

BUTLER COUNTY PROBATE COURT

Procedure For: CERTIFICATE OF TERMINATION

Standard Probate Form Number: 13.6

Date Last Reviewed: 6/21/17

- Are court costs paid?
- Has the inventory been filed and approved?
- Has it been 90 days since Certificate of Service (Form 2.4) has been filed? If not, hold or "lay loose" for 90 days.¹
- Is a Certificate of Termination a Proper Filing?
 - Is there a will? 13.6 is proper if there is a sole legatee, devisee, or heir.²
 - Is the person inheriting everything also the fiduciary?
 1. The back of Surviving Spouse, Next of Kin form (1.0) should contain a list of all who will inherit. If there is more than one party stated on page 2 of form 1.0, a Certificate of Termination cannot be filed.
 - Did surviving spouse elect against the will? If yes, 13.6 not proper.
 1. If there is a will, and everything is left to someone other than the surviving spouse, the surviving spouse may elect to take against the will, resulting in more than one person inheriting.
 - Is the beneficiary a Trust?
 1. If yes, 13.6 not proper.
 - If there is no will? 13.6 is proper if there is only one next of kin who is also the fiduciary.
 - If there is only one next of kin or if there is a surviving spouse who is the natural or adoptive parent of all the decedent's children listed on the Surviving Spouse, Next of Kin form (1.0), that person is the sole legatee, devisee, or heir.
- Is there only one administrator or executor? If there are co-executors or co-administrators, a Certificate of Termination cannot be filed.³
- Has estate administration been completed?⁴
 - Verify that all debts and claims against the estate have been settled.⁵
 - If a claim has been filed, proof of payment, a release of claim, or a rejection of claim must have been filed.
 - For dates of death of the decedent January 1, 2013 or earlier, an estate tax return, if required, must have been filed and the taxes paid. Form 22, part II or ET-10 must be filed showing proof of payment.
 - Check that a motion and entry for fiduciary fees has been filed, if fiduciary fees were paid to the fiduciary.
 - Form 13.6 must be signed by the fiduciary and attorney if there is one.

¹ Pursuant to 2107.76 Parties have 3 months to commence an action to dispute a will.

² In estates of decedents in which the sole legatee, devisee, or heir is also the sole administrator or sole executor of the estate, no partial accountings are required. The administrator or executor may file a Certificate of Termination, in lieu of a Final Account. R.C. 2109.301(B)(2).

³ R.C.2109.301(B)(2) "In estates of decedents in which the sole legatee, devisee, or heir is also the administrator or executor of the estate * * *. The administrator or executor may file * * * a certificate of termination * * *."

⁴ A Certificate of Termination (13.6) must be filed within 30 days after the completion of the administration of the estate, if filed in lieu of Final Account. R.C. 2109.301(B)(2).

⁵ A sole legatee, devisee, or heir of a decedent may be liable to creditors for debts of and claims against the estate that are presented after the filing of the Certificate of Termination within 6 months after the death of the decedent (the time allowed by section 2117.06 of the Revised Code for presentation of the creditors' claims). R.C. 2109.301(B)(3).