

BUTLER COUNTY PROBATE COURT

Procedure for: Application to Extend Administration [R.C. 2109.301, Sup. R. 78(B) and (C)]

Standard Probate Form Number: 13.8

Date Last Reviewed: 12/22/2017

This form is to be used if a statutory reason applies; extends the time to file a final account to 13 months.

- Is there a statutory reason for extending administration?
 - An Ohio estate tax return must be filed for the estate.
 - A proceeding contesting the validity of the decedent's will pursuant to section 2107.71¹ of the Revised Code has been commenced.
 - The surviving spouse has filed an election to take against the will.
 - The administrator or executor is a party in a civil action.
 - The estate is insolvent.
 - The decedent's will provides that a posthumously born child or heir, which includes a child or heir born through the use of assisted reproductive technologies as defined in section 5801.12² of the Revised Code, shall inherit under the will as provided in section 2107.34³ of the Revised Code.
 - For other reasons set forth by the administrator or executor, subject to court approval, it would be detrimental to the estate and its beneficiaries or heirs to file a final and distributive account.
 - If yes: Continue
 - If no: An Application to Extend Time (Form 410) must be completed.
- Is form 13.8 signed by the Fiduciary?
- Is there an Entry attached to the application?
- Is there real property?
 - If no: Continue
 - If yes:
 - Has the property been sold?
 - Has the property been transferred?
 - If not: Within the first six months of the administration, then the Court expects the Fiduciary to submit a plan to manage the real property in accordance with the provisions of R.C. 2113.31⁴.

¹ R.C. 2107.71: Civil action to contest validity of will.

² R.C. 5801.12: Children born through the use of assisted reproductive technologies.

³ R.C. 2107.34: After-born or pretermitted heirs.

⁴ R.C. 2113.31: Responsibility of executor or administrator.

- Was a Delinquent Notice (form BC 425) **AND** a Citation (form BC 417) filed by the Court for the estate?
 - If no: Continue.
 - If yes: Give to a Magistrate for approval.
- Has there previously been an extension given for the estate?
 - If no: Continue.
 - If yes: Give to a Magistrate for approval.
- If asking for more than the 13 months: Give to a Magistrate for approval