Add receipts, deduct disbursements
- Total **MUST** match amount of money remaining in guardianship evidenced by bank statement



## Guardian's Accounts - Tips

- Maintain good records
- Disbursements must be approved by Court
- Each disbursement must be supported by cancelled check or receipt
- Must pay all court costs
- If real property sold must include copy of settlement statement
- Do not report funeral expenses unless funeral is prepaid
- Refunds not counted as income for purposes of fees
- Sign Account and file original.

## Legal Proceedings

Guardian MUST get Court approval before

- Engaging in legal proceedings on behalf of Ward. Sup. R. 66.08(F)
- Settling lawsuits on behalf of Ward. R.C. §2111.18; Standard Probate Form 22.5.
- Entering into a contract on behalf of Ward, including attorney fees agreements.

## Legal Proceedings cont'd

- If Ward owns a home in which he or she no longer resides, Guardian sells real property by means of a Land Sale proceeding pursuant to R.C. §2127. et seq.
- Attorney required by most courts – check local rules



## Duties of Guardian

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- Comply with Court orders and local rules
- Know extent of Guardian's authority
- Provide Court with all reports, accountings and other required information in timely manner
- Inform Court of any major problems occurring with Guardianship
- Know Ward's rights

## Ward's Rights

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- Personal dignity and respect
- Contest Guardian's actions
  - Guardian complaint process
  - Guardian review hearings
- Represented by counsel
  - Ward's choosing
  - Appointed by Court if indigent
- Request termination of guardianship
- Privacy
- Object to medical treatments
- Vote
- Drive
- Choose religious practices

## Miscellaneous

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- Assist Ward in procuring all available government benefits
- Contact tax professional with regard to tax needs of Ward
- Deposit Ward's will and legal papers with Court



## Person Centered Planning

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- Allow Ward to make decisions if Ward has ability to do so
- Ward may not agree with Guardian's decision; if not adverse to Ward's best interest, try to incorporate Ward's personal feelings into decisions
- Never base decisions on Guardian's gain
- Include Ward and Ward's family in major decisions when possible
- Person centered planning → always put Ward's best interests first

## Closing Comments

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- Keep track of paperwork
- Contact tax professional if necessary
- Remember your duties:
  - Obtain bond, adjust when necessary and renew it annually
  - Maintain insurance coverage if appropriate
  - Safeguard Ward's assets and income
  - Pay expenses
  - Immediately report to Court (and APS if applicable) any allegations of abuse, neglect or exploitation

## Ward's Best Interest

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- Best interest maximizes what is for Ward
- Guardian should exercise due diligence in making decisions
- Person Centered Planning
  - Give Ward as much independence as possible
  - Ask what Ward would do and, possible, do that

QUESTIONS?

GUARDIANSHIP of the ESTATE CHECKLIST



<u>TO DO</u>	<u>COMPLETED</u>	
_____	_____	1. Visit proposed Ward prior to accepting appointment.
_____	_____	2. Attend full hearing at the Court or make appointment with the Court to review duties of guardianship, sign appropriate forms, and receive Letters of Guardianship.
_____	_____	3. Prepare and file necessary APPLICATIONS to RELEASE FUNDS and EXPEND FUNDS. Use Forms 15.6 and/or 15.7.
_____	_____	4. Prepare Asset Summary for own use.
_____	_____	5. Prepare Budget for own use.
_____	_____	6. MEDICARE - apply for card if not found. Keep number with records.
_____	_____	7. MEDICAID - apply for card if not found. Keep number with records.
_____	_____	8. VETERANS BENEFITS - apply to change payee, if applicable.
_____	_____	9. SOCIAL SECURITY - apply for card if not found; change payee; obtain Award Letter, keep number with records.
_____	_____	10. BIRTH CERTIFICATE - apply for certificate if not found.
_____	_____	11. MAIL - change to guardian's address.
_____	_____	12. PRE-NEED FUNERAL CONTRACT AND BURIAL PLOT - apply to Court for authorization to expend funds if Ward does not have a pre-needs contract. Record name and address of provider.
_____	_____	13. PRIVATE INSURANCE - Medical: determine if it exists; record name of company; contact company to have correspondence sent to guardian; determine face and cash values and beneficiaries of all policies.
_____	_____	14. PRIVATE INSURANCE - Life: determine if it exists; record name of company; contact company to have correspondence sent to guardian; determine face and cash values and beneficiaries of all policies.
_____	_____	15. FIRST ACCOUNT - Due date is one year from date of appointment. Mark calendar 60 days prior to date to begin preparation. Use Form 15.8.
_____	_____	16. REAL ESTATE - Check Auditor;s Office for records of any property owned by Ward.
_____	_____	17. Do physical check of house and check homeowners insurance.



PERSONAL PROPERTY INFORMATION

- \_\_\_\_\_ Driver's License
- \_\_\_\_\_ Birth Certificate
- \_\_\_\_\_ Medicare Card
- \_\_\_\_\_ Medicaid Information
- \_\_\_\_\_ Life Insurance Policy
- \_\_\_\_\_ Medical Insurance Policy
- \_\_\_\_\_ Last Will and Testament
- \_\_\_\_\_ Social Security Card
- \_\_\_\_\_ Last Five Years of Federal Income Tax Statements
- \_\_\_\_\_ Marriage License
- \_\_\_\_\_ Funeral Contract
- \_\_\_\_\_ Cemetery Deed
- \_\_\_\_\_ Real Property Title Information
- \_\_\_\_\_ Bank Books and Statements
- \_\_\_\_\_ Vehicle Title(s)







PROBATE COURT OF STARK COUNTY, OHIO  
DIXIE PARK, JUDGE

FILE

AUG 29 2013

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

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

GUARDIAN'S ACCOUNT

[R.C. 2109.30]

JUDGE DIXIE PARK  
STARK COUNTY PROBATE COURT

61848200  
287788  
RECEIPT NO. 0027819



Partial ACCOUNT

FROM 12/2011 TO June 2013

Year	Description	Voucher No.	\$	
2013	(Balance from previous account)		\$	\$ 16,272.65
	No Disbursements			
	Receipts			
	Interest December 31, 2011 through June 30, 2013			11.20
				<u>\$ 16,283.85</u>



FirstMerit Bank, N.A.  
 295 FirstMerit Circle  
 Akron Ohio 44307-2359



Statement Period  
 Apr 1, 2013 to  
 Jun 30, 2013  
 Primary Account

GUARDIAN

**FILED**  
 AUG 29 2013

Questions?  
 1-888-554-4362



JUDGE DIXIE PARK  
 STARK COUNTY PROBATE COURT

Summary of Accounts	
<b>Deposit Accounts</b>	
STATEMENT SAVINGS	16,283.85
<b>Total Deposit Accounts</b>	<b>16,283.85</b>

**STATEMENT SAVINGS**

GUARDIAN

Account Summary	
Beginning Balance as of Apr 1, 2013	16,281.98
Interest Paid	1.87
Ending Balance as of Jun 30, 2013	16,283.85

Other Transactions			
Date	Description	Withdrawals	Deposits
Jun 30	Interest Payment		1.87

Interest Detail			
Interest Paid Year-to-Date	3.72	Annual Percentage Yield Earned	0.05%
Interest Paid this Period	1.87	Days in this Period	91
Interest Earned this Period	1.87		



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PROBATE COURT OF STARK COUNTY OHIO  
DIXIE PARK, JUDGE

FILED

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

AUG 29 2013

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

JUDGE DIXIE PARK  
STARK COUNTY PROBATE COURT

GUARDIAN'S ACCOUNT

[R.C. 2109.30]

COSTS PAID. \$ 95.00  
RECEIPT NO. 00284843

SECOND

ACCOUNT

FROM 02/2012 TO 06/2013

2012-2013  
Year

(Balance from previous account)

Voucher  
No.

\$

\$ 305299.30

See Attached Exhibit A

<b>Stark County Probate Court</b>			
Case No			
Amended Exhibit A			
<b>Ending Balance from First Account</b>			
Property Located at 804		\$ 45,000.00	
2005 Hodna Accord (VIN:		\$ 9,800.00	
Chattels/Tangible Personal Property		\$ 3,800.00	
First National Bank CD - Account B		\$ 6,595.08	
Key Bank Checking - Account C		\$ 5,030.97	
Key Bank IRA - Account F		\$ 25,380.29	
Huntington Checking - Account G		\$ 3,363.27	
Jackson National Life Annuity - Account H		\$ 42,524.54	
AIG Western National Annuity - Account I		\$ 27,623.91	
AIG Western National Annuity - Account J		\$ 58,622.65	
Symetra Account K		\$ 2,451.86	
Chase Bank Checking - Account L		\$ 73,766.81	
United States Savings Bonds, 3 series E @ \$279.00		\$ 837.72	
United States Savings Bonds, 3 series EE @ \$167.40		\$ 502.20	
<b>Total Balance</b>			<b>\$ 305,299.30</b>
<b>Receipts</b>			
<u>Regular Income</u>			
MetLife Pension		\$ 3,556.00	
Social Security		\$ 18,496.00	
Timken Pension		\$ 13,447.92	
Jackson National Life Ins		\$ 2,418.89	
<u>Other Income</u>			
Federal Tax Return		\$ 266.00	
State Tax Return		\$ 80.00	
Trillium Refund		\$ 193.00	
Ohio Fair Plan Refund		\$ 144.00	
Motorists Insurance Refund		\$ 177.00	
<u>Bank Interest Income</u>			
First National CD - Account B		\$ 17.94	
KeyBank IRA - Account F		\$ 132.26	
Symetra - Account K		\$ 16.14	
<u>Unrealized Gain</u>			
AIG Western National Annuity - Account I		\$ 1,289.33	
AIG Western National Annuity - Account J		\$ 2,723.61	
<b>Total Receipts</b>			<b>\$ 42,958.09</b>
<b>Disbursements</b>			
<u>Regular Disbursements - See Exhibit B</u>	\$ 115,302.95		

Exhibit B

8/27/2013

Account Transactions  
Chase Checking Account L

2/3/2012 Through 6/12/2013

Num	Date	Payee	Amount
125	8/27/2012	Trillium Family Solutions	(145.00) ✓
126	8/27/2012	Cheryl :	(1,106.25) ✓
127	9/4/2012	Trillium Family Solutions	(63.00) ✓
128	9/20/2012	Omnicare Pharmacy	(82.12) ✓
129	9/19/2012	Foot and Ankle Care	(25.00) ✓
130	9/19/2012	Legends Care Center	(6,000.00) ✓
169	2/3/2012	Foot and Ankle Care	(25.00) ✓
170	2/3/2012	Omnicare Pharmacy	(97.12) ✓
171	2/9/2012	Legends Care Center	(7,795.00) ✓
172	2/9/2012	Alice :	(100.00) ✓
173	2/21/2012	Stark County Probate Court	(125.00) ✓
174	2/22/2012	Medcorp of Stark County, Inc	(15.00) ✓
175	2/22/2012	Affinity Medical Center	(325.00) ✓
176	3/5/2012	Legends Care Center	(6,200.00) ✓
177	3/5/2012	Alice :	(250.00) ✓
178	3/5/2012	Omnicare Pharmacy	(107.51) ✓
179	3/19/2012	The Motorists Insurance Group	(102.00) ✓
180	3/19/2012	The Motorists Insurance Group	(161.00) ✓
181	3/27/2012	Emergency Medical Transport Inc	(75.00) ✓
182	4/2/2012	Cheryl :	(25.00) ✓
183	4/2/2012	Medcorp of Stark County, Inc	(15.00) ✓
184	4/2/2012	Emergency Medical Transport Inc	(211.00) ✓
185	4/2/2012	Leonard Insurance Services	(795.00) ✓
186	4/3/2012	Omnicare Pharmacy	(40.39) ✓
187	4/4/2012	Legends Care Center	(6,000.00) ✓
188	4/4/2012	Alice :	(250.00) ✓
189	4/4/2012	City of Massillon, Water and Sew	(62.00) ✓
190	4/17/2012	Foot and Ankle Care	(25.00) ✓
191	5/4/2012	Legends Care Center	(6,200.00) ✓
192	5/9/2012	Omnicare Pharmacy	(97.64) ✓
193	5/24/2012	Emergency Medical Transport Inc	(75.00) ✓
194	6/13/2012	Fisher's Optical	(146.09) ✓
195	6/4/2012	Alice :	(250.00) ✓
196	6/4/2012	Legends Care Center	(6,000.00) ✓
197	6/4/2012	Omnicare Pharmacy	(78.95) ✓
198	6/4/2012	Emergency Medical Transport Inc	(75.00) ✓
199	6/18/2012	The Motorists Insurance Group	(161.00) ✓
200	6/18/2012	The Motorists Insurance Group	(159.00) ✓
201	7/3/2012	Omnicare Pharmacy	(166.22) ✓
202	7/3/2012	Aultman Hospital	(50.00) ✓
203	7/6/2012	Legends Care Center	(6,200.00) ✓
204	7/6/2012	Stark County Probate Court	(150.00) ✓
205	7/16/2012	City of Massillon, Water and Sew	(62.00) ✓
206	7/16/2012	Foot and Ankle Care	(25.00) ✓
207	7/16/2012	Medcorp of Stark County, Inc	(75.00) ✓
208	8/2/2012	Emergency Medical Transport Inc	(75.00) ✓
209	8/3/2012	Legends Care Center	(6,200.00) ✓
210	8/3/2012	Omnicare Pharmacy	(174.31) ✓
211	10/1/2012	Medcorp of Stark County, Inc	(15.00) ✓
213	10/5/2012	Trillium Family Solutions	(60.00) ✓
214	10/9/2012	Stark County Probate Court	(62.00) ✓
215	10/11/2012	Omnicare Pharmacy	(110.78) ✓
216	10/12/2012	City of Massillon, Water and Sew	(62.37) ✓
217	10/24/2012	ON Healthcare	(79.00) ✓
218	10/24/2012	ON Healthcare	(125.00) ✓
219	11/5/2012	Stark County Treasurer	(1,172.03) ✓
220	11/5/2012	Trillium Family Solutions	(140.00) ✓





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

**RECAPITULATION**

Total Receipts _____	\$ 348,217.39
Total Disbursements _____	\$ 116,991.06
Balance Remaining _____	\$ 231,266.33

**ITEMIZED STATEMENT OF ALL FUNDS, ASSETS AND INVESTMENTS**

ITEM \_\_\_\_\_

See Attached Exhibit A

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Attorney Registration No.

