MADISON COUNTY PROBATE COURT
CHRISTOPHER J. BROWN, JUDGE



LOCAL RULES OF COURT

Effective April 23, 2026

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5.1 Introduction

These local rules are adopted pursuant to the authority of Rule 5 of the Rules of Superintendence for the Court of Ohio as amended from time to time. These local rules are supplemental to the Rules of Superintendence for the Courts of Ohio and must be read in conjunction therewith. Upon application, and for good cause shown, the Court may grant exceptions to these rules.

5.2 Effective date

The effective date of these rules is April 23, 2026.

8.1 - Court Appointments.

A. The Probate Court may request practicing attorneys with law offices in Madison County to be available for court appointments. Every attorney who practices in Probate Court shall be deemed competent to provide legal services for those who are unable to retain counsel.

B. The Probate Court shall maintain a list of attorneys according to date of admission to practice and shall appoint the most senior first then each succeeding attorney until the list is fully used. This is to ensure the equitable distribution of appointments among persons on the list. The list shall be maintained by the Chief Deputy Clerk. The list shall be reviewed annually for additions or deletions.

C. The following cases or proceedings are examples where the Court may appoint counsel:

1. Counsel for guardian of an indigent ward.
2. Counsel for a ward wishing to terminate guardianship.
3. Counsel for a Respondent for whom proceedings have been filed under Chapter 5122 or 5123 of the Revised Code.
4. Guardian ad litems for minors seeking a settlement of a claim for personal injuries.
5. Guardian ad litem for minors in land sale proceedings or similar cases.
6. Any other probate matter requiring the Court to appoint counsel for a party.

D. Compensation for Court appointed counsel shall be paid at the rate of $50.00 per hour with a maximum of $400.00 for the first year and $300.00 annually thereafter. The attorney shall document the time spent in the case. If the attorney is both guardian and counsel for the guardian, the attorney shall document the time spent in each capacity. Postage fees (<u>other</u> than for overnight, certified or registered mail, or certificate of mailing), copy costs, and telephone charges shall be considered part of the legal services of an ordinary nature rendered by the attorney. An attorney may be reimbursed for the advancement of other costs and expenses, such as overnight, certified and registered mail, court deposits, court costs, vehicle titles, recording fees and death certificates. However, all such reimbursements are subject to Court review. Any disbursements listed on an account as reimbursement for costs and expenses advanced shall include the language “as defined and permitted by Local Rule of Court”.

E. Attorneys serving as Guardians for indigent wards shall be compensated at the rate of $50.00 per hour to the maximum of $300.00 per year. If the attorney is both guardian and counsel for the guardian, the attorney shall document the time spent in each capacity.

F. Lay persons appointed as Guardians for indigents shall be compensated at the rate of $25.00 per hour to the maximum of $200.00 per year.

G. Court appointed counsel shall be paid a reasonable fee with consideration given to the factors contained in DR 2-106 of the Code of Professional Responsibility, the Ohio Revised Code and these Local Rules. The Court will consider an application for fees in excess of the maximum limit allowed by this Rule when the type, complexity and requirements of the case are such that the maximum is an unreasonable fee.

H. In any case where the indigent client receives a pecuniary benefit, the Court shall consider compensation for counsel as if retained and may order the client to pay all or part of the fee. Compensation will also be paid from any cash assets in the estate.

9.1 Security Plan.

Pursuant to a Supreme Court of Ohio resolution dated July 26, 1995, the Madison County Probate Court has determined the entire Security Plan be maintained as confidential and not a matter of public record.

11.1 - Recording of Proceedings.

The Court will make an audio and/or video recording of the proceedings as the record of the Court. Parties who desire to have a stenographic record of the proceedings must make their own arrangements for a court reporter at least twenty-four (24) hours prior to the scheduled hearing. The costs of the stenographic record shall be paid by the requesting party unless otherwise ordered by the Court. The original audio electronic recording of the proceedings will not be made available to the parties. Arrangements must be made with the Court to have proceedings copied at a cost of Ten and No/100 Dollars ($10.00) per hearing, or transcribed by a stenographer approved by the Court at the expense of the requesting party. Discs of all electronically recorded proceedings will be maintained by the Court for two (2) years from the date of the hearing. Any interested person desiring to preserve the record beyond that period must make arrangements to have the record transcribed.

26.1 Court Records Management and Retention Schedule

Pursuant to Rule 26 (G) of the Rules of Superintendence for the Courts of Ohio, the Probate Division of the Court of Common Pleas, Madison County, Ohio adopts Superintendence Rules 26, 26.01 and 26.04 as the Records Management and Retention Rules for this Court.

44.0 Public Access Rules

The Probate Division of the Court of Common Pleas, Madison County, Ohio adopts Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio as the Public Access Rules for this Court.

51.1 - Form availability/Style of filings.

Approved forms for use in the Madison County Probate Court are available at the Probate Clerk=s Office and/or on our website. **The Court shall not accept stapled filings.** Filings of multiple pages shall be bound by paperclip or otherwise.

The Court requires a copy of a decedent's death certificate to be filed within thirty days of the initial filing. Said copy need not be certified.

52.1 - Computerized Forms.

Computer generated forms must comply with the specifications and format outlined by the Rules of Superintendence. The signature of the applicant or attorney constitutes a certificate that the computer generated forms comply with the rules.

All computer forms presented for filing must be generated with the exact wording as well as blank lines as they appear in the uniform forms.

53.1 - Hours of Court.

The Probate Court shall be open for the transaction of business from 8:00 a.m. to 4:00 p.m. daily Monday through Friday, except legal holidays.

54.1 - Conduct in Court.

A. Proper decorum in the Court is necessary for the administration of justice.

B. In any preliminary Probate matter presented to the Court, the Court may restrict the attendance at said hearing to next of kin, interested parties and their counsel.

C. No radio or television transmission or voice recording other than equipment supplied by the Court for purposes of maintaining a record of proceedings shall be permitted without the express consent of the Court in advance and pursuant to C.P. Sup. R. 11.

55.1 - Removal of Files.

The Clerk shall not permit any of the files to be taken from the Clerk=s office except in compliance with this rule.

A. No person shall be permitted to take a file from the Clerk=s office containing an original will or codicil. **SAID WILL OR CODICIL SHALL BE REMOVED BY THE CLERK BEFORE THE FILE IS REMOVED.**

55.2 - Charges for copies.

Copies of any public records maintained in the Clerk=s Office of the Probate Court of Madison County, Ohio may be obtained by any person at a cost of $.25 per page.

57.1 - Facsimile filings.

The provisions of this local rule are adopted under Civ.R.5(E) and Civ.R.73(J).

Pleadings and other papers may be filed with the Probate Court Clerk's Office by facsimile transmission to (740) 852-7353 subject to the following conditions:

APPLICABILITY

A. These rules apply to probate proceedings in the Madison County Probate Court.

B. These rules do not apply to adoption and mental illness/mental retardation proceedings. In these proceedings no facsimile transmission of documents will be accepted, with the exception of an Affidavit of Mental Illness in which the Affiant is located out of this county.

C. The following documents will not be accepted for fax filing: original wills and codicils, documents required to be certified prior to filing.

ORIGINAL FILING

A. A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Probate Court Clerk's Office but must, however, maintain in his or her records and have available for production on request by the court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

B. The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

DEFINITIONS

As used in these rules, unless the context requires otherwise:

A. A facsimile transmission means the transmission of a course document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.

B. A facsimile machine means a machine that can send and receive a facsimile transmission.

C. A Fax is an abbreviation for Afacsimile@ and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

COVER PAGE

A. The person filing a document by fax shall also provide therewith a cover page containing the following information [sample cover page form attached]:

I. the name of the court;
II. the title of the case;
III. the case number;
IV. the title of the document being filed;
V. the date of transmission;
VI. the transmitting fax number;
VII. an indication of the number of pages included in the transmission, including the cover page;
VIII. if a case number has not been assigned, state that fact on the cover page;
IX. the name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available; and
X. if applicable, a statement explaining how costs are being submitted.

B. If a document is sent by fax to the Probate Court Clerk=s Office without the cover page information listed above, the Clerk may, at its discretion:

Enter the document in the Case Docket and file the document; or
Send a faxed notice to the sending party of a failed fax filing.

SIGNATURE

A. A party who wishes to file a signed source document by fax shall either:
fax a copy of the signed source document; or
fax a copy of the document without the signature but with the notation A/s/@ followed by the name of
the signing person where the signature appears in the signed source document.

B. A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

EXHIBITS

A. Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than five (5) court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.

B. Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed, and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court [sample exhibit filing notice attached].

TIME OF FILING

A. Subject to the provisions of these rules, all documents sent by fax and received by the Clerk shall be considered filed with the Clerk=s Office as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. However, the fax machine will be available to receive facsimile transmission of documents on the basis of 24 hours per day, seven days per week including holidays.

B. The Clerk=s Office may, but need not, acknowledge receipt of a facsimile transmission.

C. The risks of transmitting a document by fax to the Clerk=s Office shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk=s Office through whatever technological means are available.

FEES AND COSTS

A. **No document filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing until court costs and fees have been paid. Court costs and fees may be paid by cash, check or money order. Documents tendered to the Clerk without payment of court cost and fees, or with incomplete information on the charge authorization or request, or which do not conform to applicable rules will not be filed.**

B. No additional fee shall be assessed for facsimile filings.

LENGTH OF DOCUMENT

Facsimile filing shall not exceed twenty (20) pages in length. The filer shall not transmit service copies by facsimile.

