

BUTLER COUNTY PROBATE COURT

Procedure For: SUMMARY RELEASE FROM ADMINISTRATION

Standard Probate Form Number: 5.10

Date Last Reviewed 2/1/17

- Was the decedent a resident of Butler County?
- Is the applicant a proper party?
 - a. Surviving spouse who paid or is obligated to pay funeral bill or the funeral bill was prepaid
 - b. Gratuitous interloper – applicant has paid or is obligated to pay the funeral bill.
- Is a Summary Release the proper filing?
 - a. If the applicant is the surviving spouse, the total of the probate assets are \$45,000 or less and he/she is entitled to 100% of the family allowance (there are no minor or if there are minor children, the surviving spouse is also their parent).
Either RC 2106.13(B)(1) or (B)(2) applies.
 - b. If a gratuitous interloper is the applicant, the total of the assets is the less than or equal the actual cost of the funeral. The probate assets cannot exceed \$5,000.
- Is the application completed properly and in its entirety pursuant to RC 2113.031(C)(2)?
 - a. Use Standard Form 5.10. The current revision date of March 1, 2008.
 - b. Describe all probate assets of the decedent (The court will redact all identifying information from the public file).
 - i. If the estate includes a motor vehicle, include the vehicles year, make, model, body type, manufacturer’s vehicle identification number, certificate of title, and date of death value (attach documentation such as Kelly’s Blue Book or nada.com);
 - ii. If the estate includes a financial account, include the institution/bank name, the account’s complete identifying number and the date of death balance.
 - iii. If the estate includes one or more shares of stocks or bonds, the total number of shares and bonds, their total date of death value. For bonds, include the serial number, name of its issuer, date of death value, and name and address of its transfer agent, if available.
- Is form 5.10 signed in front of a notary public or deputy clerk?
- Is a receipt, contract, written declaration, or other document that confirms the applicant’s payment or obligation to pay the decedents funeral and burial expenses, or in the case of a surviving spouse, proof of prepayment of the funeral and burial expenses attached to the application?
- If a motor vehicle is being transferred, form 414 must be filed and the transfer is to be made “by law”. The transfer cannot be made to a third party; it must be made to the Applicant for the Summary Release.
- Is the Surviving Spouse, Next of Kin (Form 1.0) completed and attached?
- Is the Entry Granting Summary Release (Form 5.11) completed and attached?
 - a. Is the first box on form 5.11 checked? This should be checked for all personal property including bank accounts, stocks, motor vehicles, etc.
 - b. Is the second box checked? This should only be checked when there is real estate to be transferred. If so, Forms 12.0, 12.1 and 462 must be attached.

- Tax form 22 must be filed in estates where the decedent died prior to December 31, 2012. If one of the boxes under section B checked page 2 is not required and can be discarded.
- A will may or may not be filed. If filed, it should not be probated.