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Probate Court Administration

At death, probate assets are subject to probate administration. The basic function of Probate administration is to:

- Appoint the Executor or Administrator;
- Inventory and value the Probate assets;
- Identify and pay the debts and taxes of the decedent, including Medicaid Estate Recovery;
- Use the assets of the estate to pay the costs of administration and all debts;
- Identify the decedent's heirs;
- Distribute the remaining balance of the estate to the heirs in the proper proportions; and
- File an accounting showing the payments and distributions.

In Ohio, there are two procedures for administering Probate assets. The first is an abbreviated procedure known as Relief from Administration. It is used for estates with total Probate assets of \$35,000 or less (where the estate passes to a surviving spouse, this maximum has been raised to \$100,000). This procedure is shorter and less expensive than a full administration.

The second procedure is a full administration. This procedure is used for estates in excess of \$35,000. However, there are situations where a full administration may be appropriate for estates of less than \$35,000.

A full administration involves the appointment of a fiduciary (usually called the Executor or Administrator). There are detailed timetables and legal requirements for each step of the administration procedure. A full administration will usually take six to ten months to complete. However, settling estate taxes and any disputed claims will add several months to this process.

It is often wiser to avoid Probate all together. This can be done by using non-probate ownership