EFFECTIVE DATE

These local rules shall be effective July 1, 2016, and shall govern all proceedings in actions brought after they take effect and also further proceedings in pending actions, except to the extend that, in the opinion of the court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the former procedure applies.

57.2 - Forwarding copies.

The Court will not return file-stamped copies by mail unless submitted with a return, self-addressed stamped envelope.

57.3 - Disposition of exhibits.

All exhibits offered for admission during a hearing or trial shall be labeled by party name and item identification. In a proceeding recorded by a Court stenographer, custody of exhibits admitted or proffered shall be given to the stenographer, unless otherwise ordered by the Court. If the proceeding is electronically recorded, exhibits shall be filed in the Court case file, unless otherwise ordered by the Court.

Upon agreement of the parties or by order of the Court, copies may be substituted for the original exhibit.

Disposal of exhibits shall be pursuant to Sup. R. 26. See also Local Rule 26.1.

58.1 - Security Deposits for Court Costs.

Advance deposits for court costs shall be required in accordance with the schedule attached as AAppendix A.@

60.1 - 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 be in compliance with Ohio R.C. 2109.21 and use as the attorney of record an attorney licensed to practice law in this State. To assure the assets remain in Madison County, Ohio, during the administration of the estate or trust, the applicant must meet one or more of the following criteria as required by the Court.

A. Place a substantial amount of the decedent=s personal assets in a custodial depository in this County, pursuant to Ohio R.C. 2109.13;

B. Have a co-fiduciary who is a resident of this State;

C. Post a bond in compliance with Ohio R.C. 2109.04.

61.1 - Appraisers & Appraisals / Inventory.

A. When required by law, there shall be one suitable and disinterested appraiser appointed by the executor or administrator of an estate, with court approval. The following persons shall be disqualified from being such an appraiser:

1. A person related by blood or marriage to the decedent;
2. A beneficiary of the estate;
3. A person related by blood, marriage or employment to the attorney for the estate; and
4. A person related by blood, marriage or employment to the fiduciary for the estate.

B. Real estate appraisals shall be made by licensed real estate agents, brokers, auctioneers, credentialed real estate appraisers, real estate loan officer of local financial institutions, or such other persons who by experience and training are qualified to make real estate appraisals. A licensed real estate agent or broker who is the listing broker for the sale of the real estate is not disqualified as an appraiser.

C. No appraiser shall be permitted to directly or indirectly purchase or acquire any of the property he or she appraises, except at public auctions.

D. Readily ascertainable value of real property, including mobile homes, modular homes and manufactured homes: Notwithstanding sections (A) through (C) of this rule, the market value of real property, including mobile homes, modular homes and manufactured homes as found in the Madison County Auditor's property records shall be accepted as the readily ascertainable value of the property and no further appraisal of such property shall be required except as provided under Paragraph H of this rule. A copy of said evaluation shall be attached to Form 6.1 - Schedule of Assets - or Form 5.1 - Assets and Liabilities of Estate to be Relieved from Administration – or Form 5.10 – Application for Summary Release from Administration, whichever is applicable.

E. Readily ascertainable value of motor vehicles, ATVs, motorcycles, side cars, snowmobiles, trailers, utility vehicles, power boats, sailboats, personal watercraft, outboard motors, boat trailers, travel trailers/fifth wheels, motor homes, camping trailers, truck campers, and park models:

Notwithstanding sections (A) through (C) of this rule, the market value of any motor vehicle, ATVs, motorcycles, personal watercraft, side cars, snowmobiles, trailers, utility vehicles, power boats, sailboats, personal watercraft, outboard motors, boat trailers, travel trailers/fifth wheels, motor homes, camping trailers, truck campers, and park models as found in a current, nationally recognized used car guide, by determining the median value of the trade-in value and retail value may be adopted as the readily ascertainable value of the property and no further appraisal of such property shall be required except as provided under Paragraph H of this rule.

However, if the median value of the trade-in value and retail value are not available in the current, nationally recognized used car guide, then the Court will accept the retail value and it may be adopted as the readily ascertainable value of the property and no further appraisal of such property shall be required except as provided under Paragraph H of this rule.

A copy of the appropriate page(s) from said current, nationally recognized used car guide shall be attached to Form 6.1 - Schedule of Assets, or Form 5.1 - Assets and Liabilities of Estate to be Relieved from Administration, or Form 5.10 – Application for Summary Release from Administration.

F. Description and Valuation of Stock:

(1) If the stock is publicly traded and its valuation obtained from any recognized stock exchange or over-the-counter quotation be listed.
(2) If the stock represents an investment in a closed corporation, its value must be made by a duly appointed and qualified appraiser.

G. Items of household goods are not required to be individually listed and individually valued. Items specifically bequeathed or devised must be individually listed.

H. An administrator, executor, fiduciary, beneficiary, or creditor of a decedent=s estate may file a written request with the Probate Court not later than the date set for hearing on the Inventory and Appraisal pursuant to R.C. 2115.16 that any property deemed to be appraised by readily ascertainable value shall be appraised by a suitable and disinterested appraiser as provided in sections (A) through (C) of this rule.

I. Unless there is a dispute, or an appraisal is required for other purposes, a Court-appointed appraiser shall not be necessary in estates relieved from administration.

J. Inventory and Appraisal and Hearing: the Fiduciary shall provide Notice of Hearing on Inventory to the following interested parties: surviving spouse, next of kin, legatees and devisees, by regular U.S. Mail, and/or may obtain a Waiver of Notice of Hearing on Inventory from those interested parties. The Fiduciary shall then file an Affidavit of Service of Notice of Hearing, along with said Notices and/or Waivers, and the Orders on Filing/Order Approving Inventory and Appraisement no later than the date set for hearing of said Inventory.

If, however, Waivers of Notice of Hearing on Inventory from all interested parties and the Affidavit of Service of Notice of Hearing are filed simultaneously with the Inventory and Appraisal, and no

exceptions have been filed, the hearing on said Inventory shall be had before the Court forthwith and the Inventory shall then be allowed and confirmed.

K. Amended Inventory: When an Amended Inventory and/or Amended Schedule of Assets is/are filed, the same requirements as outlined in Paragraph J of this Rule shall be followed.

62.1 Claims Against Estate/Insolvency Proceedings.

A. The Court shall set a hearing on a Representation of Insolvency filed with the Court. The Executor or Administrator shall cause written notice of the hearing to be served pursuant to R.C. 2117.17 and Civil Rule 73. Proof of service of notice and all waivers of service shall be filed with the Court.

B. Notice of the Court's Order disapproving the allowance of a claim shall be served upon said claimant by the Executor or Administrator pursuant to R. C. 2117.17, 2117.11, and Civil Rule 73.

C. Any claimant served by the Executor or Administrator with Notice of the Court's Order disapproving the allowance of the claim shall be exempt from the service requirement for Notice of Hearing on Account as defined in Local Rule 64.1, Paragraph F (creditors designated as interested party).

64.1 - Accounts.

A. All accounts must be personally signed by the fiduciary and contain the full name, current address and telephone number of the fiduciary, if different from the name, address and telephone number listed on the application to administer.

B. All fiduciaries must sign the account when multiple fiduciaries have been appointed.

C. For decedents= estates with a date of death 1/1/02 and after, a final account or certificate of termination is due six months from the date of the appointment of fiduciary. If a final account or certificate of termination cannot be filed in six months, either an application to extend administration or a notice to extend administration must be filed. A status report must be filed with any partial account subsequently filed. All subsequent accounts must be filed on an annual basis unless the Court orders otherwise. Accounts not filed in compliance with this rule shall be subject to citation.

D. For guardianships and trusts, the first account shall be filed no later than one (1) year following the date of the appointment and all subsequent accounts shall be filed on an annual basis, unless otherwise ordered by the Court.

E. Copies of the account shall be served as follows.

1. Intestate Estate. No account shall be approved unless there is a certificate filed by the fiduciary that a copy of the account as filed has been personally served or mailed by ordinary U.S. Mail to the surviving spouse and all next of kin in an intestate estate.
2. Testate Estate. No accounts shall be approved unless there is a certificate filed by the

fiduciary that a copy of the account as filed has been personally served or mailed by ordinary U.S. Mail to the surviving spouse and all the beneficiaries at the addresses listed in the file except corporate or charitable beneficiaries.

3. Guardianships. No account shall be approved unless there is a certificate filed by the guardian that a copy of the guardian=s account as filed has been personally served or mailed by ordinary U.S. Mail to all next of kin of the ward who reside in Ohio.
4. Trusts. No account shall be approved unless there is a certificate filed by the fiduciary that a copy of the account as filed has been personally served or mailed by ordinary U.S. Mail to all the beneficiaries of the trust.

F. Hearing on Account: the Fiduciary shall provide Notice of Hearing on Account to interested parties by certified mail, return receipt requested, and/or may obtain a Waiver of Notice of Hearing on Account from those interested parties. The Fiduciary shall provide Notice of Hearing on Account to creditors by ordinary mail or may obtain a Waiver of Notice of Hearing on Account from those creditors. The Fiduciary shall then file an Affidavit of Service of Notice of Hearing, along with said Notices with the attached signed certified mail card(s) and/or Waivers as to interested parties and any Waivers as to creditors, no later than the date set for hearing of said Account.