\_\_\_\_\_  
Guardian

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Address of Guardian

**ENTRY SETTING HEARING**

The Court sets \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. as the date and time for hearing the above account.

\_\_\_\_\_  
Date

\_\_\_\_\_  
DIXIE PARK - PROBATE JUDGE

<b>Bank Fees</b>			
Huntington Bank Fees - Account G	\$	33.52	
Key Bank Fees - Account C	\$	298.36	
<b>Unrealized Loss</b>			
Jackson National - Account H	\$	1,356.23	
<b>Total Disbursements</b>			\$ 116,991.06 ✓
<b>Ending Balance</b>			
Property Located at 804 , OH		\$ 45,000.00	
2005 Honda Accord (VIN: . . . . . )		\$ 9,800.00	
Chattels/Tangible Personal Property		\$ 3,800.00	
First National Bank CD - Account B		0.00	
Key Bank Checking - Account C	✓	\$ 4,732.61	✓
Key Bank IRA - Account F	✓	\$ 23,875.12	✓
Huntington Checking - Account G	✓	\$ 3,329.75	✓
Jackson National Life Annuity - Account H	✓	\$ 41,168.31	✓
AIG Western National Annuity - Account I	✓	\$ 28,913.24	✓
AIG Western National Annuity - Account J	✓	\$ 61,346.26	✓
Symetra Account K		0.00	✓
Chase Bank Checking - Account L	✓	\$ 7,961.12	✓
United States Savings Bonds, 3 series E @ \$279.00		\$ 837.72	
United States Savings Bonds, 3 series EE @ \$167.40		\$ 502.20	
<b>Total Ending Balance</b>			\$ 231,266.33 ✓

Acc+C



KeyBank  
P.O. Box 93685  
Cleveland, OH 44101-5885

### Key Advantage Money Market Checking Statement

June 30, 2013

31 T 0427 0000 R EMAO  
ESTATE OF GUARDIAN

Questions about your account?  
1-800-KEY2YOU (1-800-539-2968)

Or, write us:  
KeyBank National Association  
P.O. Box 94825  
Cleveland, OH 44101

Get less mail and enroll in Online Statements today!



Key Advantage Money Market Checking

Account number

Account title: ESTATE OF

: GUARDIAN

Balance on May 31, 2013	\$4,750.54	Annual percentage yield (APY) earned	0.02%
Additions		Number of days this statement period	30
Interest	0.07	Interest paid (6-28-13)	\$0.07
Deductions		Interest earned this statement period	\$0.07
Service fees and charges	18.00	Interest paid year-to-date	\$0.47
Balance on Jun 30, 2013	\$4,732.61 ✓		

#### Service fees and charges

Date	Service	Charge	Amount
6-28	MAINTENANCE SERVICE CHARGE	1 @ \$18.00	\$18.00
Total			\$18.00



Member FDIC  
Page 1 of 2

000000426150847-00101  
34273

ACCT 6

THE HUNTINGTON NATIONAL BANK  
 PO BOX 1558 EA1W37  
 COLUMBUS OH 43216-1558



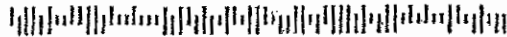
GUARDIAN FOR

Have a Question or Concern?

Stop by your nearest  
 Huntington office or  
 contact us at:

1-800-480-BANK (2265)

www.huntington.com



**Huntington 50 Plus Checking Account**

**Account:**

Statement Activity From:  
 06/06/13 to 07/08/13

Beginning Balance	\$3,331.72
Credits (+)	0.00
Debits (-)	0.00
Interest Paid (+)	0.03
Total Fees (-)	2.00
<b>Ending Balance</b>	<b>\$3,329.75</b>
Average Balance	3,331.72
Low Balance	3,331.72

Interest earned this statement period \$0.03\*

(\* This amount represents interest accrued on your account during this statement period. Interest is available for withdrawal when paid to your account.

Annual Percentage Yield Earned this statement period 0.01%

**Deposit / Credit Activity (+)**

**Account:**

Date	Description	Amount
07/08	INTEREST PAYMENT	0.03

**Other Withdrawal / Debit Activity (-)**

**Account:**

Date	Description	Amount
07/08	CHECK IMAGE STATEMENT FEE	2.00

Investments are offered through the Huntington Investment Company, Registered Investment Advisor, member FINRA/SIPC, a wholly-owned subsidiary of Huntington Bancshares Inc.

The Huntington National Bank is Member FDIC. and Huntington are federally registered service marks of Huntington Bancshares Incorporated. Patent pending for the 24-Hour Grace™ system and method. ©2013 Huntington Bancshares Incorporated.



**Key Investment Services**  
 4900 Tiedeman OH-01-49-0215  
 Brooklyn, OH 44144  
 888-KIS-2YOU

**Rollover Individual Retirement Account Statement**

Investment and Insurance products made available through Key Investment Services LLC, unless otherwise stated are:  
 • NOT FDIC INSURED • NOT BANK GUARANTEED  
 • MAY LOSE VALUE

Statement Period: 04/01/2013 - 06/30/2013

**Client Service Information (continued)**

Year-End Fair Market Value (12/31/2012): \$0.00.  
 This information will be furnished to the Internal Revenue Service.  
 Your fair market value may change based on transaction or asset valuation adjustments made after 12/31/2012.

Default Tax Lot Disposition Method for Mutual Funds: FIRST IN FIRST OUT  
 Default Tax Lot Disposition Method for Stocks in a Dividend Reinvestment Plan: FIRST IN FIRST OUT  
 Default Tax Lot Disposition Method for All Other Securities: FIRST IN FIRST OUT

**Electronic Delivery**  
 You have not selected any account communications for electronic delivery. To register and turn off paper communications, log in to your account or contact your Financial Advisor for more information.

**Annuities**

Quantity	Description	Price	Annuity Value
	Fixed Annuities WESTERN NATL-ACL PREFERRED CHOICE 5, 3 YEAR GTY Contract Number: --ACCT J	0.0000	28,913.24
	Total PREFERRED CHOICE 5, Valuation as of 06/27/13 JACKSON NATIONAL LIFE COMPANY -- ACCT A OPTIMAX LEVEL RATE T WO Contract Number: Security Identifier	0.0000	\$41,168.31
	Total OPTIMAX LEVEL RATE T Valuation as of 06/26/13		\$41,168.31
	<b>Total of All Fixed Annuities</b>		<b>\$70,081.55</b>

Description	Total Value
<b>Total of All Annuities</b>	<b>\$70,081.55</b>

### Asset Allocation Disclosure and Footnotes

6 Annuities (includes annuities not custodied at Pershing LLC).

### Messages

Although a money market mutual fund seeks to preserve the value of your investment at \$1 per share, it is possible to lose money by investing in a money market mutual fund. Please see the money market mutual fund's prospectus or contact your investment professional for additional information.

### Client Service Information

<b>Your Financial Advisor Is:</b>	<b>Contact Information</b>	<b>Client Service Information</b>
	Telephone Number:	Client Service Telephone Number:
	E-Mail Address:	Web Site: WWW.KEY.COM

Related Bank Account Number: 1

Default Tax Lot Disposition Method for Mutual Funds: FIRST IN FIRST OUT

Default Tax Lot Disposition Method for Stocks in a Dividend Reinvestment Plan: FIRST IN FIRST OUT

Default Tax Lot Disposition Method for All Other Securities: FIRST IN FIRST OUT

Electronic Delivery  
You have not selected any account communications for electronic delivery. To register and turn off paper communications, log in to your account or contact your Financial Advisor for more information.

### Annuities

Quantity	Description	Price	Annuity Value
	<b>Fixed Annuities</b>		
	WESTERN NATL-ACL		
	PREFERRED CHOICE 5, 3 YEAR GTV		
	Contract Number:		
	Security Identifier		
	Total PREFERRED CHOICE 5, Valuation as of 06/27/13	0.0000	\$61,346.26
	<b>Total of All Fixed Annuities</b>		\$61,346.26
	<b>Description</b>		
	<b>Total of All Annuities</b>		<b>Total Value</b>
			\$61,346.26

Account Number: 1

#1001 K

# SYMETRA

FINANCIAL

ACCOUNT NUMBER:  
PAGE 2 OF 2

## TRANSACTION DETAIL FOR THE PERIOD 01/01/12 - 03/31/12

Symetra Flex Premium Plus Fixed Annuity				
Transaction Date	Activity Description	Transaction Amount	Interest Rate	Account Value
01/01/2012	Beginning Balance			\$2,452.66
03/19/2012	Withdrawal	\$2,468.00-		
03/31/2012	Interest	\$15.34		
03/31/2012	Ending Balance			\$0.00

## FUTURE CONTRIBUTION ELECTIONS

This is how we will allocate any future contributions to your account.

100.00% Symetra Flex Premium Plus Fixed Annuity





PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

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

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

**FIDUCIARY'S ACCEPTANCE**

**GUARDIAN**

[R.C. 2111.14]

I, the undersigned, hereby accept the duties which are required of me by law, and such additional duties as are ordered by the Court having jurisdiction.

**AS GUARDIAN OF THE ESTATE, I WILL:**

1. Make and file an inventory of the real and personal estate of the ward within 3 months after my appointment.
2. Deposit funds which come into my hands in a lawful depository located within this state.
3. Invest surplus funds in a lawful manner.
4. Make and file an account biennially, or as directed by the Court.
5. File a final account within 30 days after the guardianship is terminated.
6. Inventory any safe deposit box of the ward.
7. Preserve any and all Wills of the ward as directed by the Court.
8. Expend funds only upon written approval of the Court.
9. Make and file a guardian's report biennially, or as directed by the Court.



**AS GUARDIAN OF THE PERSON, I WILL:**

1. Protect and control the person of my ward, and make all decisions for the ward based upon the best interest of the ward.
2. Provide suitable maintenance for my ward when necessary.
3. Provide such maintenance and education for my ward as the amount of the estate justifies if the ward is a minor and has no parents, or has a parent who fails to maintain and educate the ward.
4. Make and file a guardian's report biennially, or as directed by the Court.
5. Obey all orders and judgments of the Court pertaining to the guardianship.
6. Obtain the written approval of the Court before executing a caretaker power of attorney authorized by R.C. 3109.52.

**If I change my address or the ward's address, I shall immediately notify Probate Court in writing.** I acknowledge that I am subject to removal as such fiduciary if I fail to perform such duties. I also acknowledge that I am subject to possible penalties for improper conversion of the property which I hold as such fiduciary.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Fiduciary

Amended: March 15, 2016  
Discard all previous versions of this form

PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

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

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

**GUARDIAN'S BOND**

[R.C. 2109.04(A)(1)]

Amount of this bond \$ \_\_\_\_\_

The undersigned principal, and sureties if any, are obligated to the State of Ohio in the above amount, for payment of which we bind ourselves and our successors, heirs, executors, and administrators, jointly and severally.

The principal has accepted in writing the duties of fiduciary in ward's estate, including those imposed by law and such additional duties as may be required by the Court.

This obligation is void if the principal performs such duties as required.

This obligation remains in force if the principal fails to perform such duties, or performs them tardily, negligently, or improperly, or if the principal misuses or misappropriates estate assets or improperly converts them to the principal's own use or the use of another.

[Check if personal sureties are involved.]  The sureties certify that each of them owns real estate in this county, with a reasonable net value as stated below.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Principal

\_\_\_\_\_  
Surety

\_\_\_\_\_  
Surety

by \_\_\_\_\_  
Attorney in Fact

by \_\_\_\_\_  
Attorney in Fact

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_

Net value of real estate owned in this county

Net value of real estate owned in this county

\$ \_\_\_\_\_

\$ \_\_\_\_\_

Amended: March 15, 2016  
Discard all previous versions of this form

PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

IN THE MATTER OF THE GUARDIANSHIP OF

\_\_\_\_\_

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

LETTERS OF GUARDIANSHIP

[R.C. 2111.02]

\_\_\_\_\_ is appointed Guardian of  
\_\_\_\_\_, an \_\_\_\_\_ Incompetent \_\_\_\_\_ Minor.

Guardian's powers are:

All powers conferred by the laws of Ohio and rules of this Court over the ward's:

\_\_\_\_\_ Person and Estate    \_\_\_\_\_ Person Only    \_\_\_\_\_ Estate Only

Limited to \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Those guardianship powers, until revoked, are for an:

\_\_\_\_\_ Indefinite time period  
\_\_\_\_\_ Definite time period to \_\_\_\_\_

The above named Guardian has the power conferred by law to do and perform all the duties of Guardian as described. **No expenditures shall be made without prior Court authorization.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
PROBATE JUDGE

**NOTICE TO FINANCIAL INSTITUTIONS**

Funds being held in the name of the within-named Ward shall not be released to Guardian without a Court order directing release of a specific fund and amounts thereof.

