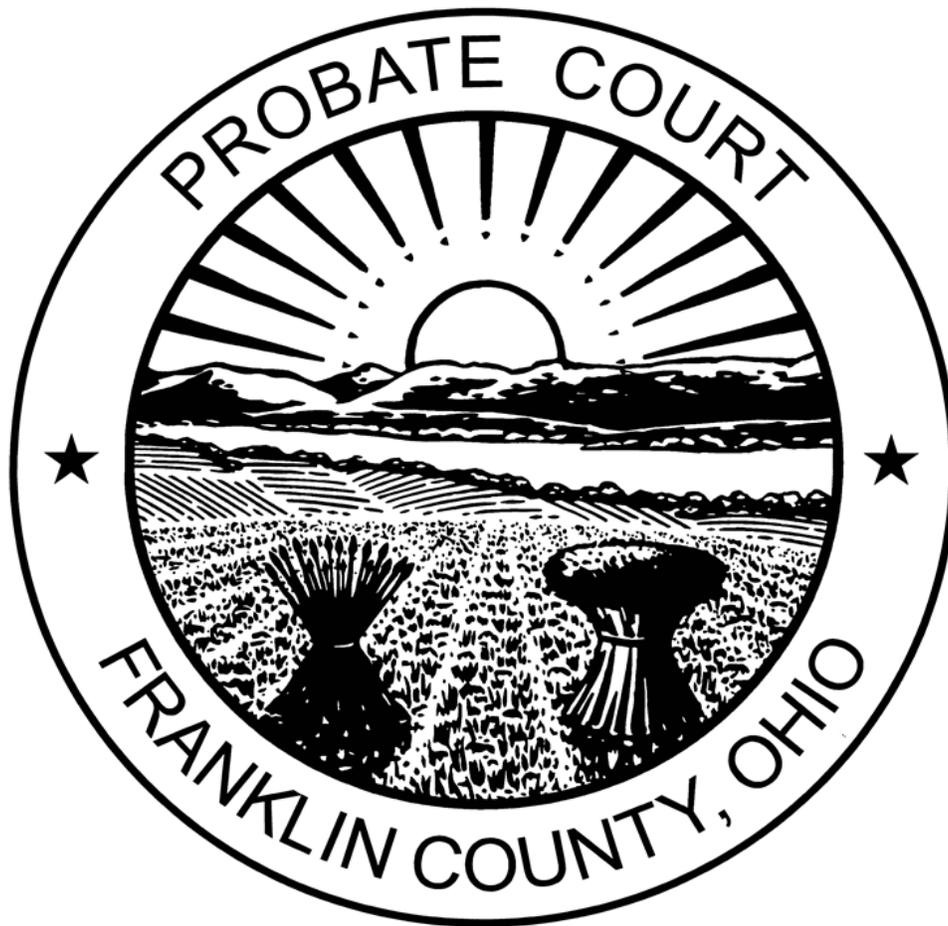


**PROPOSED CHANGES TO THE  
FRANKLIN COUNTY PROBATE COURT  
- JANUARY 2017**

**Robert G. Montgomery, Judge**



**LOCAL RULES OF COURT**

Proposed Changes for January 2017

# **JUDGE ROBERT G. MONTGOMERY**

Common Pleas Court of Franklin County, Ohio

## **PROBATE DIVISION**

### **LOCAL RULES OF COURT**

**-Redlined Version-**

Revised – January 2017

[probate.franklincountyohio.gov](http://probate.franklincountyohio.gov)

**INTRODUCTION:** The following rules are supplemental to the *Rules of Superintendence for the Courts of Ohio* and must be read in conjunction therewith.

**Key to Redlined Version:**

1. Existing language appears in regular type. Example: Text text.
2. Existing language to be deleted appears in strikethrough. Example: ~~Text text~~.
3. New language to be added appears in all caps, with capital letters underlined:  
Example: TEXT TEXT.
4. New rules and new language may appear highlighted where all caps would not be clear. Example: **New Rule: SUP.R. 45 COURT RECORDS – PUBLIC ACCESS**

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**SUP.R. 11 RECORDING OF PROCEEDINGS**

**LOC.R. 11.1 RECORDING OF PROCEEDINGS**

(F) Upon filing an Objection to a Magistrate’s Decision, A MOTION TO SET ASIDE A MAGISTRATE’S ORDER or a Notice of Appeal, an objector or appellant who is required or desires to file a transcript of a hearing must contact a court reporting service to have the transcript prepared. The person requesting the transcript shall direct the court reporting service to contact this court to obtain a copy of the digital record of hearing. The objector or appellant must file the completed transcript in this court within the time limits of the Local Rules of Court, Rules of Civil Procedure, or the Rules of Appellate Procedure. When the transcript is filed by an appellant, this court will certify the transcript to the Court of Appeals.

**SUP.R. 57 FILINGS AND JUDGMENT ENTRIES**

**LOC.R. 57.5 ORIGINAL SIGNATURES**

Except as provided by special administrative order, all signatures on filings must be original. In all matters with multiple fiduciaries, the signature of all fiduciaries is required on all documents including fiduciary checks. Persons who are not an attorney may not sign on behalf of an attorney.

THE COURT WILL ACCEPT SIGNATURES FROM COURT APPOINTED APPRAISERS BY FACSIMILE TRANSMISSION OR ELECTRONIC MAIL.

**LOC.R. 57.14 FILINGS FOR MATTERS ASSIGNED TO AN ACTING JUDGE OR A VISITING JUDGE**

All filings in matters assigned to an Acting Judge or Visiting Judge are to be filed in duplicate with a deputy clerk of this court and shall have the name of the Acting Judge or Visiting Judge shown in the caption. The deputy clerk receiving the filing is to be

informed at the time of each filing that the matter has been assigned to an Acting Judge or a Visiting Judge. The original filing shall be filed with the clerk of the probate court and the duplicate copy shall be submitted to the CLERK WHO WILL PROVIDE A COPY TO THE Acting Judge or the Visiting Judge.

**SUP.R. 73 GUARDIAN’S COMPENSATION**

**LOC.R. 73.1 GUARDIAN’S COMPENSATION FOR NON-INDIGENT WARDS**

(C) AN ATTORNEY SEEKING COMPENSATION FROM THE WARD’S FUNDS FOR SERVICES AS GUARDIAN OF THE PERSON MUST COMPLY WITH SUP.R. 66.04(D), THE OHIO RULES OF PROFESSIONAL CONDUCT, OHIO CASE LAW, AND THE ADMINISTRATIVE ORDER FILED IN THIS COURT UNDER CASE NO. 550000-A.

(D) (€) Compensation for corporate fiduciaries who are exempt from bond pursuant to [R.C. 1111.21](#) shall be compensated pursuant to their published fee schedule if the fee schedule is filed in this court under Case No. 368530.

(E) (⊕) All motions, including applications for compensation, by guardians of veterans must comply with Ohio [Revised Code Chapter 5905](#) and all other rules and regulations of the Department of Veterans Affairs.

**APPENDIX – LOCAL RULES REVISED IN JANUARY 2017**

Loc.R. 11.1(F)

Loc.R. 57.5

Loc.R. 57.14

Loc.R. 73.1 Title, (C) – (E)