Interested parties for an Account are designated as:

Intestate Estates: surviving spouse and all next of kin

Testate Estates: surviving spouse and all beneficiaries

Creditors for an Account in intestate or testate estates are designated as: those creditors who have properly and timely presented claims in compliance with Ohio R. C. 2117.06 but who at the time of the filing of the account have not had their claims satisfied. Please see Local Rule 62.1 (C) regarding a Court Order disapproving the allowance of a claim in insolvency proceedings.

Guardianships/Conservatorships: all next of kin of the ward who reside in Ohio

Trusts: all beneficiaries of the trust

G. Amended Account: When an Amended Account and/or Amended Receipts and Disbursements is/are filed, the same requirements as outlined in Paragraphs E and F of this Rule shall be followed.

H. Any disbursements listed on an account as reimbursement for costs and expenses advanced shall include the language “as defined and permitted by Local Rule of Court”.

64.2 - Delinquency in filing an account.

No expenditure, sale, distribution, or fee will be approved while the fiduciary is delinquent in filing an account. See also Sup.R.78.

64.3 - Vouchers.

Where the fiduciary is represented by counsel, vouchers in support of an account are not required unless the court determines otherwise.

In all other cases, the court requires vouchers or a statement from a financial institution specifying the check amount, payment, date and payee to be displayed when filing accounts. If payee is not displayed the fiduciary or counsel of record may file an affidavit as to the payee.

In lieu of submitting vouchers or statements from financial institutions in a solvent decedent=s estate, the fiduciary may file with the account a statement from all of the beneficiaries acknowledging that each received a copy of the account and that he or she consents to the filing of the account and the date of the consent.

64.4 - Bond.

An account will not be accepted for filing unless the bond, when required, is sufficient to cover twice the sum of the value of the personal property assets on hand plus one (1) year=s projected income.

Upon application and hearing, the bond may be waived by the Court for good cause shown and with the consent of all beneficiaries capable of giving consent.

64.5 - Evidence of assets.

The Court requires that all assets be documented at the time of filing a partial account and available to be exhibited to a deputy clerk.

66.0 - Guardianships.

Local Rule 66 Series Numbering

Due to the manner in which the Supreme Court of Ohio has numbered Sup.R. through 66.09 by using 4 digits, all of this Court's local rules pertaining to Guardianships shall be similarly numbered.

LOC.R. 66.01 DEFINITIONS

The terms defined in Sup.R. 66.01 have the same meaning when used in Loc.R. 66.

LOC.R. 66.02 APPLICATION OF RULES

The Local Rules guardianship rules apply to all guardianship administered through this Court, unless otherwise indicated in the particular Local Rule, or unless expressly waived by Court Order.

LOC.R. 66.03(A) EMERGENCY GUARDIANSHIPS

Pursuant to Sup.R. 66.03(A) this Court has adopted the following process for emergency guardianships. Every application for the appointment of an *ex parte* emergency guardianship shall be accompanied by: (a) a Statement of Expert Evaluation (SPF 17.1) (as supplemented for emergency guardianships with SPF 17.lA); (b) a completed Next of Kin form (SPF 15.0); (c) a narrative statement signed by the applicant setting forth anecdotal information describing the imminent risk of significant injury to the person or property of the minor or incompetent that justifies an *ex parte* emergency appointment; (d) compliance with the Court's requirements with respect to background checks and credibility; and (e) photo identification of the applicant. The applicant shall appear at the Court when filing the application for emergency guardianship. The applicant shall attend the 72-hour hearing to determine whether to extend the emergency guardianship for up to 30 additional days. The applicant is expected to file an application for appointment of guardian (SPF 16.0 or SPF 17.0, as is applicable) within seven days of the completion of a hearing extending the guardianship beyond the initial 72 hour appointment, if it is expected the need for continued guardianship will exist longer than the emergency guardianship.

LOC.R. 66.03 (B) GUARDIAN COMMENTS AND COMPLAINTS

Pursuant to Sup. R. 66.03(B) this Court has adopted the following process for submitting and considering comments or complaints regarding the performance of guardians appointed by this Court.

This local rule is applicable to all guardians appointed by the Court pursuant to RC 2111.02. Comments and complaints (hereinafter collectively referred to as "complaints") received regarding the performance of guardians and the resulting documents and correspondence are considered to be case documents and accessible to the public, unless otherwise excluded pursuant to Superintendence Rule 44 (C)(2). The Court will note actions with respect to the complaint in the case docket. The Court will communicate complaints about a guardian's performance to the guardian and/or the guardian's counsel expeditiously and pursuant to this local rule.

The Court will not accept or act upon an oral or telephonic complaint against a guardian, other than to provide the address to which to hand-deliver, fax, e-mail, or mail the written complaint. The Court will not accept an anonymous complaint. When the Court receives the written complaint regarding a guardian's performance, it will date- stamp the complaint. Complaints received electronically on days the Court is closed shall be deemed to have been received on the next day the Court is open.

When a complaint is received at the Court by hand delivery or electronic means:

(A) Within five (5) workdays of receipt of the complaint the Court shall send a letter to the complainant acknowledging the receipt of the complaint and providing a copy of this rule.

(B) Within ten (10) workdays of receipt, the Court shall perform an initial review of the complaint after a study of the guardianship case, and

(1) Send the complainant a letter dismissing the complaint as unsubstantiated/unspecific/insufficient and send a copy of the complaint and response to the guardian or guardian's counsel; or

(2) Send a copy of the complaint to the guardian and/or guardian's attorney and request a response to the complaint within fifteen (15) court days from the date of mailing. The forwarding letter shall advise the guardian and/or attorney that a failure to respond will result in a show cause hearing being set with the attendance of the guardian required. A copy of the forwarding letter shall be provided to the complainant; or

(3) Notify the guardian and/or guardian's counsel and refer the matter to the Court Investigator for an investigation and a report within fifteen (15) court days from the date of referral; and/or

(4) When appropriate, refer the matter to the appropriate law enforcement agency pursuant to RC 2101.26 if the complaint alleges abuse, neglect, or exploitation of the ward. When the Court refers a complaint to law enforcement, the Court will take such emergency action as it determines necessary to protect the interests of the ward while being cognizant of the need to have minimal impact on investigation by the law enforcement.

(C) Upon the expiration of the period for the responsive reports from the guardian and/or the Court Investigator to be filed, or upon their earlier filing, the case file (including the written response(s) and the complaint) shall be submitted to the Judge or Magistrate and within five (5) court days the Judge or Magistrate shall do one or more of the following:

(1) Find the complaint to have been resolved or unsubstantiated and advise the complainant, guardian and/or counsel accordingly by letter;

(2) Refer the matter to mediation under the Court's Mediation Rule (Loc.R. 16) with a copy of the referral order being sent to the complainant, the guardian and/or guardian's counsel;

(3) Set a review conference or a show cause hearing with notice to the complainant, the ward, the guardian and/or guardian's counsel, and other interested parties; or

(4) Appoint a guardian ad litem to represent the best interests of the ward; or

(5) Refer the matter to the Probate Judge for appointment of a special master commissioner to investigate the issues and to

report with findings and recommendations pursuant to RC 2101.06 with notice to all interested parties. When the commissioner's report is filed, the Probate Court will set the matter for hearing with notice to the ward, the ward's guardian ad litem, if any, the guardian and/or the guardian's counsel and the complainant.

Except when administratively dismissing a complaint, when adopting an agreed mediation report, or acting in an emergency, the Court shall not act without a hearing. The Judge or Magistrate shall issue findings and conclusions with respect to any hearing held on the complaint. The Court's journalization relating to the Court's Decision will close the complaint. The Court's actions may include dismissal, directives for remedial action, establishing periodic review dates, allocating costs and fees, referral to law enforcement for investigation, sanctions, removal, and any other actions permitted by law.

When the ward is a veteran and the Court appointed the guardian under Revised Code Chapter 5905, notice of the complaint, reports, hearings and actions shall be given to the Administrator of Veterans Affairs of the United States pursuant to RC 5905.03.

The Court shall maintain a record regarding the nature and disposition of any complaints filed under this rule in an Administrative Case File.

LOC.R. 66.04 (RESERVED)

LOC.R. 66.05(A) GUARDIAN BACKGROUND CHECKS

An applicant for appointment as a guardian, including as an emergency guardian, must submit to a civil and criminal record check satisfactory to the Court and execute such consent, if any, as may be requested by the Court to authorize the Court to perform that record check. Additionally, an applicant for appointment shall complete and file a Guardian's Credibility form (Loe. F. 66.1OA). In place of a civil and criminal background check, an Ohio attorney applicant currently in good standing with the Supreme Court of Ohio, may obtain and submit to the Court a Certificate in Good Standing with disciplinary information, issued by the Supreme Court of Ohio.

LOC.R. 66.05(B) GUARDIAN WITH TEN OR MORE ADULT WARDS

To assist the Court in meeting its supervisory responsibilities under Sup.R. 66.05(B) and in satisfaction of the responsibilities arising under Sup.R. 66.08(H) by January 31 of each year, a guardian with ten or more wards through the probate courts of Ohio shall register with this Court on the local Multi-Guardian Annual Registration Form, or on a standard form adopted for that purpose by the Ohio Supreme Court. The registration shall include a listing of the guardian's wards, the case number and the appointing Court. The guardian in such cases shall advise the Court of any change in the guardian's name, address, telephone number and electronic mail address within ten days of the change occurring.

