

**FILED**

**JAN 25 2018**

**CLERK OF COURT  
SUPREME COURT OF OHIO**

**WYANDOT COUNTY COURT OF COMMON PLEAS  
ALL DIVISIONS**

**WYANDOT COUNTY LOCAL COURT RULES  
PROBATE DIVISION**

**Wyandot County Court of Common Pleas  
has jurisdiction over all divisions**

## Probate Local Court Rules

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IN THE PROBATE COURT  
DIVISION OF THE COURT OF COMMON PLEAS

IN THE MATTER OF  
THE RULES OF COURT

JUDGMENT ENTRY

It is hereby ORDERED, ADJUDGED, and DECREED that effective July 1, 1991, in accordance with Rule 44 of the Rules of Superintendence for the Probate Division of the Court of Common Pleas, the following shall constitute the local rules of the Probate Court of Wyandot County, Ohio.

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Rule 17.1

**UNIFORM FORMS**

The Supreme Court Rules of Superindence pertaining to forms to be filed in Probate Court mandates that these forms be tumble-style. Any forms photostated by counsel that are not tumble-style will be returned unfiled.

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Rule 18.1

**HOURS OF THE COURT**

(A) The Probate Court and its office shall be open for the transaction of business from 8:30 o'clock A.M. to 4:30 o'clock P.M., Monday through Friday. The Probate Court shall be closed on Saturday, Sunday and legal holidays.

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Rule 20.1

**EXAMINATION OF PROBATE FILES, RECORDS  
AND OTHER DOCUMENTS**

(A) Deputy Clerks are authorized to allow attorneys to remove files from the Court upon signing the files out. Files must be returned within one week unless authorized by the Judge.

(B) Copies of any open records may be obtained at a cost of \$1.00 per page.

Rule 24.1

**FILINGS AND JUDGMENT ENTRIES**

(A) All filings shall be in duplicate, with the exception of Ohio Estate Tax, which shall be in triplicate.

(B) Counsel shall prepare all judgment entries.

Rule 26.1

**FILING A WILL WITH NO ASSETS**

When a Will has been admitted to Probate and recorded and there are no assets, the applicant requesting admission to Probate or some other interested party, shall file an affidavit setting forth the fact that there are no assets.

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Rule 27.1

**AFFIDAVIT OF NOTICE**

The obligation of fiduciarys attorneys to give notice of probate of will shall be evidenced by affidavit filed fourteen (14) days from date of probate of the will but with good cause shown on or before that time reasonable extension may be granted by the Court. This is to include notice to the Attorney General pursuant to R.C. 109.23 to 109.41.

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Rule 33.1

**LAND TRANSFERS**

(A) A Certificate of Title Examination is required for all real estate transferred by certificate of transfer or by sale. Descriptions of Wyandot County real estate must be approved by the County Engineer.

(B) No report of sale of real estate will be confirmed, nor any distribution ordered until one week from the Monday following the date of filing the report of sale, unless consented to by all interested parties.



Rule 34.1

**GUARDIANS**

The Court will not accept for filing, any guardianship for a minor where the only purpose of the guardianship is to establish a residency for school purposes. Custody for school purposes is a matter to be heard and determined in the Juvenile Division of the Court.

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Rule 39.1

**COUNSEL FEES IN CONNECTION WITH  
SETTLEMENT OF CLAIMS FOR WRONGFUL DEATH,  
CONSCIOUS PAIN AND SUFFERING,  
CLAIMS FOR PERSONAL INJURIES TO  
PERSONS UNDER GUARDIANSHIP,  
AND SETTLEMENT OF  
PERSONAL INJURIES TO MINORS  
(ORC 2111.18)**

In cases where representation is on a contingent basis, counsel will be allowed fees on the amount obtained for settlement in accordance with the following schedule:

33 1/3% of the first \$100,000.00

30% of the amount over \$100,000.00

Upon written application, additional compensation may be granted if the applicant demonstrates to the court's satisfaction that extraordinary services have been rendered.

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Rule 40.1

**COUNSEL FEES**

(A) Counsel fees allowed as part of the expense for administering a decedent's estate, trust, or guardianship, shall be based upon the reasonable value of the services as governed by the Code of Professional Responsibility, DR-2-106.