**CERTIFICATE OF APPOINTMENT AND INCUMBENCY**

The above document is a true copy of the original kept by me as custodian of this Court. It constitutes the appointment and letters of authority of the named guardian, who is qualified and acting in such capacity.

(Seal)

Probate Judge  
by \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Date



PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

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

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

GUARDIAN'S INVENTORY

[R.C. 2111.14(A)]

of the real and personal estate of the ward with its value and the value of the yearly rent of the real estate

List any safe deposit box and date and location of any will. \$ \_\_\_\_\_

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

RECAPITULATION

Total value of Personal Estate ..... \$ \_\_\_\_\_  
Total value of Real Estate ..... \$ \_\_\_\_\_  
Yearly rent of Real Estate ..... \$ \_\_\_\_\_  
Other Annual Income ..... \$ \_\_\_\_\_  
Total ..... \$ \_\_\_\_\_

\_\_\_\_\_  
Guardian

**PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO**

**IN THE MATTER OF THE GUARDIANSHIP OF \_\_\_\_\_**

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

**APPLICATION TO RELEASE FUNDS TO GUARDIAN**

Now comes the guardian of the above named ward and makes application for authority to secure the release of the following funds of the ward.



---

The applicant further states that it is for the best interest of the ward that this authority be granted.

\_\_\_\_\_  
Guardian

---

**ORDER AUTHORIZING RELEASE OF FUNDS**

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, this cause came on to be heard upon the application of the guardian of the above named ward and the evidence, and the Court being fully advised in the premises, hereby authorized the release of the above named funds to the guardian.

\_\_\_\_\_  
Probate Judge

PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

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

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

APPLICATION FOR AUTHORITY TO EXPEND FUNDS

Now comes the undersigned, guardian of the estate of the above named \_\_\_\_\_ minor \_\_\_\_\_ incompetent ward, and makes application for authority to expend funds for the best interest of the ward as follows: [State amount requested, nature of expenditure, and the frequency and duration of authority requested. Attach additional explanation, documentation, or estimates as needed.]



\_\_\_\_\_

\_\_\_\_\_  
Guardian

\_\_\_\_\_

ORDER AUTHORIZING EXPENDITURE OF FUNDS

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, this cause came on to be heard upon the application of the guardian of the estate of the above named ward and the evidence, and the Court being fully advised in the premises, hereby authorizes the guardian to expend funds as set forth in the Application.

\_\_\_\_\_  
Probate Judge

PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

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

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

GUARDIAN'S ACCOUNT

[R.C. 2109.30]

\_\_\_\_\_ ACCOUNT

FROM \_\_\_\_\_ TO \_\_\_\_\_

20\_\_

(Balance from previous account)

Voucher  
No.

\$

\$

Large empty rectangular box for recording account transactions.



(Reverse of Form 15.8)

**RECAPITULATION**

Total Receipts \_\_\_\_\_ \$ \_\_\_\_\_

Total Disbursements \_\_\_\_\_ \$ \_\_\_\_\_

Balance Remaining \_\_\_\_\_ \$ \_\_\_\_\_

**ITEMIZED STATEMENT OF ALL FUNDS, ASSETS AND INVESTMENTS**

ITEM \_\_\_\_\_

\$

\_\_\_\_\_  
Attorney

Attorney Registration No. \_\_\_\_\_

\_\_\_\_\_  
Guardian

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Address of Guardian

**ENTRY SETTING HEARING**

The Court sets \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_M.,  
as the date and time for hearing the above account.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Probate Judge

(Reverse of Form 15.8)

**RECAPITULATION**



PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

\_\_\_\_\_, Judge

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

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

**OATH OF GUARDIAN**  
[R.C. 2111.02(C)]  
[To be taken on Appointment of Guardian]



I, \_\_\_\_\_, Guardian of  
\_\_\_\_\_, will faithfully and completely fulfill my duties as  
Guardian, including the duty:

- To file, and continue to make diligent efforts to file, a true inventory in accordance with the Ohio Revised Code, and report all assets belonging to the estate of my ward.
- To file timely and accurate reports.
- To file timely and accurate accounts.
- To, at all times, protect my ward's interests and to make all decisions based on the best interest of my ward.
- To apply to the Court for authority to expend funds prior to so doing.
- To obey all orders and rules of this Court pertaining to guardianships.

\_\_\_\_\_  
Guardian

The above oath was taken and signed in my presence on this \_\_\_\_\_ day of  
\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge/Magistrate

PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

\_\_\_\_\_, JUDGE

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

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

APPLICATION TO SETTLE A CLAIM OF AN ADULT WARD

[R.C. 2111.18, Sup.R. 69]

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

The applicant states that: \_\_\_\_\_, is an adult ward residing at \_\_\_\_\_ in this county who on or about \_\_\_\_\_, suffered personal injury and/or damage to property by wrongful act, neglect, or default that entitles this person to maintain an action to recover damages.

Attached is a narrative statement in support of the proffered settlement setting forth a description of the occurrence, the injury or damage, the treatment progress and current prognosis by the treating physicians, and other proposed or actual settlements resulting from the same occurrence being paid to the persons other than this ward. Counsel will advise at the hearing as to liability and collectability.

- There is a (full) (partial) settlement offer of \$ \_\_\_\_\_ without suit being filed.
There is a (full) (partial) settlement offer of \$ \_\_\_\_\_ after suit was filed; the style of the case, court, and case number being \_\_\_\_\_.
The proffered settlement should be approved.
Unreimbursed medical and other expenses of \$ \_\_\_\_\_ have been incurred. Attached is a list of such expenses and proposed payees.
A reasonable attorney fee for the attorney's services is \$ \_\_\_\_\_ and reimbursement to the attorney for suit expenses is \$ \_\_\_\_\_. A copy of the attorney's fee contract that has (has not) received prior approval of this Court, subject to modification, and an itemization of suit expenses are attached.
This is a structured settlement. All necessary documents, including a statement of the present value of the settlement, are filed herewith.

Effective Date: January 1, 2015

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

Applicant requests that:

- The Court authorize the applicant to execute a release which shall be effective upon payment of the settlement.
- The Court order payment of the above expenses and order that the net amount of \$ \_\_\_\_\_ for the benefit of the ward be:
  - Deposited in the name of the ward with \_\_\_\_\_, a financial institution, in a restricted account and not be released without written order of this Court.
  - Delivered to guardian of the estate.
  - Structured as set forth in the attached documents.
  - Other: \_\_\_\_\_.
- Supplemental forms required by local rule of Court are attached.



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

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number (include area code)

\_\_\_\_\_  
Phone Number (include area code)

Attorney Registration No. \_\_\_\_\_

**ENTRY SETTING HEARING AND ORDERING NOTICE**

The Court sets \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ .m. as the date and time for hearing the above application and orders notice to be given by the applicant, as provided in the Rules of Civil Procedure, to all interested parties.

\_\_\_\_\_  
\_\_\_\_\_, **PROBATE JUDGE**

PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO  
\_\_\_\_\_, JUDGE

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

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

**ENTRY APPROVING SETTLEMENT OF A CLAIM OF AN ADULT WARD**

Upon hearing the application to approve and distribute the settlement of the claim of the adult ward, the Court: [check whichever of the following are applicable.]

- Approves the proffered settlement of \$ \_\_\_\_\_;
- Orders payment of \$ \_\_\_\_\_ for medical and other expenses, as follows:  
\_\_\_\_\_  
\_\_\_\_\_;
- Orders payment of \$ \_\_\_\_\_ for attorney fees for service rendered and \$ \_\_\_\_\_ to the attorney for reimbursement of suit expenses with respect to this matter;
- Authorizes the applicant to execute a release which shall be effective upon payment of the settlement;
- Orders that the net amount of \$ \_\_\_\_\_, for the benefit of the ward be:
  - Deposited in the name of the ward with \_\_\_\_\_, a financial institution, in a restrictive account and not be released without written order of this Court with Form \_\_\_\_\_ Verification of Receipt and Deposit filed with the Court;
  - Delivered to the guardian of the estate;
  - Structured as set forth in the documents attached to the application;
  - Other: \_\_\_\_\_.
- Orders the applicant and the attorney to report on their distribution of the proceeds within thirty days of the date of this entry;
- Further orders \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_, PROBATE JUDGE

PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

\_\_\_\_\_, JUDGE

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

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

REPORT OF DISTRIBUTION

Pursuant to the Entry filed on \_\_\_\_\_, \_\_\_\_\_, the proceeds have been paid as shown below and on the accompanying vouchers.

Gross Proceeds	\$ _____
Less:	
Medical expenses	\$ _____
Reimbursement of suit expenses to _____	\$ _____
_____	\$ _____
Attorney fees to _____	\$ _____
Other: _____	\$ _____
Total	\$ _____

Net Proceeds

- Deposited pursuant to R.C. 2109.13
  - Form \_\_\_\_ attached \$ \_\_\_\_\_
- Delivered to \_\_\_\_\_
  - legal guardian of the estate \$ \_\_\_\_\_
- Structured - see documents previously filed \$ \_\_\_\_\_
- Other: \_\_\_\_\_

Balance \$ \_\_\_\_\_

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

Attorney Registration No. \_\_\_\_\_

ENTRY

The above report of distribution is hereby approved.

\_\_\_\_\_  
Date \_\_\_\_\_, PROBATE JUDGE



PROBATE COURT OF \_\_\_\_\_ COUNTY, OHIO

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

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

CONFIDENTIAL DISCLOSURE OF PERSONAL IDENTIFIERS

[Rule 45(D) of the Rules of Superintendence for the Courts of Ohio]

	Complete Personal Identifier	Institution	Abbreviation	Form No.	Filing Date
Ex.	123-45-6789	Social Security	6789	22.3	7/1/2009
Ex.	0001234567	Anytown Bank Checking	Anytown #1	6.1	7/1/2009
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____
6.	_____	_____	_____	_____	_____
7.	_____	_____	_____	_____	_____
8.	_____	_____	_____	_____	_____
9.	_____	_____	_____	_____	_____
10.	_____	_____	_____	_____	_____

Check if additional pages are attached

\_\_\_\_\_  
Signature of Filing Party

\_\_\_\_\_  
Printed Name

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

This is page \_\_\_\_ of \_\_\_\_ pages

Effective Date: September 1, 2011

**RULE 66. Guardianships.**

(A) All applications for the appointment of a guardian on the grounds of mental incompetency shall be accompanied by either a statement of a physician or clinical psychologist or a statement that the prospective ward has refused to submit to an examination.

(B) An Application for Authority to Expend Funds (Standard Probate Form 15.7) shall not be approved until an Inventory (Standard Probate Form 15.5) has been filed.

(C) An application for allowance of care and support of a minor shall allege, if such is the fact, that the parents are financially unable to provide the items for which the amount is sought.

**Commentary (October 1, 1997)**

This rule is analogous to former C.P. Sup. R. 34, and the title has been amended to be more inclusive in that the rule does not only apply to the guardian but also to all issues affecting the guardianship.

Division (A) has been deleted in that it described the parameters of the probate forms created under Sup. R. 51(D) and is therefore superfluous.

Former C.P. Sup. R. 34(B) has been relettered as division (A). The rule required the submission of a statement of a physician upon the filing of an application for guardianship or an application for dismissal of a guardianship or a declaration of competency. The rule has been amended to permit a clinical psychologist to complete the expert evaluation. This amendment recognizes that a psychologist's report is often more thorough than that of the physician and recognizes that the psychologist may complete the expert evaluation for the biennial report. The rule has not been expanded to permit the initial evaluation to be completed by a licensed clinical social worker.

The requirement for an expert evaluation for the dismissal or termination of a guardianship has been deleted due to statutory changes under R.C. 2111.49(C).

Former C.P. Sup. R. 34(C) has been deleted and incorporated in part in amended division (B), which continues the requirement to file an inventory prior to the authorization of any expenditure required in former C.P. Sup. R. 34(C).

Former C.P. Sup. R. 34(D) has been relettered as division (C). Division (C) has been amended to delete the term "parent-guardian" from the rule and to allow the application to be filed by the appointed guardian, who is not in all cases also the parent of the minor ward. With an application to expend funds for support of a minor ward, the rule formerly required a parent-guardian to state whether the parents had the ability to provide the support. The amendment expands the rule to require any guardian to state whether the parents can provide the support when requesting expenditure of the ward's funds for support.

**RULE 66.01. Definitions.**

As used in Sup.R. 66.01 through 66.09:

**(A) Best interest**

"Best interest" means the course of action that maximizes what is best for a ward, including consideration of the least intrusive, most normalizing, and least restrictive course of action possible given the needs of the ward.



**(B) Direct services**

“Direct services” means services typically provided by home and community-based care and institutionally-based care providers, including medical and nursing care, care or case management services, care coordination, speech therapy, occupational therapy, physical therapy, psychological services, counseling, residential, legal representation, job training, and any other similar services. The term “direct services” does not include services of a guardian.

**(C) Guardian**

“Guardian” has the same meaning as in R.C. 2111.01(A).

**(D) Ward**

“Ward” means any adult person found by the probate division of a court of common pleas to be incompetent and for whom a guardianship is established.

**(E) Guardianship services**

“Guardianship services” means the duties assigned to a guardian in an adult guardianship case pursuant to R.C. Chapters 2109 and 2111.

**RULE 66.02. Application of Rules.**

**(A) General**

Sup.R. 66.01 through 66.09 shall apply in an adult guardianship case where the probate division of a court of common pleas appoints a guardian to protect and control a ward pursuant to R.C. 2111.02, provided the appointing court for good cause may, by order of the court, exempt a guardian who is related to the ward by consanguinity or affinity.