If the guardian will be seeking compensation from the guardianship or from the Court, the guardian shall accompany the annual registration with a fee schedule that differentiates guardianship services fees as established by local rule from legal fees or other direct services.

A guardian with 10 or more wards shall include with the Guardians Report form, a statement indicating whether the guardian is aware of any circumstances that may disqualify the guardian from continuing to serve as a guardian.

LOC.R. 66. 06 GUARDIAN FUNDAMENTALS TRAINING REQUIREMENT

A Guardian holds a unique role with respect to the ward and the Guardian has an obligation to obtain an understanding of the fundamentals of that relationship. Formalized training is one means to gain that competency.

Every guardian for an adult not related to the ward by consanguinity (a blood relationship) or affinity (kinship by marriage) must meet the guardianship fundamentals training requirements under Sup.R. 66.06 by completing prior to appointment or within six months thereafter, a six-hour guardian fundamentals course provided by the Supreme Court of Ohio, or with prior approval of that Court, another entity. Those failing to meet the requirement shall be subject to citation for being in contempt of court and subject to sanctions including, but not limited to imposition of a fine, denial of compensation, and removal. A guardian who has served at any time after June 1, 2010, or who is serving on June 1, 2015, shall have until June 1, 2016 to complete the guardian fundamentals course, unless the Court waives or extends the requirement for good cause. The guardian is responsible for providing to the Court in a timely manner documentation that establishes compliance with the guardian fundamentals training requirement. The failure to attend the training in a timely manner may result in a citation in contempt, sanctions, and/or removal of the guardian. Attorneys are exempt from this requirement.

LOC.R. 66.07 GUARDIAN CONTINUING EDUCATION

After completing the guardian fundamentals course, every guardian of an adult not related to the ward by consanguinity (a blood relationship) or affinity (kinship by marriage) shall annually complete a three-hour guardian continuing education course provided by the Supreme Court of Ohio, or with prior approval of that Court, another entity.

If a guardian fails to comply with the guardian continuing education requirement, the guardian shall not be eligible for further appointment until the requirement is met.

The guardian also may be subject to sanctions and/or removal.

By December 31 of the first calendar year after completing the guardian fundamentals course, or its waiver by Court order, the guardian is responsible for providing to this Court documentation demonstrating compliance with this guardian continuing education requirement, including the title, date, location and provider of the education, or a certificate of completion containing such information.

LOC.R. 66.08 GENERAL RESPONSIBILITIES OF THE GUARDAIN TO THE COURT

The person seeking to be appointed as the guardian is expected to have met with the proposed ward at least once prior to appearing before the Court for the hearing on the application, unless the Court has waived the pre-appointment meeting for good cause.

If the guardian becomes aware of allegations of abuse, neglect or exploitation of the ward, the guardian shall immediately report the same to the appropriate law enforcement authorities and the Court.

A guardian appointed by this Court shall inform the Court as to any change of address for either the guardian or the ward. This notification must be made within ten (10) days of the address change. The Notice of Change of Address form may be used for that purpose, but it is not required. If the ward's residence is changed the reason for the change should be indicated. Failure to notify the Court, under this rule, may result in the guardian being removed and/or the guardian's compensation being reduced or denied.

The guardian shall not move the ward from Madison County, Ohio or into a more restrictive setting without prior Court approval, unless a delay in obtaining authorization for the change of residence or setting would affect the health and safety of the ward.

While a guardian is generally required to seek prior approval of this Court before filing a suit for the ward, prior approval shall not be required when the suit is being filed in this Court.

The guardian shall avoid conflicts of interest with the ward and endeavor to avoid the appearance of impropriety (perceived self-serving, self-dealing or perceived actions adverse to best interests decisions) when dealing with the ward's assets and needs. A potential conflict for the guardian may arise if the guardian's immediate family (parent, spouse, or child) is being employed or contracted by the guardian. The guardian shall disclose all conflicts to the Court in a clear and unequivocal manner. Doing so, facilitates a determination whether the conflict can be mitigated or eliminated through the use of a guardian ad litem, a limitation of the powers of the guardian, or other actions.

The guardian shall obey all orders of this Court and shall perform all guardianship duties in accordance with the state and federal laws and rules and this Court's local rules, as all of them may be effective during the guardianship.

LOC R. 66.09 GENERAL RESPONSIBILITIES OF THE GUARDIAN TO THE WARD

The guardian shall treat the ward with respect and dignity.

The guardian shall meet with the ward at least quarterly throughout the year, or more often if needed to promote the best interests of the ward.

Unless a guardian is related to the ward by consanguinity (a blood relationship) or affinity (kinship by marriage), the guardian shall not deliver the ward direct services, as defined in Sup.R. 66.0l (B), without approval of this Court.

The guardian shall deposit ward's last will and testament with the Court for safekeeping if the will is in the possession of the guardian. If the ward's will is not in the possession of the guardian, upon being advised of the location, the Court shall order the holder to deposit the will with the Court for safekeeping.

LOC.R. 66.10 GUARDIANSHIP OF MINORS

When proceedings for the appointment of a guardian of a minor are presented to this Court, the following shall apply:

(A) A certified copy of the minor's birth certificate must be displayed to the Court with the guardianship application. A copy will be made by the Court and the original will be returned to the submitter.

(B) The Court will not establish a guardianship solely for the purpose of school enrollment.

(C) The Court will not establish any guardianship over the person of a minor where another Court has jurisdiction over custody of the minor.

(D) When the minor has not been in Ohio for 6 months, the Court will not accept for filing an Application for Guardianship unless it is alleged that the minor has been (1) abandoned (no contact) by the parents for more than 90 days, (2) has a medical emergency, or (3) the minor's "home state" has declined jurisdiction. (See Ohio's Uniform Child Custody Jurisdiction Enforcement Act – Chapter 3127).

LOC.R. 66.11 NEXT OF KIN FOR GUARDIANSHIP OF INCOMPETENT ADULTS

For purposes of completing the Next of Kin of Proposed Ward (SPF 15.0), the applicant, pursuant to R.C. 2111.0l (E), shall identify any person, whether or not an Ohio resident, who at that time would be entitled to inherit from the proposed ward under the Ohio laws of intestacy and all known children of the proposed ward.

LOC.R. 66.12 INVENTORY, FUND RELEASE, EXPENDITURES AND IDENTIFICATION OF LEGAL DOCUMENTS

Within three months of appointment, a guardian of the estate shall file an inventory of the ward's assets and income. If the assets include real estate, a legal description of the ward's real estate interest should accompany the Inventory. Funds in the name of the ward shall not be released to the guardian without the approval of an Application to Release Funds (SPF 15.6) or other specific court order. The expenditure of funds by a guardian shall not be approved until a Guardian's Inventory (SPF 15.5) has been filed and an Application to Expend Funds (SPF 15.7) has been approved.

Within three months of appointment the guardian shall file a list of all of the ward's known important legal papers, including but not limited to estate planning documents, advance directives and the location of such papers. If it becomes known to the guardian that such information has changed or the existence of other important legal papers becomes known, the guardian shall report that new information to the Court in writing within thirty days of discovery.

LOC.R. 66.13 GUARDIANS REPORT

Annually, the guardian of the person of an adult incompetent shall file the Guardians Report (SPF 17.7). Unless otherwise ordered by the Court each Guardians Report for an incompetent shall be accompanied by a Statement of Expert Evaluation (SPF 17.1). If a physician or clinical psychologist states as an Additional Comment on a Statement of Expert Evaluation, that is their opinion that to a reasonable degree of medical or psychological certainty that the ward's mental capacity will not improve, the Court, may dispense with the filing of subsequent Statements of Expert Evaluation with the Guardians Report.

Pursuant to Sup.R. 66.08(G) the guardian of the person for an adult who is not related to the ward by consanguinity (a blood relationship) or affinity (kinship by marriage)

shall include with the annual Guardians Report an addendum stating the guardian's goals and plans for meeting the personal needs of the ward. The Court may request that the guardian of the estate of an adult incompetent submit a report identifying the guardian's goals and plans for financially meeting the ward's needs.

LOC.R. 66.14 DEPOSIT OF WILL BY GUARDIAN

The guardian must deposit with the Court for safekeeping any instrument known to the guardian and executed by the ward that would constitute a "will" under R.C. 2107.01. The Clerk shall issue to the Guardian a Certificate of Deposit of Will as a receipt for the deposited will. No fee shall be charged for the deposit.

LOC.R. 66.15 POWERS OF ATTORNEY BY GUARDIAN PROHIBITED

The Court, through this Local Rule, exercises its discretion under R.C. 21l 1.50(A)(2)(c) and hereby prohibits a guardian appointed by the Court from executing a power of attorney or any other document which purports to appoint an agent to execute any of the duties or responsibilities imposed upon the guardian by law, rule, or order of the Court, unless otherwise approved by a specific order of the Court.

LOC.R. 66.16 TERMINATIONS

Except for the termination of a guardianship of a minor attaining the age of majority or upon the death of the Ward, a termination of a guardianship shall require notice to all persons designated in R.C. 2111.04 and to any other individuals who received actual notice of the original appointment of the guardian. It is the responsibility of the applicant for termination to perfect service pursuant to Civ.R. 73 when a termination is requested. A Certificate of Service with supporting documentation satisfactory to the Court must be filed prior to the consideration of the application.

