

# Procedures for Ohio Small Estates

## 1. Ohio Law

Ohio law does not provide a non-court-ordered procedure for disposition of a decedent's estate. Therefore, CenterPoint Energy cannot receive good acquittance, or be released of its obligation upon a decedent's credit balance by paying the decedent's funds to a claimant who does not provide proof of an Ohio Court's authority to collect those funds. Ohio Revised Code [Section 2113.03](#) and [Section 2113.031](#) (see Exhibit A) each provide for release of a small estate from formal probate administration under certain circumstances.

## 2. Ohio Summary Procedures

Upon the filing of proper application, an Ohio Court may enter an order relieving the estate from administration and directing delivery of a decedent's personal property (e.g., CenterPoint Energy credit balance) to the entitled person or persons ("claimant"). In such case, the Court may issue an order relieving the estate from administration and directing delivery of the decedent's credit balance to the claimant. If claimant presents a proper Ohio Court Order (see Exhibit A), CenterPoint Energy may release the credit balance and have its acquittance, pursuant to the Ohio Court's Order.

NOTE: Recommend claimant seeks advice of an Ohio attorney or visit the Probate Court Clerks Office.

## **2113.03 Court may order estate released from administration.**

(A) Subject to division (I) of this section, an estate may be released from administration under division (B) of this section if either of the following applies:

(1) The value of the assets of the estate is thirty-five thousand dollars or less.

(2) The value of the assets of the estate is one hundred thousand dollars or less and either of the following applies:

(a) The decedent devised and bequeathed in a valid will all of the assets of the decedent's estate to a person who is named in the will as the decedent's spouse, and the decedent is survived by that person.

(b) The decedent is survived by a spouse whose marriage to the decedent was solemnized in a manner consistent with Chapter 3101. of the Revised Code or with a similar law of another state or nation, the decedent died without a valid will, and the decedent's surviving spouse is entitled to receive all of the assets of the decedent's estate under section [2105.06](#) of the Revised Code or by the operation of that section and division (B)(1) or (2) of section [2106.13](#) of the Revised Code.

(B) Upon the application of any interested party, after notice of the filing of the application has been given to the surviving spouse and heirs at law in the manner and for the length of time the probate court directs, and after notice to all interested parties by publication in a newspaper of general circulation in the county, unless the notices are waived or found unnecessary, the court, when satisfied that division (A)(1) or (2) of this section is satisfied, may enter an order relieving the estate from administration and directing delivery of personal property and transfer of real property to the persons entitled to the personal property or real property.

(C) For the purposes of this section, the value of an estate that reasonably can be considered to be in an amount specified in division (A)(1) or (2) of this section and that is not composed entirely of money, stocks, bonds, or other property the value of which is readily ascertainable, shall be determined by an appraiser selected by the applicant, subject to the approval of the court. The appraiser's valuation of the property shall be reported to the court in the application to relieve the estate from administration. The appraiser shall be paid in accordance with section [2115.06](#) of the Revised Code.

(D) For the purposes of this section, the amount of property to be delivered or transferred to the surviving spouse, minor children, or both, of the decedent as the allowance for support shall be established in accordance with section [2106.13](#) of the Revised Code.

(E) The court may appoint a commissioner to execute all necessary instruments of conveyance, including the instruments of conveyance and other documents required for the transfer of title upon the sale of real property pursuant to section [2127.011](#) of the Revised Code. The commissioner shall receipt for the property, distribute the proceeds of the conveyance upon court order, and report to the court after the delivery, sale, or transfer of personal or real property from an estate that has been relieved from administration.

(F) If the decedent died testate, the will shall be presented for probate, and, if admitted to probate, the court may relieve the estate from administration and order distribution of the estate under the will.

(G) An order of the court relieving an estate from administration shall have the same effect as administration proceedings in freeing real property in the possession or under the control of an innocent purchaser for value from possible claims of unsecured creditors.

(H) Any delivery of personal property or transfer of real property pursuant to an order relieving an estate from administration is made subject to the limitations pertaining to the claims of creditors set forth in divisions (B) and (C) of section [2117.06](#) of the Revised Code.

(I) The release of an estate from administration under this section does not affect any duty of any person to file an estate tax return and certificate under division (A) of section [5731.21](#) of the Revised Code and does not affect the duties of a probate court set forth in that division.

(J) This section does not affect the ability of qualified persons to file an application for a summary release from administration under section [2113.031](#) of the Revised Code or to file an application for the grant of letters testamentary or letters of administration.

Amended by 129th General Assembly File No.52, SB 124, §1, eff. 1/13/2012.

Effective Date: 08-29-2000.