**(B) Corporation as guardian**

Sup.R. 66.01 through 66.09 shall apply to the employees of a corporation who provide guardianship services in an adult guardianship case where the probate division of a court of common pleas appoints the corporation as guardian.

**RULE 66.03. Local Guardianship Rule.**

The probate division of a court of common pleas that establishes guardianships shall adopt local rules governing the establishment of guardianships that do all of the following:

- (A) Establish a process for emergency guardianships;
- (B) Establish a process for submitting in electronic format or hard copy comments and complaints regarding the performance of guardians appointed by the court and for considering such comments and complaints. The process shall include each of the following:



- (1) The designation of a person for accepting and considering comments and complaints;
  - (2) A requirement that a copy of the submitted comment or complaint be provided to the guardian who is the subject of the comment or complaint;
  - (3) A requirement that the court give prompt consideration to the comment or complaint and take appropriate action;
  - (4) A requirement that the court maintain a record regarding the nature and disposition of the comment or complaint;
  - (5) A requirement that the court notify the person making the comment or complaint and the guardian of the disposition of the comment or complaint.
- (C) Addresses other provisions as the court considers necessary and appropriate, including but not limited to indicating where filed comments and complaints will be kept.

**RULE 66.04. Establishment of Guardianship.**

**(A) Scope of guardianship**

When establishing a guardianship, the probate division of a court of common pleas shall consider a limited guardianship before establishing a plenary guardianship.

**(B) County of residence**

The last county of residence in Ohio in which a ward resided prior to losing the cognitive ability to choose shall be the ward's county of residence for purposes of establishing a guardianship, unless determined otherwise by the probate division of the court of common pleas establishing the guardianship.

**(C) Guardianship of estate**

The probate division of a court of common pleas may waive establishing or continuing the guardianship of the estate of a ward if the assets and principal income of the ward do not support a guardianship of the estate.

**(D) Restrictions on direct service providers**

The probate division of a court of common pleas shall not issue letters of guardianship to any direct service provider to serve as a guardian for a ward for whom the provider provides direct services, unless otherwise authorized by law.



**RULE 66.05. Responsibilities of Court Establishing Guardianships.**

**(A) General responsibilities**

The probate division of a court of common pleas that establishes a guardianship shall do both of the following:

- (1) Conduct, or cause to be conducted, a criminal background check. If the applicant to serve as a guardian is an attorney, the court may accept a certificate of good standing with disciplinary information issued by the Supreme Court in place of a criminal background check.
- (2) Require each guardian appointed by the court to submit to the court information documenting compliance with the guardian qualifications pursuant to Sup.R. 66.06 or 66.07, as applicable.

**(B) Responsibilities regarding guardians with ten or more wards**

The probate division of a court of common pleas shall do all of the following with respect to guardians with ten or more wards under the guardian's care:

- (1) Maintain a roster, including the name, address, telephone number, and electronic mail address, of the guardians. The court shall require the guardians to notify the court of any changes to this information.
- (2) Require the guardians to include in the guardian's report a certification stating that the guardian is unaware of any circumstances that may disqualify the guardian from serving as a guardian;
- (3) Require the guardians to submit to the court an annual fee schedule that differentiates guardianship services fees, as established pursuant to local rule, from legal or other direct services;
- (4) On or before March 1st of each year, review the roster of guardians to determine if the guardians are in compliance with the education requirements of Sup.R. 66.06 or 66.07, as applicable, and that the guardians are otherwise qualified to serve.

**RULE 66.06. Guardian Pre-Appointment Education.**

**(A) Requirement**

Except as provided in division (B) of this rule, the probate division of a court of common pleas shall not appoint an individual as a guardian unless, at the time of appointment or within six months thereafter, the individual has successfully completed, at a minimum, a six-hour guardian fundamentals course provided by the Supreme Court or, with the prior approval of the appointing court, another entity. The fundamentals course shall include, at a minimum, education on the following topics:

- (1) Establishing the guardianship;
- (2) The ongoing duties and responsibilities of a guardian;
- (3) Record keeping and reporting duties of a guardian;
- (4) Any other topic that concerns improving the quality of the life of a ward.

**(B) Exception**

An individual serving as a guardian on June 1, 2015, or who served as a guardian during the five years immediately preceding that date shall have until June 1, 2016, to complete the training required under division (A) of this rule unless the appointing court waives or extends the requirement for good cause.

**RULE 66.07. Guardian Continuing Education.**

**(A) Requirement**

In each succeeding year following completion of the requirement of Sup.R. 66.06, a guardian appointed by the probate division of a court of common pleas shall successfully complete a continuing education course that meets all of the following requirements:

- (1) Is at least three hours in length;
- (2) Is provided by the Supreme Court or, with the prior approval of the appointing court, another entity;
- (3) Is specifically designed for continuing education needs of guardians and consists of advanced education relating to the topics listed in Sup.R. 66.06(A)(1) through (4).

**(B) Annual compliance**

On or before January 1st of each year, a guardian shall report to each probate division of a court of common pleas from which the guardian receives appointments information documenting compliance with the continuing education requirement pursuant to division (A) of this rule, including the title, date, location, and provider of the education or a certificate of completion.

**(C) Failure to comply**

If a guardian fails to comply with the continuing education requirement of division (A) of this rule, the guardian shall not be eligible for new appointments to serve as a guardian until the requirement is satisfied. If the deficiency in continuing education is more than three calendar years, the guardian shall complete, at a minimum, a six-hour fundamentals course pursuant to Sup.R. 66.06(A) to qualify again to serve as a guardian.

**RULE 66.08. General Responsibilities of Guardian.**

**(A) Orders, rules, and laws**

A guardian shall obey all orders of the probate division of a court of common pleas establishing the guardianship and shall perform duties in accordance with local rules and state and federal law governing guardianships.

**(B) Pre-appointment meeting**

Unless otherwise determined by the probate division of a court of common pleas, an applicant guardian shall meet with a proposed ward at least once prior to appearing before the court for a guardianship appointment.

**(C) Reporting abuse, neglect, or exploitation**

A guardian shall immediately report to the probate division of a court of common pleas and, when applicable, to adult protective services any appropriate allegations of abuse, neglect, or exploitation of a ward.

**(D) Limitation or termination of guardianship**

A guardian shall seek to limit or terminate the guardianship authority and promptly notify the probate division of a court of common pleas if any of the following occurs:

- (1) A ward's ability to make decisions and function independently has improved;
- (2) Less restrictive alternatives are available;
- (3) A plenary guardianship is no longer in the best interest of a ward;
- (4) A ward has died.

**(E) Change of residence**

(1) A guardian shall notify the probate division of a court of common pleas of a ward's change of residence and the reason for the change. Except if impracticable, the guardian shall notify the court no later than ten days prior to the proposed change.

(2) A ward's change of residence to a more restrictive setting in or outside of the county of the guardian's appointment shall be subject to the court's approval, unless a delay in authorizing the change of residence would affect the health and safety of the ward.

**(F) Court approval of legal proceedings**

A guardian shall seek approval from the probate division of a court of common pleas before filing a suit for the ward.

**(G) Annual plan**

A guardian of a person shall file annually with the probate division of the court of common pleas a guardianship plan as an addendum to the guardian's report. A guardian of an estate may be required to file an annual guardianship plan with the probate division of the court of common pleas. The guardianship plan shall state the guardian's goals for meeting the ward's personal and financial needs.

**(H) Annual registration**

All guardians appointed by the court who have ten or more wards under their care shall annually register with the probate division of the court of common pleas and provide such information as the court may require, including but not limited to a fee schedule that differentiates guardianship services from legal or other direct services.

**(I) Ward's principal income**

A guardian shall inform the probate division of the court of common pleas and apply to close the guardianship of the estate if the principal income of the ward is from governmental entities, a payee for that income is identified, and no other significant assets or income exist.

**(J) Limits on guardian's compensation**

- (1) A guardian's compensation is subject to Sup.R. 73.
- (2) A guardian who is in receipt of fees other than through the guardianship of the estate shall report to the probate division of the court of common pleas the source and entity which reviewed and authorized payment.
- (3) A guardian shall not receive incentives or compensation from any direct service provider providing services to a ward.

**(K) Conflict of interest**

A guardian shall avoid actual or apparent conflicts of interest regarding a ward's personal or business affairs. A guardian shall report to the probate division of the court of common pleas all actual or apparent conflicts of interest for review and determination as to whether a waiver of the conflict of interest is in the best interest of the ward.

**(L) Filing of ward's legal papers**

In addition to filing an inventory, if applicable, pursuant to R.C. 2111.14(A)(1) and within three months after the guardian's appointment, a guardian shall file with the probate division of the court of common pleas a list of all of the ward's important legal papers, including but not limited to estate planning documents, advance directives, and powers of attorney, and the location of such legal papers, if known at the time of the filing.



**RULE 66.09. Responsibilities of Guardian to Ward.**

**(A) Professionalism, character, and integrity**

A guardian shall act in a manner above reproach, including but not limited to avoiding financial exploitation, sexual exploitation, and any other activity that is not in the best interest of the ward.

**(B) Exercising due diligence**

A guardian shall exercise due diligence in making decisions that are in the best interest of a ward, including but not limited to communicating with the ward and being fully informed about the implications of the decisions.

**(C) Least restrictive alternative**

Unless otherwise approved by the probate division of a court of common pleas, a guardian shall make a choice or decision for a ward that best meets the needs of the ward while imposing the least limitations on the ward's rights, freedom, or ability to control the ward's environment. To determine the least restrictive alternative, a guardian may seek and consider an independent assessment of the ward's functional ability, health status, and care needs.

**(D) Person-centered planning**

A guardian shall advocate for services focused on a ward's wishes and needs to reach the ward's full potential. A guardian shall strive to balance a ward's maximum independence and self-reliance with the ward's best interest.

**(E) Ward's support system**

A guardian shall strive to foster and preserve positive relationships in the ward's life unless such relationships are substantially harmful to the ward. A guardian shall be prepared to explain the reasons a particular relationship is severed and not in the ward's best interest.

**(F) Communication with ward**

(1) A guardian shall strive to know a ward's preferences and belief system by seeking information from the ward and the ward's family and friends.

(2) A guardian shall do all of the following:

- (a) Meet with the ward as needed, but not less than once quarterly or as determined by the probate division of the court of common pleas;
- (b) Communicate privately with the ward;
- (c) Assess the ward's physical and mental conditions and limitations;
- (d) Assess the appropriateness of the ward's current living arrangements;
- (e) Assess the needs for additional services;
- (f) Notify the court if the ward's level of care is not being met;

(g) Document all complaints made by a ward and assess the need to report the complaints to the court of common pleas.

**(G) Direct services**

Except as provided in Sup.R. 66.04(D), a guardian shall not provide any direct services to a ward, unless otherwise approved by the court.

**(H) Monitor and coordinate services and benefits**

A guardian shall monitor and coordinate all services and benefits provided to a ward, including doing all of the following as necessary to perform those duties:

- (1) Having regular contact with all service providers;
- (2) Assessing services to determine they are appropriate and continue to be in the ward's best interest;
- (3) Maintaining eligibility for all benefits;
- (4) Where the guardian of the person and guardian of the estate are different individuals, consulting regularly with each other.

**(I) Extraordinary medical issues**

- (1) A guardian shall seek ethical, legal, and medical advice, as appropriate, to facilitate decisions involving extraordinary medical issues.
- (2) A guardian shall strive to honor the ward's preferences and belief system concerning extraordinary medical issues.

**(J) End of life decisions**

A guardian shall make every effort to be informed about the ward's preferences and belief system in making end of life decisions on behalf of the ward.

**(K) Caseload**

A guardian shall appropriately manage the guardian's caseload to ensure the guardian is adequately supporting and providing for the best interest of the wards in the guardian's care.

**(L) Duty of confidentiality**

A guardian shall keep the ward's personal and financial information confidential, except when disclosure is in the best interest of the ward or upon order of the probate division of a court of common pleas.







## Chapter 2109: FIDUCIARIES

### 2109.01 Fiduciary defined.

Fiduciary," as used in Chapters 2101. to 2131. of the Revised Code, means any person, other than an assignee or trustee for an insolvent debtor or a guardian under sections 5905.01 to 5905.19 of the Revised Code, appointed by and accountable to the probate court and acting in a fiduciary capacity for any person, or charged with duties in relation to any property, interest, trust, or estate for the benefit of another; and includes an agency under contract with the department of developmental disabilities for the provision of protective service under sections 5123.55 to 5123.59 of the Revised Code, appointed by and accountable to the probate court as guardian or trustee with respect to mentally retarded or developmentally disabled persons.

Amended by 128th General Assemblych.54, SB 79, §1, eff. 10/6/2009.

Effective Date: 07-01-1991; 2008 HB499 09-12-2008

### 2109.02 Appointment and duties.

Every fiduciary, before entering upon the execution of a trust, shall receive letters of appointment from a probate court having jurisdiction of the subject matter of the trust.

The duties of a fiduciary shall be those required by law, and such additional duties as the court orders. Letters of appointment shall not issue until a fiduciary has executed a written acceptance of the fiduciary's duties, acknowledging that the fiduciary is subject to removal for failure to perform the fiduciary's duties, and that the fiduciary is subject to possible penalties for conversion of property the fiduciary held as a fiduciary. The written acceptance may be filed with the application for appointment.

No act or transaction by a fiduciary is valid prior to the issuance of letters of appointment to the fiduciary. This section does not prevent an executor named in a will, an executor nominated pursuant to a power as described in section 2107.65 of the Revised Code, or a person with the right of disposition under section 2108.70 or 2108.81 of the Revised Code from paying funeral expenses, or prevent necessary acts for the preservation of the trust estate prior to the issuance of those letters.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012.

