

BUTLER COUNTY PROBATE COURT

Procedure For: APPLICATION AND CERTIFICATE OF TRANSFER

Standard Probate Form Number: 12.0 and 12.1

Date Last Reviewed: 07/28/14

1. Does the bottom of forms 12.0 and 12.1 state “Amended: March 1, 2014”?
2. Are the date of death (on 12.0 and 12.1) and address of decedent’s domicile correct?
3. Is the number of the certificate stated the same on: 1.) the top of page 1 of form 12.0; 2.) the entry at the bottom of page 2 of form 12.0; 3.) page 1 of form 12.1 and 4.) page 2 of form 12.1?
4. Application & Certificate boxes:
 - a. App. 1 & 2 / Cert. 1 & 2 Will / Intestacy: correct box checked and information correct?
 - b. App. 3 – 5 Debts: if 5 checked, box 3, page 2 on application must be completed. Send to Magistrate.
 - c. App. 6: checked? If 7 or 8 are checked, note for Magistrate
 - d. App. 9 – 14 Reason for Transfer: checked? If 9 or 10 are checked, note for Magistrate.
 - e. App. page 2, box 1 Spousal election: check docket
 - f. App. page 2, box 2 Disclaimers: check docket
 - g. App. page 2, box 3 Intestate Share/Allowance for Support: If completed, to Magistrate.
5. Is the proper party inheriting the property? (read will or look at form 1.0) Is his or her address correct: (look at 1.0) If party inheriting is a testamentary trust, have Letters of Authority been issued to the Trustee? (look up the decedent’s name for a PT case)

6. Is the transferee's share correct?
7. Is the bottom of page 1 blank as to dollar amount?
8. Has form 462 been filed?
9. Are both the prior instrument reference and parcel number stated on page 2 of the certificate?
10. Does the legal description, prior instrument reference and parcel number match those stated on Form 462, Statement of Counsel Concerning Examination of Record Title, and Schedule of Assets?
11. If the decedent owned a fractional interest, is it stated in the legal description?
(check schedule of assets, form 462, auditor's website if questionable)
12. Make sure there are no typographical errors in the legal description.
13. Surviving spouse elections:

No will – Is real estate being transferred to surviving spouse?

Yes, transfer can proceed.

No, spouse has five months from date of appointment of administrator to make election.

Will – Is surviving spouse inheriting real estate?

Yes, transfer can proceed.

No, if an election is filed to take against the will, spouse may take real estate as part of intestate share and/or allowance for support and page 2 of certificate of transfer must be completed. If no election is filed, spouse has five months from date of appointment of executor to make election.