LOC.R. 66.17 INDIGENT WARDS

The applicant or the guardian must file with the Court an Affidavit of Indigency, if the waiver of court costs is being requested or payment of compensation from the Indigent Guardianship Fund is being requested. False affidavits are punishable by findings of contempt, prosecution, or other sanctions.

LOC.R. 66.18 VETERANS' GUARDIANSHIPS

Veterans' Guardianships are governed by R.C. Chap. 5905 and to the extent that there are special rules established therein for veterans' guardianship, those rules shall apply. In every other respect, the general guardianship laws and rules shall apply.

LOC.R. 66.19 GUARDIANSHIP VISITORS PROGRAM

This number is reserved for future use.

LOC.R. 66.20 ADDITIONAL COST DEPOSIT

Pursuant to RC 2111.031 and in addition to the basic cost deposit, the Court may require an Applicant for a guardianship to make an advance cost deposit in an amount the Court determines necessary (a) to defray the anticipated costs of examinations of an alleged incompetent, and (b) to cover the fees and costs to be incurred to assist the Court in deciding whether a guardianship is necessary.

66.21 - Deposit of Wills

A. The guardian must deposit with the Court any and all original Wills and Codicils of the ward for safekeeping pursuant to Ohio R.C. 2107.07. Said Will and/or Codicil should be placed in a sealed envelope that contains an endorsement on the outside of said envelope naming the Executor and also the successor Executor.

B. Within three months after the guardian's appointment, a guardian shall file with this Court a list of all of the ward's important legal papers, including but not limited to estate planning documents, advance directives, and powers of attorney, and the location of such legal papers, if known at the time of the filing (Sup.R. 66.08).

66.22 - Change of Address.

A guardian appointed by this Court shall inform the Court as to any change of address of the guardian or the ward. This written notification must be made within thirty (30) days of the address change. Failure to notify the Court under this rule may result in the guardian being removed.

66.23 - Guardian=s Report.

A. For a guardianship of an incompetent person, the Guardian of the person shall file the Guardian=s Report. If there is only a Guardian of the estate, the Guardian=s Report must be filed by this Guardian.

B. Where a physician or clinical psychologist states on the Statement of Expert Evaluation - Guardian's Report Addendum that to a reasonable degree of medical certainty it is unlikely the ward=s mental competence will improve, the Court may, by Order, dispense with the filing of subsequent Statements of Expert Evaluation when subsequent biennial guardian=s reports are filed.

C. When the Statement of Expert Evaluation is filed, the entire form and appropriate boxes must be completed, it must be dated within three (3) months of the date it is filed, and must be legible.

D. For a guardianship of a minor child, the Guardian of the person shall file a Guardian's Report on an annual basis on the anniversary date of his/her appointment as Guardian. If there is only a Guardian of the estate, the Guardian's Report must be filed by this Guardian. The Guardian shall use the form supplied by the Court for this reporting requirement. Said Report may contain the following information: current address of Guardian, current address of ward, hospitalizations of ward since last Report, any changes in financial assets of the ward and/or unauthorized use of ward's funds without a Court Order, any concerns of the Guardian about the ward.

66.24 - Termination

Applications to terminate a guardianship of a minor require notice to all persons designated in Ohio R.C. 2111.04 and any other individuals who received actual notice of the original appointment of the guardian.

68.1 - Settlement of Injury Claims of Minors.

A. A certified copy of the minor=s birth certificate must be presented to the Court upon the filing of the application to settle a minor=s claim.

B. Current statement of examining physician in respect to injuries sustained, extent of recovery, and permanency of any injuries *(SupR 68B –statement is mandatory as opposed to discretionary)* must be on business letterhead, must be dated within six (6) months of the date it is filed, and must be legible.

68.2 - Settlement Conference.

It is suggested that the attorney, prior to bringing the clients to Court to settle a minor=s claim, personally appear or telephonically discuss the settlement with the Court.

69.1- Settlement of Claim of Adult Ward

A. Current statement of examining physician in respect to injuries sustained, extent of recovery, and permanency of any injuries must be on business letterhead, must be dated within six (6) months of the date it is filed, and must be legible.

B. Notice of the hearing on the application shall be given to all persons who are interested parties to the proposed settlement, as determined by the court. The Court defines "interested parties" to be the ward's next of kin residing in Ohio. However, the Court may dispense with notice of hearing upon proper application and for good cause shown.

71.1 - Counsel Fees - Decedents= Estates.

A. Counsel fees for the administration of a decedent=s estate shall be reasonable and beneficial to the estate. The application for fees shall be in writing which sets forth the details supporting the calculations on which the requested fees are based. Counsel shall have a written fee agreement which is signed by the attorney and applicant as well as the date of execution. The fee agreement will be produced upon request to the Court.

B. Where the majority of the residual beneficiaries have consented in writing to the amount of counsel fees and when all claims against the estate have been paid, an application need not be made for the allowance, provided the consent is endorsed on the fiduciary account or evidenced by a separate instrument filed with the account.

The written consent by residual beneficiaries also applies to an amount of extraordinary counsel fees requested. If the written consent of the residual beneficiaries to extraordinary counsel fees cannot be obtained, then counsel shall provide the Court with an Entry Setting Hearing on Extraordinary Attorney Fees, and shall indicate in the Order that the Clerk shall serve a copy of the Entry Setting Hearing on all residual beneficiaries by regular U.S. Mail, at least seven (7) days prior to hearing.

C. Where the attorney, on application to the Court prior to or during administration, requests a fixed fee, the Court, if it deems appropriate and after appropriate notice to the interested parties, will then fix a reasonable fee for service beneficial to the administration of the estate.

D. Counsel fees for the administration of a decedent=s estate as set forth below may serve as a guide in determining fees to be charged to the estate by legal services of an ordinary nature rendered as attorney for the fiduciary in the complete administration of a decedent=s estate.

E. The following schedules, however, are not to be considered or represented to clients as schedules of minimum or maximum fees to be charged. Attorneys will be strictly held to the provisions of the Professional Code of Conduct Rule 1.5. The Court may adjust fees on its own motion regardless of any consent to fees filed in the estate.

1. On the personal property which is subject to administration for which the fiduciary is charged and upon the proceeds of real estate that is sold under a power of will as follows:

a. For the first $50,000.00 at a rate of 4%;
b. All above $50,000.00 and not exceeding $200,000.00 at a rate of 3%;
c. All above $200,000.00 at the rate of 2%.

2. On real property that is not sold at a rate of 2%.

3. On real estate sold by judicial proceedings according to the judgment entry confirming the proceedings 2%.

4. On all other property not included in this rule in which decedent had an interest at death, 1% of the total value of such property.

F. Where the attorney, law partner or firm associated is appointed as the fiduciary, the total administration fee may not exceed the statutory fiduciary commission plus one-half of the guideline counsel fee.

G. If by reason of the application of the above percentages to values of assets a disparity or injustice results, such disparity or injustice may be reviewed on the Court=s own motion in respect of any account reflecting such compensation or upon exceptions to such an account. **Estates which involve tracts of real estate, especially those enrolled in CAUV, will be reviewed with great scrutiny as to the fairness of attorney fees.**

H. Postage fees (other than for overnight, certified or registered mail, or certificate of mailing), copy costs, and telephone charges shall be considered part of the legal services of an ordinary nature rendered by the attorney for the fiduciary in the complete administration of a decedent=s estate. An attorney may be reimbursed for the advancement of other costs and expenses, such as overnight, certified and registered mail, court deposits, court costs, vehicle titles, recording fees and death certificates. However, all such reimbursements are subject to Court review. Any disbursements listed on an account as reimbursement for costs and expenses advanced shall include the language “as defined and permitted by Local Rule of Court”.

I. When counsel fees are calculated pursuant to Local Rule 71.1 (E) (4), if a Memorandum or Estate Tax Return have not been filed, counsel shall provide the Court with an “informal correspondence” which itemizes the property values that were used in the computation of the fee permitted by Rule 71.1(E)(4). Pursuant to Local Rule 26.1 – Court Records Management and Retention Schedule, when the “informal correspondence” received by the Court is considered to be of no value by the Court, said “informal correspondence” may be destroyed in the normal course of business.

71.2 - Counsel Fees - Guardianship.

A. Application for fees shall be made with the Court. When a guardian is applying for compensation as guardian of the person, the guardian shall consider the factors set forth in Sup.R. 73 (B) and the Professional Code of Conduct 1.5. The application for compensation should address each applicable factor (itemization of expenses, additional compensation, apportionment of the aggregate compensation between co- guardians, and denial or reduction).

B. Counsel fees for the establishment of the guardianship, filing of inventory and filing the first account shall be those reasonable and beneficial to the guardianship. The allowance of fees shall be in writing which sets forth the details supporting the calculations on which the requested fees are based. Set forth below is a guide in determining fees charged for ordinary legal services in establishing guardianships through the first account. Such schedules, however, are not to be considered as schedules of minimum or maximum fees to be charged:

1. Income and Disbursements:

4% of the first $5,000.00 of income and disbursements.
3% of the next $25,000.00 of income and disbursements.
2% of income and disbursements in excess of $30,000.00.

2. Principal:

$2.50 per thousand on the first $250,000.00 of market value.
$1.50 per thousand on excess of $250,000.00 of market value.