Effective Date: 10-14-1983; 10-12-2006

### 2109.04 Bond.

(A)

(1) Unless otherwise provided by law, order, or local rule, every fiduciary, prior to the issuance of the fiduciary's letters as provided by section 2109.02 of the Revised Code, shall file in the probate court in which the letters are to be issued a bond with a penal sum in an amount that is fixed by the court, but in no event less than double the probable value of the personal property and of the annual real property rentals that will come into the possession or under the control of the person as a fiduciary. The bond of a fiduciary shall be in a form approved by the court and signed by two or more personal sureties or by one or more corporate sureties approved by the court. It shall be conditioned that the fiduciary faithfully and honestly will discharge the duties devolving upon the person as fiduciary, and shall be conditioned further as may be provided by law.

(2) Except as otherwise provided in this division, if the instrument creating the trust dispenses with the giving of a bond, the court shall appoint a fiduciary without bond, unless the court is of the opinion that the interest of the trust demands it. If the court is of that opinion, it may require bond to be given in any amount it fixes. If a parent nominates a guardian for the parent's child in a will and provides in the will that the guardian may serve without giving bond, the court may appoint the guardian without bond or require the guardian to give bond in accordance with division (A)(1) of this section.



(3) A guardian of the person only does not have to give bond unless, for good cause shown, the court considers a bond to be necessary. When a bond is required of a guardian of the person only, it shall be determined and filed in accordance with division (A)(1) of this section. This division does not apply to a guardian of the person only nominated in a parent's will if the will provides that the guardian may serve without giving bond.

(4) When the probable value of the personal property and of the annual real property rentals that will come into the possession or under the control of the guardian as a fiduciary is less than ten thousand dollars, the court may waive or reduce a bond required by division (A)(1) of this section.

(B) When an executive director who is responsible for the administration of children services in the county is appointed as trustee of the estate of a ward pursuant to section 5153.18 of the Revised Code and has furnished bond under section 5153.13 of the Revised Code, or when an agency under contract with the department of developmental disabilities for the provision of protective service under sections 5123.55 to 5123.59 of the Revised Code is appointed as trustee of the estate of a ward under sections 5123.55 to 5123.59 of the Revised Code and any employees of the agency having custody or control of funds or property of that ward have furnished bond under section 5123.59 of the Revised Code, the court may dispense with the giving of a bond.

(C) When letters are granted without bond, at any later period on its own motion or upon the application of any party interested, the court may require bond to be given in an amount that is fixed by the court. On failure to give that bond, the defaulting fiduciary shall be removed.

No instrument authorizing a fiduciary whom it names to serve without bond shall be construed to relieve a successor fiduciary from the necessity of giving bond, unless the instrument clearly evidences that intention.

The court that appoints a fiduciary may reduce the amount of the bond of the fiduciary at any time for good cause shown.

When two or more persons are appointed as joint fiduciaries, the court may take a separate bond from each or a joint bond from all.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012.

Amended by 128th General Assemblych.52, SB 79, §1, eff. 10/6/2009.

Effective Date: 09-10-1991

**2109.06 New or additional bond.**

The probate court that appoints a fiduciary may, on its own motion or on the application of any interested party, and after notice to the fiduciary, require a new bond or sureties or an additional bond or sureties whenever, in the opinion of the court, the interests of the trust demand it.

Immediately upon the filing of the inventory by a fiduciary, the court shall determine whether the amount of the bond of the fiduciary is sufficient and shall require new or additional bond if in the opinion of the court the interests of the trust demand it.

When a new bond is required as provided in this section, the sureties in the prior bond shall nevertheless be liable for all breaches of the conditions set forth in the bond that are committed before the new bond is approved by the court.

The court shall remove a fiduciary who fails within the time fixed by the court to furnish new or additional bond or sureties, and the court shall appoint a successor fiduciary.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012.

Effective Date: 10-01-1953

**2109.12 Bond conditions - guardians.**

Any bond required by or pursuant to section 2109.04 of the Revised Code of a guardian shall be conditioned as follows:

(A) If applicable, to make and return to the probate court within the time required by section 2111.14 of the Revised Code a true inventory of all moneys, rights, credits, other personal property, and real property belonging to the ward that come to the guardian's possession or knowledge;

(B) To administer and distribute according to law all moneys, rights, credits, other personal property, and real property belonging to the ward that come to the possession of the guardian or to the possession of any other person for the guardian;

(C) To render a just and true account of the guardian's administration at any times required by or pursuant to section 2109.302 of the Revised Code.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012.

Effective Date: 10-31-2001

**2109.13 Deposit of personal property in lieu of bond.**

In any case in which a bond is required by the probate court from a fiduciary and the value of the estate or fund is such that the court deems it inexpedient to require security in the full amount prescribed by section 2109.04 of the Revised Code, the court may direct the deposit of any suitable personal property belonging to the estate or fund with a bank, savings bank, savings and loan association, credit union, or trust company incorporated under the laws of this state or of the United States, as may be designated by order of the court.

The deposit shall be made in the name of the fiduciary, and the personal property deposited shall not be withdrawn from the custody of the bank, savings bank, association, credit union, or trust company except upon the special order of the court. No fiduciary shall receive or collect the whole or any part of the principal represented by the personal property without the special order of the court. Such an order can be made in favor of the fiduciary only if the court within its discretion, having regard for the purpose for which the order is requested, the disposition to be made of the assets as may be released, the value of the assets as related to the total value of the estate, and the period of time the assets will remain in the possession of the fiduciary, finds that the original bond previously given and then in force will be sufficient to protect the estate; otherwise, the court, as a condition to the release of the personal property deposited, shall require the fiduciary to execute an additional bond in an amount that the court determines.

After the deposit has been made and after the filing with the court of a receipt for the personal property executed by the designated bank, savings bank, association, credit union, or company, which receipt shall acknowledge that the personal property is held by the bank, savings bank, association, credit union, or company subject to the order of the court, the court may fix or reduce the amount of the bond so that the amount of the penalty of the bond is determined with respect to the value of the remainder only of the estate or fund, without including the value of the personal property deposited. Neither the fiduciary nor the fiduciary's sureties shall be liable for any loss to the trust estate resulting from the deposit as is authorized and directed by the court pursuant to this section, if the fiduciary has acted in good faith.

This section may be invoked simultaneously with the initial application for appointment of the fiduciary if an interim receipt of the bank, savings bank, association, credit union, or company for which the application for appointment as depository is being made, acknowledging that it already has received temporary deposit of the personal property described in the application for appointment as depository, accompanies the simultaneous applications for appointment of fiduciary and for appointment of the depository.

Effective Date: 03-23-1981; 04-14-2006



**2109.14 Deposit of works of art in museum authorized - reduction of bond.**

If the estate held by a fiduciary consists in whole or in part of works of nature or of art that are suitable for preservation and exhibition in a museum or other similar institution, the probate court may authorize and direct that any or all of those works be deposited with a corporation conducting the museum or other similar institution; provided that no such deposit shall be authorized or directed except with a corporation having a net worth of at least ten times the value of the works to be deposited. The deposit shall be made in the name of the fiduciary, and the property deposited shall not be withdrawn from the custody of the depository or otherwise deposited except upon the special order of the court. The probate judge may impose any conditions relative to insurance and the care and protection of the property deposited that the court thinks best for the interests of the estate and the beneficiaries of the estate. After the deposit has been made, a receipt for that property executed by that corporation shall be filed with the court, and the receipt shall acknowledge that the property is held by that corporation subject to the order of the court. When the receipt is filed, the court may fix or reduce the amount of the bond so that the amount of the penalty of the bond is determined with respect to the value of the remainder only of the estate or fund, without including the value of the property deposited. Neither the fiduciary nor the fiduciary's sureties shall be liable for any loss to the trust estate resulting from a deposit authorized and directed by the court pursuant to this section, provided the fiduciary has acted in good faith.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012.

Effective Date: 10-01-1953

**2109.15 Informality of bond.**

No bond executed by a fiduciary shall be void or held invalid because of any informality in such bond or because of informality or illegality in the appointment of such fiduciary. Such bond shall have the same effect as if the appointment had been legally made and the bond executed in proper form.

Effective Date: 10-01-1953

**2109.16 One bond for two or more wards.**

When a person is appointed guardian of several minors who are children of the same parentage and inherit from the same estate, separate bonds shall not be required. In such cases, only one application for letters of guardianship is necessary, and the letters issued to such guardian shall be in one copy and not one copy for each minor. The probate court approving and recording the bond of the guardian, if any, and issuing such letters shall charge the fees allowed by section 2101.16 of the Revised Code for such services. Such fees shall be charged but once for all the wards and not once for each ward.

Effective Date: 10-04-1984

**2109.17 Sureties.**

If the bond of a fiduciary is executed by personal sureties, one or more of the sureties shall be a resident of the county in which the fiduciary applies for appointment. The sureties shall own real property worth double the sum to be secured, over and above all encumbrances, and shall have property in this state liable to execution equal to the sum to be secured. If two or more sureties are offered on the same bond, they must have in the aggregate the qualifications prescribed in this section. The sureties shall qualify under oath and may be required to exhibit to the probate court satisfactory evidence of the ownership of the real property.

No corporate surety shall be acceptable on a fiduciary's bond in the probate court unless the surety is acceptable to the United States government on surety bonds in the same amount, as shown by the regulations issued by the secretary of the treasury of the United States, or in any other manner, to the satisfaction of the court. The surety shall also be qualified to do business in this state.

A surety on the bond of a fiduciary shall not be held liable for any debt of the fiduciary to the estate represented by the fiduciary existing at the time the fiduciary was appointed; but the surety shall be liable to the extent that the debt has been made uncollectible by wrongful act of the fiduciary after appointment.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012.

Effective Date: 10-01-1953



**2109.18 Release of a fiduciary's sureties.**

A surety of a fiduciary or the executor or administrator of a surety may make application at any time to the probate court to be released from the bond of such fiduciary. Such surety shall file a written request therefor with the probate judge of such court and give at least five days' notice in writing to such fiduciary. If, upon the hearing, the court is of the opinion that there is good reason therefor, it shall release such surety. The death of a surety shall always be good cause.

A fiduciary may make application at any time to the court for the release of the fiduciary's sureties. Such fiduciary shall file a written request therefor with the judge of such court and give at least five days' notice in writing to such sureties. If, upon the hearing, the court is of the opinion that there is good reason to release such sureties, it shall order the fiduciary to file an account, as provided by section 2109.301, 2109.302, or 2109.303 of the Revised Code, and such sureties shall be released after the fiduciary files a new bond which is approved by the court.

If such fiduciary fails to give new bond as directed, the fiduciary shall be removed and the fiduciary's letters of appointment superseded. Such original sureties shall not be released until the fiduciary gives a bond, but shall be liable for such fiduciary's acts only from the time of executing the original bond to the filing and approval by the court of the new bond.

The costs of such proceeding shall be paid by the surety applying to be released, unless it appears to the court that the fiduciary is insolvent, incompetent, or is wasting the assets of the estate.

Effective Date: 10-31-2001

**2109.19 Bond of indemnity to surety.**

If a fiduciary wastes or unfaithfully administers an estate, on the application of a surety on the fiduciary's bond the probate court granting letters of appointment to the fiduciary may order the fiduciary to render an account and to execute to the surety a bond of indemnity with sureties approved by the court. Upon neglect or refusal to execute the bond within the time ordered, the court may remove the fiduciary, revoke the fiduciary's letters of appointment, and appoint another fiduciary in the fiduciary's place.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012.

Effective Date: 10-01-1953

**2109.20 Guardian may give real property mortgage to secure bond.**

Instead of the sureties required on a guardian's bond by section 2109.04 of the Revised Code, a guardian of the person and estate or of the estate only of any ward may execute to the ward a mortgage upon unencumbered real property. The guardian first shall furnish to the probate court a title guarantee or a mortgagee's title insurance policy for the benefit of the guardianship, with respect to the real property, and it shall be shown to the court's satisfaction that, exclusive of improvements on the real property, the real property is of a value sufficient to secure the bond. The mortgage shall be recorded in the county in which the property is situated and filed with the court.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012.

Effective Date: 10-08-1992

**2109.21 Residence qualifications of fiduciary.**

(A) An administrator, special administrator, administrator de bonis non, or administrator with the will annexed shall be a resident of this state and shall be removed on proof that the administrator is no longer a resident of this state.



(B)

(1) To qualify for appointment as executor or trustee, an executor or a trustee named in a will or nominated in accordance with any power of nomination conferred in a will, may be a resident of this state or, as provided in this division, a nonresident of this state. To qualify for appointment, a nonresident executor or trustee named in, or nominated pursuant to, a will shall be an individual who is related to the testator by consanguinity or affinity, or a person who resides in a state that has statutes or rules that authorize the appointment of a nonresident person who is not related to the testator by consanguinity or affinity, as an executor or trustee when named in, or nominated pursuant to, a will. No such executor or trustee shall be refused appointment or removed solely because the executor or trustee is not a resident of this state.

The court may require that a nonresident executor or trustee named in, or nominated pursuant to, a will assure that all of the assets of the decedent that are in the county at the time of the death of the decedent will remain in the county until distribution or until the court determines that the assets may be removed from the county.

(2) In accordance with this division and section 2129.08 of the Revised Code, the court shall appoint as an ancillary administrator a person who is named in the will of a nonresident decedent, or who is nominated in accordance with any power of nomination conferred in the will of a nonresident decedent, as a general executor of the decedent's estate or as executor of the portion of the decedent's estate located in this state, whether or not the person so named or nominated is a resident of this state.