(B) All applications for the allowance of extraordinary attorney fees shall set forth an itemized statement of the services performed, the date services were performed, the time spent in rendering the services, and the rate charged per hour or their justifying basis for said fee.

(C) Where the Fiduciary has consented in writing to the amount of counsel fees, an application need not be made for the allowance, provided the consent is endorsed on the fiduciary account or evidence by separate instrument filed with the account. This provision shall not apply to guardianships.

(D) Prior to a fiduciary entering into a contingent-fee contract with an attorney for services, an application for authority to enter into the contract shall be filed and approved by the Court.

(E) The Court does not have, nor is there recognized, any minimum or maximum fees which will automatically be approved by the Court.

**IN THE COURT OF COMMON PLEAS, WYANDOT COUNTY, OHIO**

In the Matter of:

The Adoption of Local Court Rule 66  
of the Rules of Court for Wyandot County  
Court of Common Pleas, Probate Division

**FILED**  
**COMMON PLEAS COURT**  
Probate Division


**JUN 16 2015**

*K. Aubry*  
JUDGE WYANDOT COUNTY, OHIO

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This matter has come before the Court for the purpose of adopting Local Court Rule 66,  
attached hereto and incorporated herein by reference. Said local Court Rule 66 shall be effective  
**JUNE 16, 2015** until further Order of the Court.

IT IS SO ORDERED.

  
\_\_\_\_\_  
Kathleen A. Aubry, Judge

## **RULE 66 GUARDIANSHIPS**

The Court intends for all filings regarding Guardianships to be in accordance with the Rules of Superintendence and the applicable Ohio Revised Code Sections.

### **Rule 66.1 EMERGENCY GUARDIANSHIP**

An application for appointment of an emergency guardian shall include an affidavit from the person alleging the emergency, including a statement of facts setting forth the nature of the emergency, and what action is necessary to prevent injury to the persons and or estate with the specific orders of relief that are sought and a completed Next of Kin form (Probate Form 15.0). An application for appointment of emergency guardian shall be accompanied by the Statement of Expert Evaluation (Probate Form 17.1) and the Supplement for Emergency Guardian of Person (Probate Form 17.1 A), signed by the physician describing the circumstances which make it reasonably certain that immediate action is required to prevent significant injury to the person and or estate. Such emergency application shall include a proposed order setting forth the powers sought.

Service of any Order for Emergency Guardianship shall be made upon the subject of the Order as soon as possible after the issuance of the Order. The applicant shall exercise due diligence in giving notice of hearing upon the proposed ward in all emergency guardianships.

The Court may grant an application/motion for emergency guardianship only by testimony, affidavit, or other evidence showing that immediate action is required to prevent significant injury to the alleged ward or the property of the alleged ward and that an application for the appointment of a guardian of the person or estate or both has been filed with the Court.

### **Rule 66.2 Extension of Seventy-two (72) Hour Emergency Guardianship**

The Court will grant one (1) extension, with good cause shown, of thirty (30) days for an emergency guardianship. Said extension request must be submitted to the Court prior to the expiration of the original 72 hour emergency guardianship.

Any further requests for an extension of an emergency guardianship shall be set for hearing, with notice to be served by regular U.S. Mail on the next of kin of the ward who reside in the State of Ohio, at least seven (7) days prior to the hearing.

An Entry Setting Hearing shall be provided to the Court with directions for the Clerk to serve the next of kin, with names and complete addresses provided.

All requests for extension shall be filed prior to the expiration of the emergency guardianship.

### **Rule 66.3 GUARDIAN EDUCATION**

All applicants for guardian and guardians shall complete the guardian education as required by Superintendence Rule 66.06.

**Rule 66.4 GUARDIAN BACKGROUND CHECKS**

All applicants for appointment as guardian (except Ohio attorneys who are currently in good standing with the Supreme Court of Ohio or a state approved agency), must submit to a civil and criminal record check satisfactory to the Court, at their own expense. The applicant must complete the necessary form authorizing the records check and execute such consent, if any, as may be requested by the Court to authorize the Court to perform that records check. Additionally, all applicants for appointment (except Ohio attorneys who are currently in good standing with the Supreme Court of Ohio) shall complete and file a Guardian's Credibility form.