C. For purposes of determining compensation based on income, the following shall not be considered income:

1. Receipt of corpus by guardian.
2. Balance carried forward from prior accountings.
3. Investment and reinvestment of corpus.

D. If by reason of the application of the above percentages to income and disbursements a disparity or injustice results, such disparity may be reviewed on the Court=s own motion in respect of any account reflecting such compensation.

E. After the filing of the first account, all applications for attorney fees shall be those reasonable and beneficial to the guardianship and shall be in writing setting forth the calculations of such fees.

F. When the attorney, law partner or firm associated is appointed as the guardian, the attorney shall keep accurate time records that separate the duties of the guardian from that of the attorney. Compensation shall be approved for the reasonable value of services performed as attorney and as guardian. If the attorney fails to maintain accurate time records, the attorney will only be allowed the compensation determined under Rule 73.1 (Guardian=s compensation).

G. Postage fees (other than for overnight, certified or registered mail, or certificate of mailing), copy costs, and telephone charges shall be considered part of the legal services of an ordinary nature rendered by the attorney for the guardian in the administration of the guardianship. An attorney may be reimbursed for the advancement of other costs and expenses, such as overnight, certified and registered mail, court deposits, court costs, vehicle titles, recording fees and death certificates. However, all such reimbursements are subject to Court review. Any disbursements listed on an account as reimbursement for costs and expenses advanced shall include the language “as defined and permitted by Local Rule of Court”.

H. Applications for approval of counsel fees in a guardianship (whether paid from the ward’s funds, or from the Indigent Guardianship Fund if there are sufficient funds in said account, or, if not, another fund or funds of the Court as deemed appropriate by the Court Administrator) shall be filed preceding or simultaneous with the filing of a Partial Account or Final Account, to ensure the frequency of the filing of an application at least every year or every two years. If a Partial Account or a Final Account is not required to be filed, then the application for fees shall be filed preceding or simultaneous with the filing of a Motion to Terminate Guardianship. Fee applications submitted for time spans covering more than two years, or submitted after the Final Account or Entry Terminating Guardianship has been approved and filed, will not be approved without proof of justifiable cause.

I. Attorneys who have not been “appointed” by the Court but who voluntarily serve as counsel for a Guardian of an indigent ward shall be paid at the same rate as defined by Local Rule 8.1 – Court Appointments.

71.3 - Counsel Fees - Trusts

A. An application must be filed for approval of attorney=s fees in a trust. Said fees shall be reasonable and beneficial to the trust. Attorneys will be strictly held to the provisions of the Professional Code of Conduct Rule 1.5.

B. Postage fees (other than for overnight, certified or registered mail), copy costs, and telephone charges shall be considered part of the legal services of an ordinary nature rendered by the attorney for the trustee in the administration of the trust. An attorney may be reimbursed for the advancement of other costs and expenses, such as overnight, certified and registered mail, court deposits, court costs, vehicle titles, recording fees and death certificates. However, all such reimbursements are subject to Court review. Any disbursements listed on an account as reimbursement for costs and expenses advanced shall include the language "as defined and permitted by Local Rule of Court".

73.1 - Guardian=s Compensation.

A. A guardian shall be allowed compensation for income and disbursements as follows:

1. Income and Disbursements:
   4% of the first $5,000.00 of income and disbursements
   3% of the next $25,000.00 of income and disbursements
   2% of the excess of $30,000.00 of income and disbursements

2. Principal:
   $2.50 per thousand on the first $250,000.00 of market value
   $1.50 per thousand on excess of $250.00 of market value

B. For purposes of determining compensation based on income the following shall <u>not</u> be considered income:

   1. Receipt of corpus by guardian
   2. Balance carried forward from prior accountings
   3. Investment and reinvestment of corpus

C. Lay persons appointed as Guardians for an indigent ward shall be compensated at the rate of $25.00 per hour to the maximum of $200.00 per year (the same rate as defined by Local Rule 8.1 – Court Appointments).

D. Applications for approval of guardian fees (whether paid from the ward's funds or from the Indigent Guardianship Fund) shall be filed preceding or simultaneous with the filing of a Partial Account or Final Account, to ensure the frequency of the filing of an application at least every year or every two years. If a Partial Account or a Final Account is not required to be filed, then the application for fees shall be filed preceding or simultaneous with the filing of a Motion to Terminate Guardianship. Fee applications submitted for time spans covering more than two years, or submitted after the Final Account or Entry Terminating Guardianship has been approved and filed, will not be approved without proof of justifiable cause.

E. Additional compensation for extraordinary services and reimbursement for expenses incurred may be allowed upon an application setting forth an itemized statement of the services rendered and expenses incurred and the amount for which compensation is applied. Applications for compensation of extraordinary services and expenses incurred shall be set for hearing by the Court and notice shall be sent by the Court to the next of kin of the ward residing in Ohio. In lieu of a hearing on said application for additional compensation and expenses incurred, written consent by the ward's next of kin residing in Ohio for the extraordinary services and expenses incurred by the guardian may be filed.

1. Postage fees (other than for overnight, certified or registered mail), copy costs, and telephone charges shall be considered part of the services of an ordinary nature rendered by the guardian in the administration of the guardianship. A guardian may be reimbursed for the advancement of other costs and expenses, such as overnight, certified and registered mail, court deposits, court costs, vehicle titles, recording fees and death certificates. However, all such reimbursements are subject to Court approval (see above).

74.1 - Trustee=s Compensation.

A. Corporate trustees

1. Except where the instrument creating the trust makes provisions for compensation, a testamentary trustee may charge fees on the same basis as it charges for living trusts.

2. Fee schedules shall be furnished to the Court on the 1st day of January of each year and whenever a change in fees is made within any calendar year.

3. A separate schedule of the computation of the trustee=s compensation shall be set forth in the trustee=s account as a condition of its approval.

4. Corporate trustees who fail to furnish to the Court its current fee schedules shall be limited to fees set forth in its last furnished schedule, or if no schedule has been filed, then to the amounts for individual trustees.

5. Corporate trustees may at their option elect to use the Individual Trustee=s compensation schedule.

B. Individual trustees

Except where the instrument creating the trust makes provisions for compensation, the testamentary trustee may charge as follows:

1. Principal Fee. A fee of $2.00 per $1,000.00 of the market value of the principal held by the trustee.
2. Income Fee. A fee of six percent (6%) of the total of the income for the accounting period.
3. Principal Distribution Fee. A fee of one percent (1%) of the principal distributed during the accounting period.

75.1 - Adoptions.

A. An original and a copy of all petitions, interlocutory decrees and final decrees shall be filed in every adoption case. Additional copies of the petition shall be submitted as required for service.

B. In private placement adoptions, a pre-placement application in a form prescribed by the Court shall be filed by the proposed adopting parents not less than five (5) days prior to placement if applicants are residents of Madison County, Ohio, and not less than thirty (30) days prior to placement if applicants are not residents of Madison County, Ohio.

C. Once the applications have been approved by the Court, a hearing shall be held not less than seventy-two (72) hours after the birth of the child or after the parent(s) have met with the adoption assessor, whichever occurs later, for the placement and consent by the parents. Prior to the placement hearing, the Court shall be supplied with a statement from the child=s physician as to the medical condition of the child to be placed. If the placement is approved, the adoption petition must be filed before the Court will issue a Hospital Release for the release of the child to the petitioners or the attorney of the petitioners. The adoption petition shall not be set for hearing until after the placement is complete.

D. Assessors

The Assessor shall be a member of the Court's staff who is duly qualified. The Court may also appoint an assessor who is not on the Court's staff only for good cause shown.

E. Step-parent adoptions

No step-parent adoption shall be approved unless the applicant has been married to the parent of the child for more than one year.

75.2 - Custodial deposits in lieu of bond.

All custodial deposits of personal property, securities and monies must comply with Ohio R.C. 2109.13. All institutions desiring to be a depository must satisfy the Court of their authorization and certification by the State of Ohio.

75.3 - Release of Estates From Administration.

A. The Court shall select and appoint Commissioners, when required, in estates released from administration.

B. A copy of the paid funeral bill shall be attached to the Application to Relieve Estate from Administration.

C. A Report of Distribution shall be due 60 days from the date the Entry Relieving Estate from Administration is filed.

D. The Court may waive a noticed hearing in those instances where it appears no beneficiaries or creditors will be prejudiced.

E. If an Application to Relieve Estate from Administration is filed by the decedent's surviving spouse, no further notice of said Application to the parties listed on Form 1.0 will be required, unless the surviving spouse is not the natural parent of one or all of decedent's children.

75.4 - Pro Hac Vice.

A. An attorney not licensed to practice law in the State of Ohio, but who is duly licensed to practice law in any other state or the District of Columbia, may, at the discretion of the Probate Judge, be permitted to represent a party or parties in any litigation pending or to be filed in this county after completion of all of the following conditions:

1. File a written oath substantially in compliance with Rule 1, Section 8A of the Supreme Court Rules for the Government of the Bar;
2. The attorney must become familiar with Local Court Rules, Civil Rules, Rules of Evidence, and the Code of Professional Responsibility, and so certify to this Court in writing.
3. Be sponsored in writing by an attorney licensed to practice law in the State of Ohio. The motion made by the licensed attorney shall certify such out-of-state attorney=s compliance with this rule and the Supreme Court Rules for the Government of the Bar;
4. The sponsoring attorney shall submit with the motion and certification an entry authorizing the approval of the motion;
5. The sponsoring attorney, or any other attorney licensed to practice law in the State of Ohio, shall be co-counsel with the attorney admitted, *pro hac vice.*

B. The continuance of any scheduled trial or hearing date shall not be permitted solely because of the unavailability or inconvenience of the out-of-state attorney.