To qualify for appointment as an ancillary administrator, a person who is not a resident of this state and who is named or nominated as described in this division, shall be an individual who is related to the testator by consanguinity or affinity, or a person who resides in a state that has statutes or rules that authorize the appointment of a nonresident of that state who is not related to the testator by consanguinity or affinity, as an ancillary administrator when the nonresident is named in a will or nominated in accordance with any power of nomination conferred in a will. If a person who is not a resident of this state and who is named or nominated as described in this division so qualifies for appointment as an ancillary administrator and if the provisions of section 2129.08 of the Revised Code are satisfied, the court shall not refuse to appoint the person, and shall not remove the person, as ancillary administrator solely because the person is not a resident of this state.

The court may require that an ancillary administrator who is not a resident of this state and who is named or nominated as described in this division, assure that all of the assets of the decedent that are in the county at the time of the death of the decedent will remain in the county until distribution or until the court determines that the assets may be removed from the county.

(C)

(1) A guardian of the estate shall be a resident of this state, except that the court may appoint a nonresident of this state as a guardian of the estate if any of the following applies:

(a) The nonresident is named in a will by a parent of a minor.

(b) The nonresident is selected by a minor over the age of fourteen years as provided by section 2111.12 of the Revised Code.

(c) The nonresident is nominated in or pursuant to a durable power of attorney under section 1337.24 of the Revised Code or a writing as described in division (A) of section 2111.121 of the Revised Code.

(2) A guardian of the estate, other than a guardian named in a will by a parent of a minor, selected by a minor over the age of fourteen years, or nominated in or pursuant to a durable power of attorney or writing described in division (C)(1)(c) of this section, may be removed on proof that the guardian of the estate is no longer a resident of this state.

(3) The court may appoint a resident or nonresident of this state as a guardian of the person.

(D) Any fiduciary, whose residence qualifications are not defined in this section, shall be a resident of this state, and shall be removed on proof that the fiduciary is no longer a resident of this state.

(E) Any fiduciary, in order to assist in the carrying out of the fiduciary's fiduciary duties, may employ agents who are not residents of the county or of this state.

(F) Every fiduciary shall sign and file with the court a statement of permanent address and shall notify the court of any change of address. A court may remove a fiduciary if the fiduciary fails to comply with this division.

Amended by 129th General Assembly File No.65, SB 117, §1, eff. 3/22/2012.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012.

Amended by 128th General Assembly File No.13, SB 106, §1, eff. 3/23/2010.

Effective Date: 01-14-1997; 2008 SB157 05-14-2008

**2109.24 Resignation or removal of fiduciary.**

The probate court at any time may accept the resignation of any fiduciary upon the fiduciary's proper accounting, if the fiduciary was appointed by, is under the control of, or is accountable to the court. The fiduciary may resign by filing a written statement with the court after giving at least fifteen days notice to the persons known to be interested in the estate. Upon notice or a motion of the fiduciary to resign, the court may set the matter for a hearing and may notify all interested persons. No fiduciary shall resign without an order of the court.

If a fiduciary fails to make and file an inventory as required by sections 2109.58, 2111.14, and 2115.02 of the Revised Code or to render a just and true account of the fiduciary's administration at the times required by section 2109.301, 2109.302, or 2109.303 of the Revised Code, and if the failure continues for thirty days after the fiduciary has been notified by the court of the expiration of the relevant time, the fiduciary may be removed by the court and shall receive no allowance for the fiduciary's services unless the court enters upon its journal its findings that the delay was necessary and reasonable.

The court may remove any fiduciary, after giving the fiduciary not less than ten days' notice, for habitual drunkenness, neglect of duty, incompetency, or fraudulent conduct, because the interest of the property, testamentary trust, or estate that the fiduciary is responsible for administering demands it, or for any other cause authorized by law.

The court may remove a testamentary trustee upon the written application of more than one-half of the persons having an interest in the estate controlled by the testamentary trustee, but the testamentary trustee is not to be considered as a person having an interest in the estate under the proceedings; except that no testamentary trustee appointed under a will shall be removed upon the written application unless for a good cause.

Upon the resignation or removal of the fiduciary, the court shall revoke all letters of authority for the fiduciary.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012.

Effective Date: 10-31-2001; 01-01-2007

**2109.302 Guardian or conservator rendering account.**

(A) Every guardian or conservator shall render an account of the administration of the ward's estate at least once in each two years. The guardian or conservator shall render an account at any time other than a time otherwise mentioned in this section upon the order of the probate court issued for good cause shown either at its own instance or upon the motion of any person interested in the estate. Except as provided in division (B) of this section, every guardian or conservator shall render a final account within thirty days after completing the administration of the ward's estate or within any other period of time that the court may order.

Every account shall include an itemized statement of all receipts of the guardian or conservator during the accounting period and of all disbursements and distributions made by the guardian or conservator during the accounting period. The itemized disbursements and distributions shall be verified by vouchers or proof, except in the case of an account rendered by a corporate fiduciary subject to section 1111.28 of the Revised Code. In addition, the account shall include an itemized statement of all funds, assets, and investments of the estate known to or in the possession of the guardian or conservator at the end of the accounting period and shall show any changes in investments since the last previous account.

Every account shall be upon the signature of the guardian or conservator. When two or more guardians or conservators render an account, the court may allow the account upon the signature of one of the guardians or conservators.



Upon the filing of every account, the guardian or conservator, except a corporate fiduciary subject to section 1111.28 of the Revised Code, shall exhibit to the court for its examination both of the following: the securities shown in the account as being in the possession or under the control of the guardian or conservator, or the certificate of the person in possession of the securities, if held as collateral or pursuant to section 2109.13 or 2131.21 of the Revised Code; and a passbook or certified bank statement showing as to each depository the fund deposited to the credit of the ward's estate. The court may designate a deputy clerk, an agent of a corporate surety on the bond of the guardian or conservator, or another suitable person whom the court appoints as commissioner to make the examination and to report the person's findings to the court. If securities are located outside the county, the court may appoint a commissioner or request another probate court to make the examination and to report its findings to the court. The court may examine the guardian or conservator under oath concerning the account.

If a guardian or conservator is authorized by law to distribute the assets of the estate, in whole or in part, the guardian or conservator may do so and include a report of the distribution in the guardian's or conservator's succeeding account.

(B)

(1) The court may waive, by order, an account that division (A) of this section requires of a guardian of the estate or of a guardian of the person and estate, other than an account made pursuant to court order, if any of the following circumstances apply:

(a) The assets of the estate consist entirely of real property.

(b) The assets of the estate consist entirely of personal property, that property is held by a bank, savings and loan association, or trust company in accordance with section 2109.13 of the Revised Code, and the court has authorized expenditures of not more than ten thousand dollars annually for the support, maintenance, or, if applicable, education of the ward.

(c) The assets of the estate consist entirely of real property and of personal property that is held by a bank, savings and loan association, or trust company in accordance with section 2109.13 of the Revised Code, and the court has authorized expenditures of not more than ten thousand dollars annually for the support, maintenance, or, if applicable, education of the ward.

(2) The order of a court entered pursuant to division (B)(1) of this section is prima-facie evidence that a guardian of the estate or a guardian of the person and estate has authority to make expenditures as described in divisions (B)(1)(b) and (c) of this section.

(3) Notwithstanding the requirements for accounts by other guardians under this section, a guardian of the person is not required to render an account except upon an order of the court that the court issues for good cause shown either at its own instance or upon the motion of any person interested in the estate.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012.

Effective Date: 10-31-2001

### **2109.31 Citation to fiduciary to file account.**

(A) If a fiduciary neglects or refuses to file an account, inventory, certificate of notice of probate of will, or report when due according to section 2107.19, 2109.30, 2111.49, or 2115.02 of the Revised Code or when ordered by the probate court, the court at its own instance may issue, and on the application of any interested party or of any of the next of kin of any ward shall issue, a citation as described in division (B) of this section to such fiduciary pursuant to Civil Rules 4.1 to 4.6 to compel the filing of the overdue account, inventory, certificate of notice of probate of will, or report.

(B) The citation that is required by division (A) of this section may contain any of the following:

(1) A statement that the particular account, inventory, certificate of notice of probate of will, or report is overdue;



(2) An order to the fiduciary to file the account, inventory, certificate of notice of probate of will, or report, or otherwise to appear before the court on a specified date;

(3) A statement that, upon the issuance of the citation, a continuance to file the account, inventory, certificate of notice of probate of will, or report may be obtained from the court only on or after the date specified pursuant to division (B)(2) of this section.

(C) If a citation is issued to a fiduciary in accordance with divisions (A) and (B) of this section and if the fiduciary fails to file the account, inventory, certificate of notice of probate of will, or report prior to the appearance date specified in the citation, the court may order, on that date, one or more of the following:

(1) The removal of the fiduciary;

(2) A denial of all or part of the fees to which the fiduciary otherwise would be entitled;

(3) A continuance of the time for filing the account, inventory, certificate of notice of probate of will, or report;

(4) An assessment against the fiduciary of a penalty of one hundred dollars and costs of twenty-five dollars for the hearing, or a suspension of all or part of the penalty and costs;

(5) That the fiduciary is in contempt of the court for the failure to comply with the citation and that a specified daily fine, imprisonment, or daily fine and imprisonment may be imposed against the fiduciary, beginning with the appearance date, until the account, inventory, certificate of notice of probate of will, or report is filed with the court;

(6) If the fiduciary does not appear in the court on the specified appearance date, that the fiduciary is in contempt of the court for the failure to comply with the citation, and that one of the following may occur:

(a) The fiduciary shall be taken into custody by the sheriff or a deputy sheriff and brought before the court.

(b) The fiduciary shall appear before the court on a specified date or otherwise be taken into custody by the sheriff or a deputy sheriff and brought before the court.

(D) The assessments, fines, and other sanctions that the court may impose upon a fiduciary pursuant to this section may be imposed only upon a fiduciary and shall not be imposed upon the surety of any fiduciary.

Effective Date: 10-31-2001

### **2109.32 Hearing on fiduciary's account.**

(A) Every fiduciary's account required by section 2109.301, 2109.302, or 2109.303 of the Revised Code shall be set for hearing before the probate court. The hearing on the account shall be set not earlier than thirty days after the filing of the account.

At the hearing upon an account required by section 2109.302 or 2109.303 of the Revised Code and, if ordered by the court, upon an account required by section 2109.301 of the Revised Code, the court shall inquire into, consider, and determine all matters relative to the account and the manner in which the fiduciary has executed the fiduciary's trust, including the investment of trust funds, and may order the account approved and settled or make any other order that the court considers proper. If, at the hearing upon an account, the court finds that the fiduciary has fully and lawfully administered the estate or trust and has distributed the assets of the estate or trust in accordance with the law or the instrument governing distribution, as shown in the account, the court shall order the account approved and settled and may order the fiduciary discharged. Upon approval of a final and distributive account required by division (B)(1) of section 2109.301 of the Revised Code, the court may order the surety bond for the fiduciary terminated. Unless otherwise ordered by the court, the fiduciary shall be discharged without further order twelve months following the approval of the final and distributive account.



(B)

(1) An administrator or executor filing an account pursuant to section 2109.301 of the Revised Code shall provide at the time of filing the account a copy of the account to each heir of an intestate estate or to each beneficiary of a testate estate. An administrator or executor is not required to provide a copy of the account to any of the following:

(a) An heir or a beneficiary whose residence is unknown;

(b) A beneficiary of a specific bequest or devise who has received the beneficiary's distribution and for which a receipt has been filed or exhibited with the court.

(2) An administrator or executor filing an account pursuant to section 2109.301 of the Revised Code shall file with the probate court a certificate of service of account prior to or simultaneously with the filing of the account.

(3) The probate court shall not approve the final account of any executor or administrator until the following events have occurred:

(a) Three months have passed since the death of the decedent.

(b) The surviving spouse has filed an election to take under or against the will, or the time for making the election has expired.

(4) If an administrator or executor learns of the existence of newly discovered assets after the filing of the final account or otherwise comes into possession of assets belonging to the estate after the filing of the final account, the executor or administrator shall file a supplemental final account with respect to the disposition of the assets and shall provide a copy of the supplemental final account to each heir of an intestate estate or to each beneficiary of a testate estate, as provided in division (B)(1) of this section and subject to the exceptions specified in divisions (B)(1)(a) and (b) of this section.

(C) The rights of any person with a pecuniary interest in the estate are not barred by approval of an account pursuant to divisions (A) and (B) of this section. These rights may be barred following a hearing on the account pursuant to section 2109.33 of the Revised Code.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012.

Effective Date: 04-08-2004

**2109.58 Inventory by fiduciary.**

Each fiduciary as to whom definite provision is not made in sections 2111.14 and 2115.02 of the Revised Code shall make and file within three months after the fiduciary's appointment a full inventory of the real and personal property to be entrusted with the fiduciary, its value, and the value of the yearly rent of the real property.

Except as provided by section 2115.16 of the Revised Code, exceptions to the inventory of a fiduciary may be filed at any time within six months after the return of the inventory by any person interested in the entrusted property or in any of the property included in the inventory, but the six-month period shall not apply in case of fraud or concealment of assets. At the hearing, the fiduciary and any witness may be examined under oath. The probate court shall enter its finding on the journal and tax the costs as may be equitable.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012.

