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IN THE PROBATE COURT OF FRANKLIN COUNTY, OHIO
JEFFREY D. MACKEY, JUDGE

In re Administrative Orders : Case No. 550000

ADMINISTRATIVE ORDER REGARDING ANCILLARY ADMINISTRATION FOR
FOREIGN DECEDENTS WITHOUT OHIO REAL PROPERTY

Under R.C. Chapter 2129, an ancillary administrator may be appointed in the county where the decedent owned property. Personal property has a situs of the residence of the owner, and therefore is not ordinarily a basis for an ancillary administration. Many foreign proceedings to distribute assets of decedents do not correspond to United States probate proceedings appointing a personal representative, yet many U.S. financial institutions are reluctant to distribute assets without the appointment of a personal representative. Consequently, assets of foreign decedents are kept in limbo. Recognizing this impasse, the court hereby **ORDERS** as follows:

The court will appoint an ancillary administrator of an estate of a decedent who died residing in a foreign country and without owning real property in the State of Ohio, upon the filing of:

1. The forms for appointment of an ancillary administrator;
2. A statement from a representative of a financial institution which indicates that:
 - a. The institution has a physical presence in Franklin County, Ohio;
 - b. The institution holds assets in the name of the decedent; and
 - c. The institution requires letters of authority issued by a U.S. court before it will release those assets; and
3. A statement from an attorney which explains:
 - a. Why the attorney is qualified to offer an opinion regarding the law of the domiciliary jurisdiction (e.g., because the attorney is licensed to practice in that jurisdiction); and

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- b. Why the assets in question cannot be administered and transferred in the domiciliary jurisdiction (e.g., an explanation of why the assets would not be subject to domiciliary administration and/or an indication that the domiciliary jurisdiction does not appoint personal representatives corresponding to U.S. personal representatives).

Before the filing of the inventory, the ancillary administrator shall file a copy of the proceedings from the domiciliary jurisdiction—with a certified translation, if necessary—to establish how the assets are to be distributed. If there were no domiciliary proceedings, then the ancillary administrator shall file a statement from an attorney qualified to offer an opinion on the subject which explains what distribution would be appropriate under the law of the domiciliary jurisdiction.

If an interested person files an objection to this court's jurisdiction, the matter shall be subject to dismissal.

IT IS SO ORDERED.



Jeffrey D. Mackey, Judge