75.5 - Additional fees.

A. The fee for computerized legal research as authorized by Ohio R.C. 2101.162(A) shall be Three and No/100 Dollars ($3.00), and Three and no/100 Dollars ($3.00) per marriage license application.

B. The fee for computerization as authorized by Ohio R.C. 2101.162(B) shall be Five and No/100 Dollars ($5.00) per marriage license application.

75.6 Transcripts

The compensation of reporters for making transcripts shall be set by order of the Court and shall be paid forthwith to the reporter by the party for whose benefit the same is made.

Every transcript filed in this court shall bear the name, address and telephone number of the court reporter making the same.

A reporter shall not be required to prepare a transcript until satisfactory arrangements for payment have been concluded.

Written transcripts are to be originals or certified copies. To facilitate scanning for electronic recording, transcripts are to be single sided on an 8 ½ x 11 sheet of paper with each sheet containing only one page of a transcript. The transcript must be bound in a report folder. Staples may not be used to bind a transcript.

The court reporter be, and she/he is hereby authorized and directed to erase all recordings used to support transcript and Court proceedings after the lapse of time as follows: pursuant to Local Rule 11.1.

76.1 - Exceptions.

Upon application and for good cause shown, the Probate Court may grant an exception to these rules.

78.1 - Case Management and Pre-trial Procedure.

For the purpose of ensuring the readiness of civil cases in the Probate Division for pre-trial, final pre-trial and trial, the following procedures shall be in effect.

A. Civil Actions.

1. A pre-trial conference shall be conducted in all civil cases prior to being scheduled for trial, except in land sale proceedings.
2. Within thirty (30) days after the answer day the case shall be set by the Court for a pre-trial conference.
3. Notice of the pre-trial conference shall be given to all counsel of record by mail and/or telephone by the Court not less than fourteen (14) days prior to the conference. Any application for continuance of the conference shall be in writing and filed with the Court in a timely manner.

4. The following decisions shall be made at the pre-trial conference and all counsel attending must have full authority to enter into a binding pre-trial order.
    a. A definite discovery schedule shall be agreed upon by all parties for the completion of all discovery.
    b. A definite date for exchange for expert witness reports shall be determined.
    c. A definite date for filing of all motions, which date shall not be later than seven (7) days before the final pre-trial.
    d. The date for the final pre-trial shall be set by the Court and shall be held approximately one week prior to the trial.
5. The following decisions shall be made at the final pre-trial and all counsel attending must have full authority to enter into a binding final pre-trial order.
    a. The Court will rule on all pre-trial motions.
    b. Briefs on any legal issues shall be submitted.
    c. Proposed jury instructions shall be submitted.
    d. Proposed jury interrogatories shall be submitted.
    e. Clients shall be present.
    f. No motions shall be heard after the final pre-trial without leave of Court and without good cause being shown.
6. The trial date shall not be changed nor shall the trial be continued without order of the Court and after the showing of good cause.

B. Land Sales.

1. All land sales which have not been concluded within one (1) year from the date of filing shall be set for pre-trial conference within ten (10) days following the expiration of one year.
2. The following decisions shall be made at the pre-trial conference and all counsel attending must have full authority and enter into a binding pre-trial order:
    a. The attorney of record and fiduciary must attend the pre-trial conference.
    b. A written status report shall be filed with the Court no later than seven (7) days prior to the pre-trial conference.
    c. The status report shall address the issues as to the efforts being made to sell the real estate and when the case will be closed.

C. Decedent's Estate.

1. The statutory time or the time as extended by these rules or court order for filing of an account (R.C.2109.30) shall be adhered to and the citation procedure (R.C. 2109.31) shall be utilized if necessary to gain compliance.
2. Objections to inventory and objections to account. The Court shall set a pre-trial conference within thirty (30) days after filing and the Court, at the pre-trial conference, shall set the matter for an evidentiary hearing within thirty (30) days thereafter.
3. All decedent's estates, which are current as to filed accounts, which remain open after a period of thirteen months shall be subject to a status conference, if a written status report is not filed on an annual basis with each partial account.
4. If the box on the Fiduciary's Acceptance (Executor – Administrator) form is checked, stating that the Executor/Administrator is also the sole legatee, devisee, or heir, no partial accountings are required. However, within 30 days after completing the administration of the estate, a Final Account, or Final and Distributive Account, or a Certificate of Termination shall be filed.
5. Reopened Estates: An annual status report shall be filed in each reopened estate which remains open after a period of one year from the date of the entry/order to reopen the matter.

D. Wrongful Death Settlements.

All hearings shall be held within thirty (30) days of the filing of the Form 14.0. provided however, if either a guardian or a guardian ad litem is necessary to be appointed, the hearing shall be held within thirty (30) days of the filing or fifteen (15) days after the appointment, whichever is later.

E. Guardianships.

Adequate statutory provisions exist to control timeliness of filings, however, each case shall be reviewed not less than bi-annually.

F. Trusts.

Adequate statutory provisions exist to control timeliness of filings, however, each case shall be reviewed annually.

G. Motions.

1. Oral arguments of motions may be permitted on application and proper showing.
2. The moving party shall serve and file with the motion a brief written statement in support of the motion and a list of citations of authorities in support.
3. All responses to motions shall be filed within fourteen (14) days
4. The Court shall set a hearing within thirty (30) days after receipt of the request or, if no request, then it shall determine the matter as soon as possible after the response is filed, or if no response is filed, than as soon as possible after the fourteenth (14) day has elapsed from filing the motion.

H. Correspondence.

Copies of all correspondence addressed to the Court by any party or counsel shall be mailed or furnished to other counsel or parties in the case, and the correspondence to the Court shall disclose to whom copies were furnished. Correspondence not in compliance with the order shall be disregarded by the Court.

I. Certified Mail

Service of process by certified mail, return receipt requested, pursuant to Civil Rules 4.1, 4.3, 4.5, and 73 may be perfected, if needed, through a "Track and Confirm" verification by the United States Postal Service. Said verification shall be filed and made part of the record.

J. Jury Management Plan

The Madison County Probate Court adopts the current jury management plan of the Madison County Common Pleas Court, General Division, as amended from time to time, and incorporates said plan herein by reference as if fully rewritten.

79.0 - Application for a Marriage License R.C. 3101.05

A. If both parties applying for a marriage license are residents of another state, the application must be made in the county in Ohio that the parties will be married in.

Both applicants must appear together at time of application.

Proof of identification must be presented (i.e. driver's license, or state I.D., or birth certificate).

Proof of divorce must be presented (file-stamped copy of Decree of Dissolution/Divorce) from last previous marriage only.

Marriage License is valid in Ohio for 60 days from date of application.

CASH OR MONEY ORDER ONLY (NO PERSONAL CHECKS) (see Appendix "A" for cost).

B. Requirements for Minor Applicant:

NOTICE: This is only a list of the ADDED requirements for minors. All other laws, rules, and requirements for marriage license still apply.

1. Female 16 or 17

Parent(s) (see below for instructions for parental consent) must be present and show proof of identification, such as a driver's license or state issued ID; the parent(s) will be asked to sign the application, giving their written consent.

Any underage applicant that applies for a license in Madison County must present proof to the Court that they have completed marriage counseling, pursuant to O.R.C. 3101.05.

The Court will accept the following items as satisfactory proof of marriage counseling:

A. Letter from a minister on the church's letterhead/stationery

B. Letter from a counseling agency on their letterhead/stationery

The proof of counseling will be attached to marriage application and made a part of the permanent marriage record.

2. Female 15 or Younger and Male 17 or Younger

ALL OF THE ABOVE (including proof of completion of marriage counseling)

For minors of this age, consent must also be granted by the Madison County Juvenile Court. Typically, this is not granted unless the female is pregnant. This does NOT take the place of parental consent. Proof of pregnancy must be presented, or if the child has already been born, a copy of the child's birth certificate must be presented.

After the marriage application has been processed in Probate Court, involving a female 15 or younger and male 17 or younger, all parties will then proceed to the Clerk's Office for Juvenile Court. There, a Juvenile Marriage Consent form will be completed in their presence and will be set for hearing at the Court's earliest convenience. All parties must be present for this hearing. If Juvenile Court grants consent, a copy of the Order will be provided to the Probate Court. The marriage license will then be issued by the Probate Court to the parties.

3. Parental Consent

If parents are divorced, only the parent with SOLE custody shall be present to provide consent. He/she must present a filed copy of the Order/Entry granting him/her sole custody. If parents have JOINT custody

and/or shared parenting, then both parents shall be present and provide consent, and present a filed copy of the Order/Entry granting them joint custody and/or shared parenting.

If one parent is deceased the remaining living parent needs to provide the death certificate for the deceased parent.

The person(s) having legal guardianship over a minor child shall give written consent and provide the Court with a current Certificate of Appointment and Incumbency of Letters of Guardianship of the minor child.

C. INMATE MARRIAGE

1. One applicant must be a resident of Madison County or both applicants are not residents of Ohio. Residency of the incarcerated person is determined by where the inmate resided prior to incarceration.