Effective Date: 10-08-1992

## Chapter 2111: GUARDIANS; CONSERVATORSHIPS

### 2111.03 Application for appointment as guardian.

A person applying for appointment as a guardian, including, but not limited to, as a limited guardian, pursuant to section 2111.02 of the Revised Code, shall file with the probate court an application that contains a statement of the whole estate of the ward, its probable value, and the probable annual rents of the ward's real property, and that also contains the following:

(A) A statement whether the applicant ever has been charged with or convicted of any crime involving theft, physical violence, or sexual, alcohol, or substance abuse, and, if the applicant has been so charged or convicted, the date and place of each charge and each conviction;

(B) A statement whether a limited guardianship is sought and, if sought, a specification of the limited powers that are requested and a statement whether the limited guardianship is to be for a definite or indefinite period;

(C) In the case of an application for the appointment of a guardian of a minor, all of the following:

(1) Name, age, and residence of the minor;

(2) Name and residence of each parent of the minor;

(3) Name, degree of kinship, age, and address of next of kin of the minor, if no parent is living or if a parent of the minor is absent, under disability, or for other reason cannot be notified;

(4) Name and residence address of the person having custody of the minor.

(D) In the case of an application for the appointment of a guardian of an alleged incompetent, all of the following:

(1) Name, age, and residence of the person for whom such appointment is sought;

(2) Facts upon which the application is based;

(3) Name, degree of kinship, age, and address of the next of kin of the alleged incompetent.

The court, on its own motion, shall proceed as provided in this chapter, upon suggestion by the bureau of workers' compensation that any person who has made application for or been awarded compensation or death benefits as an employee or the dependent of a killed employee is a minor or incompetent. In that case, no application need be filed and the bureau shall furnish the court with the name and residence of such person and the name, degree of kinship, age, and address of the father, mother, or next of kin of such person insofar as known by the bureau.

Effective Date: 10-08-1992

### 2111.05 Termination of guardianship based on value of ward's estate.

When the whole estate of a ward does not exceed twenty-five thousand dollars in value, the guardian may apply to the probate court for an order to terminate the guardianship. Upon proof that it would be for the best interest of the ward to terminate the guardianship, the court may order the guardianship terminated, and direct the guardian, if the ward is a minor, to deposit the assets of the guardianship in a depository authorized to receive fiduciary funds, payable to the ward when the ward attains majority, or the court may authorize the delivery of the assets to the natural guardian of the minor, to the person by whom the minor is maintained, to the executive director of children services in the county, or to the minor's own self.



If the ward is an incompetent, and the court orders the guardianship terminated, the court may authorize the deposit of the assets of the guardianship in a depository authorized to receive fiduciary funds in the name of a suitable person to be designated by the court, or if the assets do not consist of money, the court may authorize delivery to a suitable person to be designated by the court. The person receiving the assets shall hold and dispose of them in the manner the court directs.

If the court refuses to grant the application to terminate the guardianship, or if no such application is presented to the court, the guardian only shall be required to render account upon the termination of the guardianship, upon order of the probate court made upon its own motion, or upon the order of the court made on the motion of a person interested in the wards or their property, for good cause shown, and set forth upon the journal of the court.

If the estate is twenty-five thousand dollars or less and the ward is a minor, the court, without the appointment of a guardian by the court, or the giving of bond, may authorize the deposit in a depository authorized to receive fiduciary funds, payable to the guardian when appointed, or to the ward when the ward attains majority, or the court may authorize delivery to the natural guardian of the minor, to the person by whom the minor is maintained, to the executive director who is responsible for the administration of children services in the county, or to the minor's own self.

If the whole estate of a person over eighteen years of age, who has been adjudged incompetent, does not exceed twenty-five thousand dollars in value, the court, without the appointment of a guardian by the court or the giving of bond, may authorize the deposit of the estate in a depository authorized to receive fiduciary funds in the name of a suitable person to be designated by the court, or if the assets do not consist of money, the court may authorize delivery to a suitable person to be designated by the court. The person receiving the assets shall hold and dispose of them in the manner the court directs.

Amended by 128th General Assembly File No.13, SB 106, §1, eff. 3/23/2010.

Effective Date: 09-10-1991

#### **2111.06 Guardian of the person.**

If the powers of the person appointed as guardian of a minor or incompetent are not limited by the order of appointment, the person shall be guardian both of the person and estate of the ward. In every instance the court shall appoint the same person as guardian of the person and estate of the ward, unless in the opinion of the court the interests of the ward will be promoted by the appointment of different persons as guardians of the person and of the estate.

A guardian of the person of a minor shall be appointed as to a minor having no father or mother, whose parents are unsuitable persons to have the custody of the minor and to provide for the education of the minor as required by section 3321.01 of the Revised Code, or whose interests, in the opinion of the court, will be promoted by the appointment of a guardian. A guardian of the person shall have the custody and provide for the maintenance of the ward, and if the ward is a minor, the guardian shall also provide for the education of the ward as required by section 3321.01 of the Revised Code.

Before exercising its jurisdiction to appoint a guardian of a minor, the court shall comply with the jurisdictional standards of sections 3127.01 to 3127.53 of the Revised Code.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012.

Effective Date: 10-25-1977; 04-11-2005

**2111.07 Powers of guardian of person and estate.**

Each person appointed guardian of the person and estate of a minor shall have the custody of the ward, the obligation to provide for the education of the ward as required under section [3321.01](#) of the Revised Code, and the management of the ward's estate during minority, unless the guardian is removed or discharged from that trust or the guardianship terminates from any of the causes specified in Chapters 2101. to 2131. of the Revised Code.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012.

Effective Date: 10-01-1953

**2111.09 Administrator or executor ineligible to be appointed guardian.**

Unless expressly appointed or designated to act both as guardian and executor by a will in writing, no person who is or has been an administrator or executor of a will shall, prior to the approval of the person's final account as executor or administrator, be appointed a guardian of the person and estate or of the estate only of a ward who is interested in the estate administered upon or entitled to an interest under the will, except that a surviving spouse may be executor or administrator of the deceased spouse's estate and also guardian of the person and estate or of the estate only of a minor child of the surviving spouse, whether or not the minor child is interested in the estate of the deceased spouse. However, an executor or an administrator may be appointed a guardian of the person only of a ward.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012.

Effective Date: 09-04-1957

**2111.121 Nomination of guardian.**

(A) A person may nominate in a writing, as described in this division, another person to be the guardian of the nominator's person, estate, or both or the guardian of the person, the estate, or both, of one or more of the nominator's minor or incompetent adult children, whether born at the time of the execution of the writing or afterward, subject to notice and a hearing pursuant to section 2111.02 of the Revised Code. The nomination is for consideration by a court if proceedings for the appointment of a guardian of the person, the estate, or both, for the person making the nomination or if proceedings for the appointment of a guardian as the guardian of the person, the estate, or both of one or more of the nominator's minor or incompetent adult children are commenced at a later time. The person may authorize, in a writing of that nature, the person nominated as guardian to nominate a successor guardian for consideration by a court. The person also may direct, in a writing of that nature, that bond be waived for a person nominated as guardian in it or nominated as a successor guardian in accordance with an authorization in it.

To be effective as a nomination, the writing shall be signed by the person making the nomination in the presence of two witnesses; signed by the witnesses; and contain, immediately prior to their signatures, an attestation of the witnesses that the person making the nomination signed the writing in their presence; or be acknowledged by the person making the nomination before a notary public.

(B) A person's nomination, in a writing as described in division (A) of this section, of a guardian of the nominator's person, estate, or both or of a guardian of the person, the estate, or both of one or more of the nominator's minor children or incompetent adult children is revoked by the person's subsequent nomination, in a writing as described in division (A) of this section, of a guardian of the nominator's person, estate, or both or of a guardian of the person, the estate, or both of one or more of the nominator's minor children or incompetent adult children, and, except for good cause shown or disqualification, the court shall make its appointment in accordance with the person's most recent nomination. If the writing contains a



waiver of bond, the court shall waive bond of the person nominated as guardian unless it is of the opinion that the interest of the trust demands it.

(C) Nomination of a person as a guardian or successor guardian of the person, the estate, or both of one or more of the nominator's minor or incompetent adult children under division (A) of this section, and any subsequent appointment of the guardian or successor guardian as guardian under section 2111.02 of the Revised Code, does not vacate the jurisdiction of any other court that previously may have exercised jurisdiction over the person of the minor or incompetent adult child.

(D) The writing containing the nomination of a person to be the guardian of the person, the estate, or both of one or more of the nominator's minor or incompetent adult children under division (A) of this section may be filed with the probate court for safekeeping, and the probate court shall designate the nomination as the nomination of a standby guardian.

Amended by 130th General Assembly File No. 52, HB 126, §1, eff. 3/20/2014. Amended by 129th General Assembly File No.169, HB 247, §1, eff.3/22/2013. Amended by 129th General Assembly File No.65, SB 117, §1, eff. 3/22/2012. Effective Date: 01-14-1997; 2008 SB157 05-14-2008

**2111.14 Duties of guardian of estate.**

(A) In addition to a guardian's other duties, every guardian appointed to take care of the estate of a ward shall have the following duties:

(1) To make and file within three months after the guardian's appointment a full inventory of the real and personal property of the ward, its value, and the value of the yearly rent of the real property, provided that, if the guardian fails to file the inventory for thirty days after having been notified of the expiration of the time by the probate judge, the judge shall remove the guardian and appoint a successor;

(2) To manage the estate for the best interest of the ward;

(3) To pay all just debts due from the ward out of the estate in the possession or under the control of the guardian, collect all debts due to the ward, compound doubtful debts, and appear for and defend, or cause to be defended, all suits against the ward;

(4) To obey all orders and judgments of the courts touching the guardianship;

(5) To bring suit for the ward when a suit is in the best interests of the ward;

(6) To settle and adjust, when necessary or desirable, the assets that the guardian may receive in kind from an executor or administrator to the greatest advantage of the ward. Before a settlement and adjustment is valid and binding, it shall be approved by the probate court and the approval shall be entered on its journal. The guardian also shall have the approval of the probate court to hold the assets as received from the executor or administrator or to hold what may be received in the settlement and adjustment of those assets.

(B) No guardian appointed to take care of the estate of a ward may open a safety deposit box held in the name of the ward, until the contents of the box have been audited by an employee of the county auditor in the presence of the guardian and until a verified report of the audit has been filed by the auditor with the probate court. The court then shall issue a release to the guardian permitting the guardian to have access to the safety deposit box of the ward.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012. Effective Date: 10-08-1992



**2111.141 Inventory to be supported by evidence.**

The court, by order or rule, may require that any inventory filed by a guardian pursuant to section 2111.14 of the Revised Code be supported by evidence that the inventory is a true and accurate inventory of the estate of the ward of the guardian. The evidence may include, but is not limited to, prior income tax returns, bank statements, and social security records of the ward or other documents that are relevant to determining the accuracy of the inventory. In order to verify the accuracy of an inventory, the court may order a guardian to produce any additional evidence that may tend to prove that the guardian is in possession of or has knowledge of assets that belong to the estate of the ward and that have not been included in the guardianship inventory. The additional evidence may include, but is not limited to, the guardian's income tax returns and bank statements and any other documents that are relevant to determining the accuracy of an inventory. The court may assign court employees or appoint an examiner to verify an inventory filed by a guardian. Upon appointment, the assigned court employees or appointed examiner shall conduct an investigation to verify the accuracy of the inventory filed by the guardian. Upon order of the court, the assigned court employees or appointed examiner may subpoena any documents necessary for the investigation. Upon completion of the investigation, the assigned court employees or appointed examiner shall file a report with the court. The court shall hold a hearing on the report with notice to all interested parties. At the hearing, the guardian shall have the right to examine and cross-examine any assigned court employees or appointed examiner who conducted the investigation and filed the report that is the subject of the hearing. The court shall charge any costs associated with the verification of an inventory filed by a guardian against the estate of the ward, except that, if the court determines that the guardian wrongfully withheld, or aided in the wrongful withholding, of assets from the inventory filed by the guardian, the court shall charge the costs against the guardian.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012.

Effective Date: 01-01-1990

**2111.15 Duties of guardian of person and estate.**

When a person is appointed to have custody of the person and to take charge of the estate of a ward, such person shall have all the duties required of a guardian of the estate and of a guardian of the person.

Effective Date: 10-01-1953

**2111.151 Liability of guardian or conservator as to contracts and debts.**

(A) If a guardian of the estate, a guardian of the person and estate, a guardian of the person, or a conservator enters into a contract in the representative capacity of the guardian or conservator, if the contract is within the authority of the guardian or conservator, and if the guardian or conservator discloses in the contract that it is being entered into in the representative capacity of the guardian or conservator, the guardian or conservator is not personally liable on the contract, unless the contract otherwise specifies. If the words "guardian," "as guardian," "conservator," "as conservator," or any other word or words indicating representative capacity as a guardian of the estate, a guardian of the person and estate, a guardian of the person, or a conservator are included in a contract following the name or signature of the guardian or conservator, the inclusion is sufficient disclosure for purposes of this division that the contract is being entered into in the guardian's representative capacity as guardian of the estate, guardian of the person and the estate, or guardian of the person or is being entered into in the conservator's representative capacity as conservator.

(B) A guardian of the estate, a guardian of the person and estate, a guardian of the person, or a conservator is not personally liable for any debt of the ward or, in the case of a conservator, the physically infirm, competent adult, unless one or more of the following applies:



- (1) The guardian or conservator agrees to be personally responsible for the debt.
- (2) The debt was incurred for the support of the ward or the physically infirm, competent adult, and the guardian or conservator is liable for that debt because of another legal relationship that gives rise to or results in a duty of support relative to the ward or the physically infirm, competent adult.
- (3) The negligence of the guardian or conservator gave rise to or resulted in the debt.
- (4) An act of the guardian or conservator that was beyond the guardian's or conservator's authority gave rise to or resulted in the debt.

