

PROBATE COURT OF BUTLER COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

COMMISSION TO ASCERTAIN VALUE OF PROVISION FOR SURVIVING SPOUSE UNDER LEGAL DISABILITY UNDER WILL AND VALUE OF RIGHTS AT LAW
[RC § 2106.08]

To: _____

It having come to the knowledge of the Butler County Court of Common Pleas, Probate Division, Butler County, Ohio, that, by reason of legal disability, the surviving spouse of _____ deceased, late of _____ County, is unable to make an election as provided by RC § 2107.39 to take under the will of the decedent which was heretofore admitted to probate in this Court, or under RC § 2105.06. Therefore, you are hereby authorized and directed to ascertain the value of the provision made for such spouse by the testator and the value of the rights in the estate of such testator under RC § 2105.06, the adequate support needs of the surviving spouse. In ascertaining the adequate support needs of the surviving spouse, you are directed to consider applicable resources, age, probable life expectancy, physical and mental condition, and the present and reasonably anticipated future needs of the surviving spouse.

You will make due return of this order with your findings endorsed thereon to this Court without necessary delay.

Given under my hand and seal of the Butler County Probate Court, on _____

Date

Probate Judge

CASE NO. _____

RETURN OF FINDINGS OF COMMISSIONER

Pursuant to the command of the foregoing order I, _____ have made diligent investigation and find:

1. That the value of the provision made by the testator for _____, his surviving spouse, is \$ _____ .
2. I find that the value of the rights in the estate of such testator under RC § 2105.06 is \$ _____ .
3. I find that the support needs of the surviving spouse total \$ _____. The surviving spouse is _____ years of age with a life expectancy of _____ years as shown by the American Experience table. The surviving spouse's physical condition is _____ and the surviving spouse's mental condition is _____ .
4. The reasonably anticipated future needs of the surviving spouse are:

5. Other available resources for the support of the surviving spouse are:

Witness my hand on _____.

Commissioner

Signed and acknowledged by the applicant in my presence this _____ day of _____

_____.

Notary Public