



**ROBERT G. MONTGOMERY
PROBATE JUDGE**

INFORMATION REGARDING A CLAIM AGAINST AN ESTATE

Ohio Revised Code 2117.06 provides that a claim may be presented to the fiduciary or to the fiduciary and the Court within six months from date of death. Whenever it is presented to the court, it must also be presented to the fiduciary. Ohio law also states that the Probate Court cannot close an estate until the claim is either paid or rejected. Due to the population of this county and the numerous filings we have received in the past, the only effective means by which this Court can monitor those claims to make sure they are paid is to require that they are in the form of a separate civil action. Therefore, you must submit a complaint with a prayer not to demand judgment on your alleged claim but rather to demand that the claim be either accepted or rejected. If the claim is accepted the civil action file is held open until evidence is shown that it is paid. If the claim is rejected, the civil action file is closed and, pursuant to Ohio law, you must file suit on the merits in the General Division.

The same general process applies by presenting the claim to the fiduciary of the estate. In that situation, the fiduciary has the ability to accept and pay the claim or to reject the claim. If the fiduciary rejects the claim, a suit on the merits may be filed in the General Division of this Court or in Municipal Court. **THERE IS NO REQUIREMENT THAT THE CLAIM BE PRESENTED TO THE PROBATE COURT.**

If it is still the intent to present a claim to the Probate Court, then a complaint must be prepared pursuant to the Ohio Rules of Civil Procedure in all respects. An attorney licensed to practice law in Ohio must represent a corporation, partnership or other business entity. Please log into the Probate Court's e-Filing System to submit your Complaint and to pay a deposit of \$100.00. A praecipe for service of summons must also be filed with the complaint.

Franklin County Probate Court