**Rule 66.5**

The Court will not accept for filing any guardianship for a minor where the only purpose of the guardianship is to establish a residency for school purposes. Custody for school purposes is a matter to be heard and determined by the appropriate domestic relations or juvenile court.

The Court will not establish any guardianship over the person of a minor where another Court has jurisdiction over custody of the minor.

**Rule 66.6 COMMENTS OR COMPLAINTS REGARDING GUARDIANS**

Any person having reasonable cause to believe a ward is being abused, neglected, exploited or is otherwise in a position to be taken advantage of because of their incompetency/age/etc. shall immediately report the matter in writing to the Court by give the written comments or complaints or concerns to the Chief Deputy Clerk of the Probate Court. Said written comments or complaints or concerns shall be provided to the guardian.

The Court shall review the written comments or complaints or concerns and determine what action is appropriate regarding the comments or complaints or concerns. The action may include a court hearing, referral to the Probate Investigator and/or referral to law enforcement for an investigation.

The Court shall maintain as part of the miscellaneous docket any written comments or complaints or concerns received, and the disposition of the same. Notice of disposition shall be provided to the guardian as well as the person who made the comments or complaints or concerns.

**Deposits**

Pursuant to RC 2111.031, the Court may require an Applicant for a guardianship to make an advanced cost deposit in an amount the Court determines necessary (a) to defray the anticipated costs of examinations of an alleged incompetent, and (b) to cover the fees and costs to be incurred to assist the Court in deciding whether a guardianship is necessary.

**IN THE COURT OF COMMON PLEAS, WYANDOT COUNTY, OHIO  
PROBATE DIVISION**

**IN THE GUARDIANSHIP OF:** \_\_\_\_\_, **INCOMPETENT**

**CASE NO.** \_\_\_\_\_

**GUARDIAN'S CREDIBILITY APPLICATION**

\_\_\_\_\_  
**Name of Incompetent** **Case No.**

\_\_\_\_\_  
**Name of Applicant to be Appointed Guardian** **Date of Birth**

\_\_\_\_\_  
**Applicant's Current Address** **From What Date**

\_\_\_\_\_  
**Previous Address (5 years)** **From What Date to What Date**

\_\_\_\_\_  
**Previous Address (5 years)** **From What Date to What Date**

\_\_\_\_\_  
**Spouse's Name** **Address** **Years Married to this Spouse**

\_\_\_\_\_  
**Applicant's Employer** **From What Date**

\_\_\_\_\_  
**Previous Employer (5 years)** **From What Date to What Date**

\_\_\_\_\_  
**Previous Employer (5 years)** **From What Date to What Date**

\_\_\_\_\_  
**Name of Applicant's Bank**  **Checking**  
 **Savings**  
 **Safe Deposit Box**

\_\_\_\_\_  
**Name of Applicant's Bank**  **Checking**  
 **Savings**  
 **Safe Deposit Box**

**Has Applicant ever filed bankruptcy?**  **Yes**  **No**

**Has Applicant ever been garnisheed**  **Yes**  **No**

**Has Applicant ever been in receivership?**  **Yes**  **No**

Has Applicant ever been convicted of a felony?

Yes

No

If yes, please describe: \_\_\_\_\_  
\_\_\_\_\_

Has Applicant had experience investing in marketable securities?

Yes

No

Set Forth that Experience: \_\_\_\_\_  
\_\_\_\_\_

Does the proposed ward owe you or any immediate family money?

Yes

No

If yes, please describe: \_\_\_\_\_  
\_\_\_\_\_

Has the proposed ward transferred anything of substantial value  
to you or any immediate family member in the last year?

Yes

No

If yes, please describe: \_\_\_\_\_  
\_\_\_\_\_

This statement is made in support of my application to be appointed as Guardian in the above styled matter and the undersigned says that the facts stated in the foregoing applications are true.

\_\_\_\_\_  
Signature of Applicant