

FILINGS

1. Original Will
2. SPF 1.0: Surviving Spouse, Children, Next of Kin, Legatees and Devisees
3. SPF 2.0: Application to Probate Will
4. SPF 2.1: Waiver of Notice of Probate of Will
5. SPF 2.2: Notice of Probate of Will
6. SPF 2.3: Entry Admitting Will to Probate
7. SPF 2.4: Certificate of Service of Notice of Probate of Will

VENUE [R.C. 2107.11]

1. Testator domiciled in Ohio at time of death
2. Testator not domiciled in Ohio at the time of death, but filed in Ohio county where real or personal property of testator is located, provided the will has not been admitted to probate in Ohio or another state.

ADMISSION

1. If it appears from the face of the will or there is testimony that will was executed in compliance with Ohio law. [R.C. 2107.18]
2. Will declared valid during testator's lifetime. [R.C. 2107.084]
3. Will admitted by prior judgment. [R.C. 2107.18]
4. Interlocutory Order denying admission [R.C. 2107.181]

NOTICE/SERVICE [R.C. 2107.19]

1. Notice of admission of will to be given within 2 weeks of admission of will by: [R.C. 2107.19(A)(4)]
 - a. Applicant for admission of will
 - b. Fiduciary for estate
 - c. Applicant for release from administration
 - d. An interested person
 - e. Attorney for any of the above
2. Notice of admission of will to be served upon all next of kin, legatees and devisees. [Civ.R. 73(E)] (SPF 2.2)

3. Notice may be waived. [R.C. 2107.19(A)(2)] (SPF 2.0 and 2.1)
4. Notice not required as to persons whose names or places of residence are unknown and cannot with reasonable diligence be ascertained. [R.C. 2107.19(B)]
5. Certificate of giving notice filed 2 months after appointment of fiduciary or if no fiduciary has been appointed 2 months after admission of will to probate unless the court grants an extension of time. [R.C. 2107.19(A)(4)] [Sup.R. 59]

LOST, SPOILIATED, OR DESTROYED WILL

1. Standard of Proof: Clear and convincing evidence [R.C. 2107.26(A)]
2. Findings:
 - a. The will was executed as required by the jurisdiction in which it was executed. [R.C. 2107.26(A)(1)]
 - b. The contents of the will. [R.C. 2107.26(A)(2)]
 - c. No person opposing admission establishes by a preponderance of the evidence that will was revoked. [R.C. 2107.26(B)]
3. Notice (by certified mail) upon:
 - a. Surviving spouse
 - b. All next of kin
 - c. All legatees and devisees
 - d. All legatees and devisees in most recent will prior to lost, spoliated, or destroyed will.

OTHER CONSIDERATIONS

1. Treatment of Will Not Properly Executed [R.C. 2107.24]
2. Oral Wills [R.C. 2107.60]
3. Probate of Later Wills [R.C. 2107.22]
4. Recording of Wills [(R.C. 2107.21)]
5. Search Wills on Deposit [Sup.R. 59]