

**GEAUGA COUNTY PROBATE COURT  
JUDGE TIMOTHY J. GRENDALL**

**CHECKLIST - PROBATING DECEDENT'S WILL**

These instructions are provided as a public service of the Geauga County Probate Court, are intended as a guideline only, and are not legal advice. Depending on the circumstances of each case, additional steps may be required that are not listed below. The clerks are not attorneys and therefore cannot answer legal questions or assist you in completing the forms or deciding which forms apply to your situation. The documents that you file must be typewritten, legible, and completed in their entirety. The clerks may refuse for filing illegible or incomplete documents. The Court recommends that you obtain legal advice from your attorney or obtain assistance from the Court's Help Center before preparing and filing any forms. You may make an appointment with the Help Center by calling 440-279-1834. If you decide to proceed without assistance from your attorney or from the Court's Help Center, then you should read the following Probate Information Sheets before taking any action:

- Probate Process Overview
- The Decedent's Will

**Filing Requirements**

1. **Search Will Index** - Search the Court's Will Index to determine whether any of the Decedent's Wills have been deposited with the Court. Search any bank safe deposit box leased by the Decedent to determine whether any of the Decedent's Wills are stored there.
2. **Form 1.0 Surviving Spouse, Children, Next of Kin, Legatees and Devisees**
3. **Form 2.0 Application to Probate Will** (file the original Will with the Court together with Form 2.0)
4. **Notice of Probate of Will**
  - Waiver of Notice of Probate of Will - have Interested Persons (See Form 1.0) sign either (1) Waiver of Notice of Probate Will on Form 2.0, or (2) sign and file Form 2.1 - Waiver of Notice of Probate of Will
  - Notice of Probate of Will- To the extent that any Interested Persons have not signed the Waiver of Notice of Probate of Will, then within two weeks after the Court has probated the Will, deliver to those Interested Person Form 2.2 Notice of Probate of Will - see R.C. §2107.19(A), and deliver in accordance with Civ. R. 73(E).
  - Certificate of Service of Notice of Probate of Will. Prepare and file with the Court Form 2.4 Certificate of Service of Notice of Probate of Will in a timely manner as required by R.C. §2107.19(A)(4), together with a copy of the completed Form 2.2 Notice of Probate of Will and evidence of receipt or deliver (e.g. copies of green-card receipts, return envelopes showing delivery refused or unclaimed, Certificate of Delivery for ordinary mail).

5. **Copy of Death Certificate** - (1) must redact the social security number and (2) must be shrunk to letter-size.
  - **Form GC PF 4.52 Residency Affidavit** - if the Decedent's address on the Death Certificate is not in Geauga County.
6. **Identification** - [if applicant is not represented by an attorney - see Geauga Probate Local Rule 78.10] (1) a government-issued photographic identification (e.g. a current driver's license or passport), and (2) evidence of current mailing address (e.g. recent utility bill, bank statement account, property tax bill, voter registration card).

### **Filing Requirements - Lost, Spoliated, or Destroyed Will**

1. **Search Will Index** - Search the Court's Will Index to determine whether any of the Decedent's Wills have been deposited with the Court. Search any bank safe deposit box leased by the Decedent to determine whether any of the Decedent's Wills are stored there.
2. **Form 1.0 Surviving Spouse, Children, Next of Kin, Legatees and Devisees**
3. **Form GC PF 42.1 - Application for Admission to Probate Lost, Spoliated, Or Destroyed Will** (file a copy of the Will with the Court together with form GC PF 42.1)
4. **Form GC PF 42.3 - Entry Admitting Lost, Spoliated, Or Destroyed Will to Probate**
5. **Notice of Hearing** - service notice of hearing, by certified mail, return receipt requested (or otherwise in accordance with Civ.R. 73(E)) to admit the Lost, Spoliated, or Destroyed Will to Probate in accordance with R.C. §2107.27 upon all Interested Persons using form GC PF 42.2 - Notice of Hearing on Application for Admission to Probate of Lost, Spoliated, or Destroyed Will.
  - Provide the Court with Proof of Service using GC PF 41.6 - Affidavit Evidencing Service of Notice (see Geauga Probate Local Rule 78.13 and Civ R. 73(F)).
  - Consider whether Notice by Publication is required (See Geauga Probate Local Rule 78.14).
6. **Notice of Probate of Will** - if the Court admits to probate the Lost, Spoliated, or Destroyed Will, then all Interested Parties are entitled to receive notice of probate unless they sign a waiver of notice.

- Waiver of Notice of Probate of Will - have Interested Persons (See Form 1.0) sign either (1) Waiver of Notice of Probate Will on Form 2.0, or (2) sign and file Form 2.1 - Waiver of Notice of Probate of Will
- Notice of Probate of Will- To the extent that any Interested Persons have not signed the Waiver of Notice of Probate of Will, then within two weeks after the Court has probated the Will, deliver to those Interested Person Form 2.2 Notice of Probate of Will - see R.C. §2107.19(A), and deliver in accordance with Civ. R. 73(E).
- Certificate of Service of Notice of Probate of Will. Prepare and file with the Court Form 2.4 Certificate of Service of Notice of Probate of Will in a timely manner as required by R.C. §2107.19(A)(4), together with a copy of the completed Form 2.2 Notice of Probate of Will and evidence of receipt or deliver (e.g. copies of green-card receipts or Certificate of Delivery for ordinary mail).

### **Additional Notes**

- Service of Notice Upon Minor or Incompetent. Civ.R. 4.2 governs how to service notice upon a minor (under age 16) or an “incompetent” person. Civ.R. 4.2(B) provides that If the Interested Person is under 16 years of age, then the notice shall be served upon the guardian (e.g. natural parent) where that minor resides. Civ.R. 4.2(C) provides that if the Interested Person is “incompetent,” then the notice shall be served upon the incompetent’s guardian, or if none, then upon the incompetent.