If applicant is a resident of Madison County, they must be a resident for at least 30 days. They must provide a copy of a lease agreement, utility bill or something from the landlord.

2. Before the couple can apply, permission for the marriage must be granted by the appropriate official of the institution.

3. A letter must be provided to Probate Court from the institutional official. This letter may be faxed to Probate Court. Our fax number is 740-852-7353.

4. If the institution official gives permission for the marriage to take place, the applicants must provide an Attorney or Ohio Notary Public, at their own expense, to witness the incarcerated individual's signature and administer the oath.

5. The non-incarcerated applicant must submit a letter to Probate Court stating where the incarcerated person is located, how long they will be incarcerated, and their Attorney or Ohio Notary Public's contact information.

6. The Attorney or Ohio Notary Public will need to make an appointment with the Probate Judge in order to be sworn in as a special deputy clerk for purposes of completing the requisite paperwork at the facility.

7. Once Probate Court receives the letter of permission, the non-incarcerated applicant's letter, and the Attorney or Ohio Notary Public has been deputized, the non-incarcerated applicant must come to the Probate Court to fill out the marriage license application.

8. The non-incarcerated applicant will need to fill out both the First Applicant and Second Applicant sections of the application with the following information and provide valid photo ID of both parties. Prison ID is acceptable.

- Full names
- State and County or County of Residence
- Social Security Numbers
- Dates of birth
- State or County of birth

- Parent's full names and mother's maiden names
- Current addresses
- Divorce information for both applicant's, along with a copy of each applicant's most recent divorce decree.

9. Payment of $38.00 for the marriage license must be made at the time application is processed. Cash or money order is accepted. Checks or credit card payments are not accepted.

10. After the application is completed and paid for, the applicant will take the Marriage Application to be signed by both parties, at the institution, in the presence of the deputized Attorney or Notary Public. We need to make a copy of the application for our records.

11. The Marriage Application must be signed and returned to the court within seven (7) days.

12. The license will be issued for the marriage ceremony when all of the requirements listed above are completed. The license is valid for sixty (60) days from the date issued.

80.1 Appointment of Interpreters.

The Probate Division of the Court of Common Pleas, Madison County, Ohio adopts Rules 80-88 (effective January 1, 2013) of the Rules of Superintendence for the Courts of Ohio.

Qualified, private individuals who are appointed as interpreters will be reimbursed at a rate of $20.00 per hour for a non-court hearing and $25.00 per hour for a court hearing, with a minimum of one hour.

81. Reporting to Law Enforcement & Compliance Plan

A. The court has a duty to ensure complete, accurate, and timely submission of information into the state's computerized criminal history repository at the Bureau of Criminal Investigation (BCI), the Ohio Law Enforcement Automated Data System (LEADS), and other law enforcement databases.

B. The Court, in collaboration with the clerk of court, law enforcement agencies, and any other applicable justice system partners, will develop a Reporting to Law Enforcement & Compliance Plan.

C. The Reporting to Law Enforcement & Compliance Plan will identify procedures and timelines for:

1. Reporting information regarding mental health adjudications as prescribed by the Revised Code and Supreme Court rules, including R.C. 5122.311(A); and

2. Maintaining complete and accurate records in accordance with 18 U.S.C. 922(g), the Revised Code, including R.C. 2923.13, and Supreme Court rules in the event of an audit by the Federal Bureau of Investigation, BCI, or state or local auditors.

D. The Court will review the Reporting to Law Enforcement & Compliance Plan every three years from its adoption date.

82. Cell phone ban

No member of the public shall have a cell phone or any recording device on in the courtroom or offices of the Probate Court. Any violation of the Rule may result in the permanent and immediate forfeiture of the device to the Court. Such violation may also result in a contempt of court finding subjecting the violator to fines, costs, and jail sentence of up to 30 days for a first-time offense. The Court may grant permission for cell phone use on a case by case basis for evidentiary or administrative matters in the Courtroom or offices.

APPENDIX A

REQUIRED **INITIAL** DEPOSIT and OTHER FEES FOR FILINGS IN
MADISON COUNTY PROBATE COURT

A. Estate matters:
- Application for Summary Release from Administration – **$86.00 (w/o Will) $116.00 (w/Will)**
- Application to Relieve Estate from Administration - **$125.00 (Suggested deposit of $200.00)**
- Application for Authority to Administer Estate - **$125.00 (Suggested deposit of $200.00)**
- Supplemental Application for Ancillary Administration - **$125.00**
- Will for Record Only - **$62.50**
- Tax forms only (NOTE: tax documents for decedent's with a date of death on/before 01/01/2013) - **$52.50**
- Transcript is excepted (see paragraph B below)

B. Transcript of Estate (filed here from other county): **$50.00**

C. Petition for Adoption of Minor / Placement proceedings: **$300.00**

D. Petition for Adoption of Adult: **$300.00**

E. Application for Registration of Foreign Birth Record: **$200.00**

F. Complaint (civil actions such as Will Contest, Land Sales, Determination of Heirs, etc.): **$300.00**

G. Application for Appointment of
1. Guardian of Minor: **$200.00**
2. Guardian of Alleged Incompetent – Emergency Appointment (unless Financial Disclosure/Affidavit of Indigency is filed and approved): **$200.00**
3. Guardian of Alleged Incompetent – after Emergency Appointment (unless Financial Disclosure/Affidavit of Indigency is filed and approved): **$200.00**
4. Guardian of Alleged Incompetent – without Emergency Appointment (unless Financial Disclosure/Affidavit of Indigency is filed and approved): **$200.00**
5. Conservator: **$175.00**

H. Application for Name Change: **$96.00**

I. Minor=s Settlement: **$125.00**

J. Appl. for Approval of Transfer of Structured Settlement Payments: **$100.00**

K. Trust: **$150.00**

L. Birth Correction: **$33.50**

M. Birth Registration: **$35.50**

N. Inter Vivos Trust – Petition/Application: **$100.00**

O. Application for Ohio Uniform Transfer to Minors Act: **$100.00**

P. Application for Deposit of funds for a minor: **$100.00**

Q. Demand for Jury Trial: **$500.00**

R. Reopen a case: **$100.00**

S. Marriage License: **$38.00 (cash or money order only)**

T. Exceptions to Inventory and Appraisal: **$20.00**

U. Exceptions to Account: **$20.00**

V. Filing a claim against an estate: **$20.00**

W. Pleadings filed by a party: **$50.00**

X. Certificate of Deposit of Will for Safekeeping: **$5.00**

Y. Certification of a document (except Letters of Authority): **$2.00**

Z. Certificate to Copies: In - **$72.50 (plus copy costs of $1.00/page if Court provides copies)**
Out - **$10.00 (plus $1.00/page)**

AA. The Clerk may demand an additional security deposit in any amount up to $150.00 if the initial deposit is insufficient to cover costs already incurred.

BB. Other matters not enumerated: actual costs (R.C. 2101.16)

CC. Fee for any record in excess of 1,500 words (equal to 5 pages) will be $0.25 per page over the first five pages. (R.C. 2101.16A57)

DD. If costs are not paid at the termination of litigation, the Clerk may apply the security deposit of the obligating party to the unpaid costs.

EE. 1. If the costs due exceed the security deposit at the time of the termination of a matter, an Order shall issue to assess costs to the obligating party to be paid in full within thirty (30) days for which execution shall be ordered.

2. A final or distributive account shall not be approved until all court costs have been paid.

FF. The Clerk may file Certificates of Judgment with the Clerk of the Common Pleas Court of this county or any other county against any of the parties for whom costs are due and to collect costs due by any other legal remedies.

GG. All deposit balances under $5.00 shall not be refunded. Said balances shall be deposited into the General Fund.

APPENDIX B

FACSIMILE FILING COVER PAGE

RECIPIENT INFORMATION:

NAME OF COURT: _____

FAX NUMBER: _____

SENDING PARTY INFORMATION:

NAME: _____

SUPREME COURT REGISTRATION NO.: _____

OFFICE/FIRM: _____

ADDRESS: _____

TELEPHONE NO.: _____

FAX NUMBER.: _____

E-MAIL ADDRESS (if available): _____

CASE INFORMATION:

TITLE OF THE CASE: _____

CASE NUMBER*: _____

TITLE OF THE DOCUMENT(S): _____
_____

FILING INFORMATION:

DATE OF FAX TRANSMISSION: _____

NUMBER OF PAGES (including this page): _____

STATEMENT EXPLAINING HOW COSTS ARE BEING SUBMITTED, IF APPLICABLE:
_____
_____

*If a case number has not been assigned, please state that fact in the space provided.

APPENDIX C

PROBATE COURT OF MADISON COUNTY, OHIO

IN THE MATTER OF: **CASE NO.**

NOTICE OF FILING EXHIBIT A___@

_____ hereby files Exhibit A____@. The referenced pleading was filed by facsimile transmission with the Court on _____ [date]. Exhibit A____@ could not be accurately transmitted by fax and is therefore being timely filed as a separate document with the Court pursuant to Local Rule 57.1.

Respectfully submitted,

_____
Attorney Name (Sup. Ct. Reg. No.)
Office/Firm
Address
Telephone
Facsimile
E-mail
Counsel for _____

CERTIFICATE OF SERVICE

I certify that a copy of this Notice of Filing Exhibit A___@ was sent by ordinary U.S. mail on _____ [date] to counsel for _____, _____ [name and address of recipient].

_____
Attorney Name