

REAL ESTATE – SOLE ASSET

FORMS MUST BE TYPEWRITTEN

ESTATES: SOLE ASSET: REAL ESTATE (RC 2113.61(D) – Attached)

OVERVIEW:

If no administration was had on an estate and if no administration is contemplated, except in the case of the grant of or contemplated application for the grant of an order of a summary release from administration under section 2113.031 of the Revised Code, an application for a certificate of transfer may be filed by an heir or devisee, or a successor in interest, in the probate court of the county in which the decedent was a resident at the time of death or in which the real property of the decedent is located.

There is a 6-month waiting period from the DOD. As stated from the code above any heir or devisee, or successor in interest can apply. State residency is NOT a requirement.

The following documents and forms are required:

1. Form 12.0 – Application for Certificate of Transfer
2. Form 12.1 – Certificate of Transfer
3. Form 12.3 – Sole Asset: Certificate of Transfer
4. Affidavit of Explanation
5. Copy of Paid Funeral Bill/ Death Certificate/ Obituary
6. Auditor's Value/ Original Appraisal (at DOD)
7. Form 1.0 – Surviving Spouse, Next of Kin

If the decedent had a Last Will and Testament the applicant must also file:

1. Form 2.0 – Application to Probate Will
2. Form 2.1 – Waiver on Notice of Probate of Will (if Applicable)
3. Form 2.3 – Entry Admitting Will to Probate
4. Form 2.4– Certificate of Service of Notice of Will

The **ORIGINAL** will must be submitted to the Court.

Legal Practice in the Probate Court is restricted by law to attorneys who are licensed by the Supreme Court of Ohio. If an individual wishes to handle his or her own case, that person may attempt to do so, however due to the complexity of the law and desire to avoid costly errors, most individuals who have matters before the Court are represented by an attorney.

Court employees, including the Judge, are prohibited by statute from giving legal advice which includes selection and preparation of documents.