

(A) Estate Administration.

Appointment of Non-resident Fiduciaries

An applicant to be appointed fiduciary of a decedent's estate or trust, who is not a resident of this state, must comply with Section 2109.21 O.R.C. and employ an attorney of record licensed to practice law in Ohio. To assure the assets remain in Summit County, Ohio, during the administration of the estate or trust, the applicant shall meet one or more of the following criteria as the Court may require:

- (1) Place a substantial amount of the decedent's personal assets in a custodial depository in this county, pursuant to Section 2109.13 O.R.C.;
- (2) Have a co-fiduciary who is a resident of this State;
- (3) Post a bond in compliance with Section 2109.04 O.R.C.

In cases where a trustee named in the Will is a non-resident of this state, the Court reserves the right to appoint a local resident co-trustee, with or without bond, who will insure that all assets pertaining to said trust remain in this county until distribution, or until the Court determines that the property may be removed from the county in accordance with R.C. 2109.21.

(B) Notice of Application/Stepparent.

If a surviving spouse files an application to be appointed as administrator of an intestate estate, and is:

- (1) Not the natural parent of the decedent's child or children, and is,
- (2) Entitled to a priority of appointment under R.C. 2113.06, the surviving spouse shall, in accordance with Rule 73 of the Ohio Rules of Civil Procedure, serve all competent adult next of kin of the decedent who reside in the State of Ohio a notice containing the following:
  - (a) That an application has been filed for the appointment of the spouse as administrator, and
  - (b) Time and place of the hearing for the application. Notice may be waived, in writing, by the next of kin.

(C) Status Report by Fiduciary.

The fiduciary of an estate, or the attorney of record, shall file an annual report with the Court on the anniversary date of the fiduciary's appointment, explaining the status of the estate and why the case is not closed.

(D) Bond - Litigation Only Estates.

- (1) If next of kin, beneficiaries under Will, or attorney is applying, bond may be dispensed with if all next of kin or beneficiaries consent.
- (2) If estate is opened by a Plaintiff in order to establish an entity to be the Defendant for purposes of civil litigation, bond may be dispensed with.

**Sup. R. 60 Application for Letters of Authority to Administer Estate and Notice of Appointment.**

- (A) Notice of an application for appointment of administrator shall be served at least seven (7) days prior to the date set for hearing. If there is no known surviving spouse or next of kin resident of the state, the notice shall be served upon persons designated by the court.
- (B) The administrator shall give notice of the appointment within seven (7) days after the appointment to all persons entitled to inherit, including persons entitled to an allowance for support, unless those persons have been provided notice of the hearing on the appointment or have waived notice.
- (C) The Probate Court shall serve by certified mail the spousal citation and summary of rights required by R.C. 2106.02 to the surviving spouse within seven (7) days of the initial appointment