Small Estates
RELEASE FROM
ADMINISTRATION

What else can I expect?

The Court understands that it may be difficult to figure out all this paperwork when you are grieving the passing of a loved one.

Every estate is different and the deputy clerks at the Court will do everything they can to help you through the process, but **they cannot give legal advice**. Our deputy clerks pride themselves on being helpful and knowledgeable, but if they feel that the nature of your question is asking for legal advice, they are obligated to politely inform you that they cannot give legal advice.

Although the process of Release from Administration is intended to save time and paperwork, this does not mean it can be accomplished with only one visit to the Court. Please be prepared to make at least two visits to the Court to complete the process.

This pamphlet has been prepared as a public service to provide an understanding of the Release from Administration process. It is an overview and should not be considered as a legal reference.

Robert G. Montgomery,
Judge

FRANKLIN COUNTY
COURT OF COMMON PLEAS
PROBATE DIVISION

Franklin County
Probate Court

HOURS
Monday - Friday: 8:00 a.m. - 5:00 p.m.
(Cashier closes at 4:30 p.m.)

GENERAL INFORMATION
614-525-3894

ADDITIONAL INFORMATION
www.franklincountyohio.gov/probate

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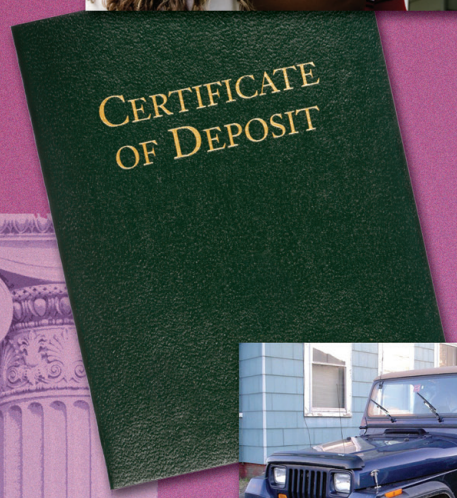

Franklin County
Probate Court

Small Estates
RELEASE FROM ADMINISTRATION

For some estates, you may not need to go through a traditional estate administration process. The law allows for certain small estates to be handled in less time and with less paperwork. If an estate is eligible, one may have a "Release from Administration," a "Summary Release from Administration" or "Real Estate Transfer Only." These approaches generally are referred to as a "Release from Administration."

How do I know the estate is appropriate for "Release from Administration"?

Which of the three choices is best depends upon the nature of the estate you are trying to administer. The basic requirements are as follows:

Release from Administration – There is a surviving spouse who is the sole beneficiary and the estate is worth no more than $100,000, or there is no surviving spouse and the estate is worth no more than $35,000.

Summary Release from Administration – There is a surviving spouse and the estate is worth no more than

$40,000. If the surviving spouse has paid funeral and burial expenses of no more than $5,000, then the surviving spouse may also claim that for a total of up to $45,000. If there is no surviving spouse, then the value of the funeral and burial expense not to exceed $5,000.

Real Estate Transfer Only – The decedent died more than six months ago, no creditors have filed claims, and the decedent died owning only real estate.

Please refer to our website at *www.franklincountyohio.gov/probate* for more information about the three different types of Release from Administration and to access the forms for each.

What if I can't figure all this out?

The deputy clerks at the Franklin County Probate Court are knowledgeable and will help you determine if the estate you are applying to administer can qualify for Release from Administration.

The following questions help determine if Release from Administration best suits the estate.

- If there is a Will, who are the beneficiaries? (The original Will must be filed with the court.)
- Is there a surviving spouse?
- Who are the heirs?
- What are the probate assets and what is the total value of those assets? (Probate assets are assets that are not automatically transferred to someone else upon death. This includes any bank accounts held solely by the decedent, any real estate owned solely by the decedent that is not transferred upon death, etc.)
- Who paid the funeral bill?
- Are there any other debts?

What's the next step?

The following four requirements must be met for an estate to be Released from Administration.

1. The monetary limits (as stated above) have been met.
2. All the probate assets of the estate are reported on the application filed with the court.
3. All interested parties, including next of kin, beneficiaries under the Will, and creditors, must be given notice of the filing of the application for Release from Administration and any hearing set on the matter.
4. The decedent's creditors will not be prejudiced by approval of the application.

What do I need to bring into the Probate Court?

Once you have chosen which of the three options is best, you will be asked to provide the following to complete the process.

- your government issued picture I.D.
- original Will of the decedent, if there is one
- completed packet of forms
- certified copy of the death certificate
- proof of payment of funeral bill
- if the value of the assets is over $35,000, the surviving spouse will need to provide a certified copy of the marriage abstract (if there is no Will)
- verification of the existence of assets in the decedent's name, including:
  - bank statements
  - copy of Ohio Certificate of Title to vehicles, including mobile homes, trailers, boats, motors and motorcycles
  - deed to real property
  - last paycheck
  - stocks and bonds

Franklin County Probate Court