

**LOCAL RULE 78.1****CASE MANAGEMENT PROCEDURE****(A) Jury Management.**

The Summit County Probate Court adopts the Jury Management Plan as identified in Summit County Common Pleas Court, General Division, Rule 24.

**(B) Extensions**

- (1) Upon the fiduciary's request, the Court shall grant one automatic sixty-day (60) extension for the filing of an inventory, account or guardian's report. The fiduciary must certify that no previous extension has been taken. (See form EGT.1)  
No further extensions shall be granted absent extraordinary circumstances, which must be specified in the Motion.
- (2) Failure to file an inventory, accounting or guardians report within the appropriate time may result in fines, costs, removal of the fiduciary or other sanctions under the Rules of Superintendence.
- (3) An application to extend the time for filing an inventory, account, or guardian's report, shall not be granted unless the fiduciary has signed the application.

**Comment:**

Extraordinary circumstances generally refers to a death or unexpected hospitalization. It does not include the need to collect information from a third party, the press of business or the imminent sale of estate property.

**Sup. R. 78 Probate Division of the Court of Common Pleas -- Case Management in Decedent's Estates, Guardianship, and Trusts.**

- (A) Each fiduciary shall adhere to the statutory or court-ordered time period for filing the inventory, account, and, if applicable, guardian's report. The citation process set forth in Section 2109.31 of the Revised Code shall be utilized to ensure compliance. The attorney of record and the fiduciary shall be subject to the citation process. The court may modify or deny fiduciary commissions or attorney fees, or both, to enforce adherence to the filing time periods.
- (B)
  - (1) If a decedent's estate must remain open more than six (6) months pursuant to R.C. 2109.301(B)(1), the fiduciary shall file an application to extend administration (Standard Probate Form 13.8).
  - (2) An application to extend the time for filing an inventory, account, or guardian's report, shall not be granted unless the fiduciary has signed the application.

- (C) The fiduciary and the attorney shall prepare, sign, and file a written status report with the court in all decedent's estates that remain open after a period of thirteen (13) months from the date of the appointment of the fiduciary and annually thereafter. At the court's discretion, the fiduciary and the attorney shall appear for a status review.
  
- (D) The court may issue a citation to the attorney of record for a fiduciary who is delinquent in the filing of an inventory, account, or guardian's report to show cause why the attorney should not be barred from being appointed in any new proceeding before the court or serving as attorney of record in any new estate, guardianship, or trust until all of the delinquent pleadings are filed.
  
- (E) Upon filing of the exceptions to an inventory or to an account, the exceptor shall cause the exceptions to be set for a pretrial within thirty (30) days. The attorneys and their clients, or individuals if not represented by an attorney, shall appear at the pretrial. The trial shall be set as soon as practical after pretrial. The court may dispense with the pretrial