Effective Date: 10-01-1996

#### **2111.17 Suits by guardians.**

A guardian may sue in the guardian's own name, describing the guardian as suing on behalf of the ward. When the guardianship ceases, actions or proceedings then pending shall not abate, if the right survives. The guardian's successor as guardian, the executor or administrator of the ward, or the ward, if the guardianship has terminated other than by the ward's death, shall be made party to the suit or other proceeding as the case requires, in the same manner an executor or administrator is made a party to a similar suit or proceeding if the plaintiff dies during its pendency.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012. Effective Date: 10-01-1953

#### **2111.18 Claim for injury to ward or damage to property - settlement.**

If personal injury, damage to tangible or intangible property, or damage or loss on account of personal injury or damage to tangible or intangible property is caused to award by wrongful act, neglect, or default that would entitle the ward to maintain an action and recover damages for the injury, damage, or loss, and when any ward is entitled to maintain an action for damages or any other relief based on any claim or is subject to any claim to recover damages or any other relief based on any claim, the guardian of the estate of the ward may adjust and settle the claim with the advice, approval, and consent of the probate court. If it is proposed that a claim be settled for the net amount of twenty-five thousand dollars or less after payment of fees and expenses as allowed by the court, the court, upon application by any suitable person whom the court may authorize to receive and receipt for the settlement, may authorize the settlement without the appointment of a guardian and authorize the delivery of the moneys as provided in section 2111.05 of the Revised Code. The court may authorize the person receiving the moneys to execute a complete release on account of the receipt. The payment shall be a complete and final discharge of that claim. In the settlement, if the ward is a minor, the parent or parents of the minor may waive all claim for damages on account of loss of service of the minor, and that claim may be included in the settlement.

Amended by 128th General Assembly File No.13, SB 106, §1, eff. 3/23/2010.

Effective Date: 05-31-1990

#### **2111.19 Completion of real property contracts.**

A guardian, whether appointed by a court in this state or elsewhere, may complete the contracts of the ward for the purchase or sale of real property or any authorized contract relating to real property entered into by a guardian who has died or been removed. The appointed guardian shall proceed in the manner provided by sections 2113.48 to 2113.50 of the Revised Code.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012. Effective Date: 10-05-1961



**2111.20 Sale of personal estate.**

The guardian of the person and estate, or of the estate only, may sell all or any part of the personal property of the ward if the sale is for the interest of the ward.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012. Effective Date: 10-01-1953

**2111.21 Sale, compromise, adjustment, or mortgage of dower.**

The guardian of a ward who has or is claimed to have a right of dower, or a contingent right to it, in real property of which the spouse of the ward was or is seized as an estate of inheritance, if the dower has not been assigned, may sell, compromise, or adjust the dower or may release the contingent right of dower in the event the spouse of the ward desires to mortgage the property upon the terms that the guardian considers for the interest of the ward and upon the terms that the probate court of the county in which the guardian was appointed approves, or if the guardian was appointed to a foreign state, upon the terms that the probate court of the county in which the real property is situated approves. After the approval, the guardian may execute and deliver all the necessary deeds, mortgages, releases, and agreements for the sale, compromise, assignment, or mortgage of the dower or contingent right to dower. As a basis for computing the value of an inchoate dower right in any sale, compromise, or adjustment pursuant to this section, the value of the real property may be considered to be the sale price or, if there is no sale, the appraised value. The sale, compromise, adjustment, or mortgage may be made upon application and entry in the pending proceedings.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012. Effective Date: 10-01-1953

**2111.22 Release of ward's tax title by guardian.**

When a ward has title to real property by tax title only, the guardian, by deed of release and quitclaim, may convey the ward's interest or title to the person entitled to redeem the real property, upon receiving from that person the amount paid for the tax title with the forfeiture and interest allowed by sections 319.52 and 323.121 of the Revised Code. If the guardian tenders that deed to the person entitled to redeem the real property and the person so entitled refuses to accept and pay for it, the person entitled shall not recover costs in any proceeding thereafter instituted to redeem the real property.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012. Effective Date: 09-21-1982

**2111.24 Insolvency of ward.**

If the probate court finds that the estate of a ward is insolvent or will probably be insolvent, such estate shall be settled by the guardian in like manner as for the settlement of the insolvent estate of a deceased person under section 2117.15 of the Revised Code.

Effective Date: 10-01-1953

**2111.25 Lease for not more than three years.**

A guardian of the person and estate or of the estate only, without application to the probate court, may lease the possession or use of any real property of the ward for a term not exceeding three years, provided the term does not extend beyond the minority, if the ward is a minor. If the lease extends beyond the death of the ward or beyond the removal of the disability of a ward other than a minor, the lease shall terminate on that death or removal of disability, unless confirmed by the ward or the ward's legal representatives. In the event of such determination, the tenant shall have a lien on the premises for any sum expended by the tenant in pursuance of the lease in making improvements for which compensation was not made in rent or otherwise.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012. Effective Date: 10-01-1953



**2111.26 Lease for term of years.**

A guardian may lease the possession and use of the real property of the guardian's ward or any part of it for a term of years, renewable or otherwise, by perpetual lease, with or without the privilege of purchase, or may lease upon the terms and for the time that the probate court approves any lands belonging to the ward containing coal, gypsum, petroleum oil, natural gas, gravel, stone, or any other mineral substance for the purpose of drilling, mining, or excavating for and removing any of those substances, or the guardian may modify or change in any respect any lease previously made.

The lease, or modification or change in a lease previously made, may be made when the guardian of the person and estate or of the estate only applies to the court by which the guardian was appointed and the court finds that the lease or modification or change is necessary for the support of the ward or of the ward's family, for the payment of the just debts of the ward, for the ward's education, if a minor, to secure the improvement of the real property of the ward and increase the rent, to pay any liens or claims against the real property, if the court finds that the real property is suffering unavoidable waste, or that in any other respect it will be for the best interests of the ward or those persons for whom the ward is required by law to provide.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012. Effective Date: 10-01-1953

**2111.27 Petition.**

A guardian's application for authority to lease real property of a ward shall be by petition setting forth the following:

- (A) The legal capacity of the petitioner;
- (B) The name of the ward, the character of the ward's disability, and if it is incompetence, whether the disability is curable or not, temporary, or confirmed, and its duration;
- (C) The number, names, ages, and residence of the family of the ward, including the spouse and those residents of the county who have the next estate of inheritance from the ward, all of whom, as well as the ward, shall be made defendants;
- (D) The indebtedness of the ward, the expense of supporting and maintaining the ward, the expense of educating the ward if the ward is a minor, and any other expense of the ward;
- (E) The value of all the property and effects of the ward including the real property proposed to be leased;
- (F) The income of the ward and the net annual value to the ward of the real property proposed to be leased;
- (G) A description of the real property proposed to be leased and the probable amount for which the real property can be leased;
- (H) A detailed statement of the improvements proposed to be made to the real property sought to be leased;
- (I) The reasons for the proposed lease and the terms, covenants, conditions, and stipulations of the proposed lease, including the time for which it is proposed the real property should be leased;
- (J) Any other facts necessary to apprise the court fully of the necessity or benefit to the ward or the estate of the proposed lease, or any other facts that may be required by the court;
- (K) A prayer for the proper authority.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012. Effective Date: 10-01-1953

**2111.28 Parties.**

In an application for authority to lease real property of a ward under sections 2111.26 and 2111.27 of the Revised Code, the guardian may act for two or more wards and two or more guardians of different wards may unite if all the wards are jointly or in common interested in the real property. If the same person is guardian of two or more wards owning lands in common, the wards may be joined as defendants in the same petition under section 2111.27 of the Revised Code.

The ward's spouse shall be made a defendant to the petition, and if the proposed lease is for the purpose of mining or removing mineral or other substances and the spouse files an answer consenting to the lease, free and discharged of all right and expectancy of dower, the answer shall be a full release of the spouse's expectancy of dower when the lease is confirmed. Unless in the answer an allowance in lieu of dower is waived, the court shall allow, out of the proceeds of the lease, a sum in money that is the just and reasonable value of the expectancy of dower.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012. Effective Date: 10-01-1953

**2111.29 Parties and proceedings.**

When a guardian files an application for authority to lease the real property of a ward, the same rules shall apply as to the parties and, upon the filing of the petition described in section 2111.27 of the Revised Code, similar proceedings shall be had as in an action to sell real property belonging to the ward under sections 2127.01 to 2127.43 of the Revised Code, including services of summons, notice, appraisal, pleading, rule days, and proof.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012. Effective Date: 10-01-1953

**2111.30 Duties of appraisers.**

When a guardian applies for authority to lease the real property of a ward, the duties of the appraisers shall be the same as in proceedings to sell real property belonging to the ward under sections 2127.22 and 2127.23 of the Revised Code, except that they shall appraise not only the value of the real property but also the value of the annual rental upon the terms, covenants, conditions, and stipulations of the proposed lease. If the proposed lease is for the mining or removal of mineral or other substances, the appraisers shall report in writing to the probate court their opinion as to the probability of the lands containing those substances, the probable quantity of the substances, and the terms upon which it would be advantageous to the ward to lease the lands for mining or removing the substances. In their report the appraisers shall state whether in their opinion, the proposed lease will be for the best interests of the ward, those whom the ward is required by law to support, or the estate. They may also suggest any change in the terms, covenants, and stipulations proposed in the petition. The report of the appraisers shall be returned on or before the day named in the order for the final hearing of the case. On the return of the appraisal, the guardian need not give an additional bond, but in case of sale under the terms of the lease, the guardian shall give the additional bond before the confirmation of the sale.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012. Effective Date: 10-01-1953



**2111.31 Hearing and order.**

If the report of the appraisers under section 2111.30 of the Revised Code is favorable to the lease and on the final hearing the court is of the opinion that it will be to the advantage of the ward, those whom the ward is required by law to support, or the estate to lease the real property, the probate court shall make an order authorizing the lease to be made by public or private letting, as it considers best, on the terms, covenants, conditions, and stipulations, either in accordance with those set forth in the petition or otherwise, that it directs, provided the terms, covenants, conditions, and stipulations are not less favorable to the ward than those reported by the appraisers. The lease shall not take effect until the lease and the security, if any, prescribed in the lease are approved and confirmed.

The lease made pursuant to the court order may provide that the improvements shall be made by the tenant as part of the rent, or by the guardian, either out of the rent or other means of the ward as the court directs.

If the lease is for the mining or removal of mineral or other substances and the guardian is unable to lease the lands upon the terms ordered, the guardian may report the fact to the court and the court may change the terms of leasing, but not below the customary royalty in the vicinity of the lands.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012. Effective Date: 10-01-1953

**2111.32 Royalty.**

If the lease made pursuant to court order, under section 2111.31 of the Revised Code is for the mining or removal of mineral or other substances on a royalty basis, within six months after the receipt of the first royalty under such lease the guardian shall report to the probate court the amount thereof and the court shall then fix a bond which will cover such royalty. At any time the court deems the bond insufficient to secure the royalty, it may increase such bond or require a new one.

Effective Date: 10-01-1953

**2111.33 Guardian may improve real property - petition.**

(A) A guardian may use the moneys and personal property of the guardian's ward to improve the ward's real property. The guardian shall file in the probate court in which the guardian was appointed a petition containing the following:

- (1) A description of the premises to be improved;
- (2) The amount of rent the premises yield at the time the petition is filed;
- (3) In what manner the improvement is proposed to be made;
- (4) The proposed expenditures for the improvement;
- (5) The rent the premises will probably yield when so improved;
- (6) A statement of the value of the ward's personal property;
- (7) Other facts that are pertinent to the question whether the improvement should be made;
- (8) A prayer that the guardian be authorized to use so much of the ward's money and personal property that is necessary to make the improvement;
- (9) The character of the disability of the ward, and if it is incompetency, whether the disability is curable or not, temporary, or confirmed, and its duration;

(10) The names, ages, and residence of the family of the ward, including the spouse and those known to be residents of the county who have the next estate of inheritance from the ward. All of those persons, as well as the ward, shall be made defendants and notified of the pendency and prayer of the petition in the manner that the court directs.

(B) If the property is so situated that, to the best interests of the ward's estate, it can be advantageously improved in connection with the improvement of property adjacent to it, the petition shall show this and have a prayer to so improve the property.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012. Effective Date: 10-25-1961

**2111.34 Proceedings.**

Upon the filing of the petition described in section 2111.33 of the Revised Code, similar proceedings shall be had as to pleadings and proof as on petition by a guardian to sell the real property of a ward under sections 2127.01 to 2127.43 of the Revised Code. The probate court shall appoint three disinterested freeholders of the county as commissioners to examine the premises to be improved, to examine the surroundings, and to report to the court their opinion whether the improvement proposed will be advantageous to the estate of the ward.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012. Effective Date: 10-01-1953

**2111.35 Amount to be used for improvement.**

On the final hearing of a guardian's proceeding to improve the real property of the guardian's ward, if the prayer of the petition is granted, the probate court shall fix the amount of money and personal property that may be used in making the improvement. The court may authorize the guardian to unite with the owners of adjacent property, upon equitable terms and conditions that the court approves, for the improvement of the premises of the ward and for the proper management and repair of the property when so improved.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012. Effective Date: 10-01-1953

**2111.36 Guardian's report.**

A guardian shall distinctly report to the probate court the amount of money and personal property expended in making an improvement to the ward's real property under section 2111.35 of the Revised Code, within forty days after the improvement is completed. If the ward dies before the removal of the disability and there are heirs who inherit real property only from the ward, the money expended shall descend and pass in the same manner as the ward's other personal property and shall be a charge on the premises improved in favor of the heirs who inherit the personal property.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012. Effective Date: 10-08-1992









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