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A B I L L

To amend sections 2106.01, 2106.02, 2107.19, 1
2109.301, 2109.32, 2113.53, 2117.06, 2117.07, 2
2117.11, and 2117.12 and to enact section 2101.163 3
of the Revised Code relative to the election by a 4
surviving spouse, notice of admission of a will to 5
probate, accounts of administrators and executors, 6
distribution of estate assets, presentation of 7
creditors' claims to distributees, dispute 8
resolution procedures in probate court, and time 9
for presenting claims against an estate. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2106.01, 2106.02, 2107.19, 2109.301, 11
2109.32, 2113.53, 2117.06, 2117.07, 2117.11, and 2117.12 be 12
amended and section 2101.163 of the Revised Code be enacted to 13
read as follows: 14

Sec. 2101.163. (A) A probate judge may establish by rule 15
procedures for the resolution of disputes between parties to any 16
civil action or proceeding that is within the jurisdiction of the 17

probate court. Any procedures so adopted shall include, but are
not limited to, mediation. If the probate judge establishes any
procedures under this division, the probate judge may charge, in
addition to the fees and costs authorized under section 2101.16 of
the Revised Code, a reasonable fee, not to exceed fifteen dollars,
that is to be collected on the filing of each action or proceeding
and that is to be used to implement the procedures.

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(B) The probate court shall pay to the county treasurer of
the county in which the court is located all fees collected under
division (A) of this section. The treasurer shall place the funds
from the fees in a separate fund to be disbursed upon an order of
the probate judge.

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(C) If the probate judge determines that the amount of the
moneys in the fund described in division (B) of this section is
more than the amount that is sufficient to satisfy the purpose for
which the additional fee described in division (A) of this section
was imposed, the probate judge may declare a surplus in the fund
and expend the surplus moneys for other appropriate judicial
expenses of the probate court.

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Sec. 2106.01. (A) After the initial appointment of an
administrator or executor of the estate, the probate court shall
issue a citation to the surviving spouse, if any is living at the
time of the issuance of the citation, to elect whether to exercise
the surviving spouse's rights under Chapter 2106. of the Revised
Code, including, after the probate of a will, the right to elect
to take under the will or under section 2105.06 of the Revised
Code.

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A surviving spouse may waive the service of the citation
required under this division by filing in the probate court a
written waiver of the citation. The waiver shall include an

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acknowledgment of receipt of the description of the general rights
of the surviving spouse required by division (B) of section
2106.02 of the Revised Code.

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(B) If the surviving spouse elects to take under section
2105.06 of the Revised Code and if the value of the property that
the surviving spouse is entitled to receive is equal to or greater
than the value of the decedent's interest in the mansion house as
determined under section 2106.10 of the Revised Code, the
surviving spouse also is entitled to make an election pursuant to
division (A) of section 2106.10 of the Revised Code.

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(C) If the surviving spouse elects to take under section
2105.06 of the Revised Code, the surviving spouse shall take not
to exceed one-half of the net estate, unless two or more of the
decedent's children or their lineal descendants survive, in which
case the surviving spouse shall take not to exceed one-third of
the net estate.

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For purposes of this division, the net estate shall be
determined before payment of federal estate tax, estate taxes
under Chapter 5731. of the Revised Code, or any other tax that is
subject to apportionment under section 2113.86 or 2113.861 of the
Revised Code.

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(D) Unless the will expressly provides that in case of an
election under division (A) of this section there shall be no
acceleration of remainder or other interests bequeathed or devised
by the will, the balance of the net estate shall be disposed of as
though the surviving spouse had predeceased the testator. If there
is a disposition by a will to an inter vivos trust that was
created by the testator, if under the terms of the trust the
surviving spouse is entitled to any interest in the trust or is
granted any power or nomination with respect to the trust, and if
the surviving spouse makes an election to take under section

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2105.06 of the Revised Code, then, unless the trust instrument 79
provides otherwise, the surviving spouse is deemed for purposes of 80
the trust to have predeceased the testator, and there shall be an 81
acceleration of remainder or other interests in all property 82
bequeathed or devised to the trust by the will, in all property 83
held by the trustee at the time of the death of the decedent, and 84
in all property that comes into the hands of the trustee by reason 85
of the death of the decedent. 86

(E) The election of a surviving spouse to take under a will 87
or under section 2105.06 of the Revised Code may be made at any 88
time after the death of the decedent, but the surviving spouse 89
shall not make the election later than five months from the date 90
of the initial appointment of an administrator or executor of the 91
estate. On a motion filed before the expiration of the five-month 92
period, and for good cause shown, the court may allow further time 93
for the making of the election. If no action is taken by the 94
surviving spouse before the expiration of the five-month period, 95
it is conclusively presumed that the surviving spouse elects to 96
take under the will. The election shall be entered on the journal 97
of the court. 98

When proceedings for advice or to contest the validity of a 99
will are begun within the time allowed by this division for making 100
the election, the election may be made within three months after 101
the final disposition of the proceedings, if the will is not set 102
aside. 103

(F) When a surviving spouse succeeds to the entire estate of 104
the testator, having been named the sole devisee and legatee, it 105
shall be presumed that the spouse elects to take under the will of 106
the testator, unless the surviving spouse manifests a contrary 107
intention. 108

Sec. 2106.02. (A) The citation to make the election referred 109

to in section 2106.01 of the Revised Code shall be ~~sent to~~ served 110
on the surviving spouse ~~by certified mail~~ pursuant to Civil Rule 111
73. Notice that the citation has been issued by the court shall be 112
given to the administrator or executor of the estate of the 113
deceased spouse. 114

(B) The citation shall be accompanied by a general 115
description of the effect of the election to take under the will 116
or under section 2105.06 of the Revised Code and the general 117
rights of the surviving spouse under Chapter 2106. of the Revised 118
Code. The description shall include a specific reference to the 119
procedures available to the surviving spouse under section 2106.03 120
of the Revised Code and to the presumption that arises if the 121
surviving spouse does not make the election in accordance with 122
division (E) of section 2106.01 of the Revised Code. The 123
description of the general rights of the surviving spouse under 124
Chapter 2106. of the Revised Code shall include a specific 125
reference to the presumption that arises if the surviving spouse 126
does not ~~make~~ exercise the election rights under Chapter 2106. of 127
the Revised Code within the time period specified by section 128
2106.25 of the Revised Code. The description of the effect of the 129
election and of the general rights of the surviving spouse need 130
not relate to the nature of any particular estate. 131

(C) A surviving spouse electing to take under the will may 132
manifest the election in writing within the times described in 133
division (E) of section 2106.01 of the Revised Code. 134

Sec. 2107.19. (A)(1) Subject to divisions (A)(2) and (B) of 135
this section, when a will has been admitted to probate, the 136
fiduciary for the estate or another person specified in division 137
(A)(4) of this section shall, within two weeks of the admission of 138
the will to probate, give a notice as described in this division 139
and in the manner provided by Civil Rule 73(E) to the surviving 140

spouse of the testator, to all persons who would be entitled to 141
inherit from the testator under Chapter 2105. of the Revised Code 142
if the testator had died intestate, and to all legatees and 143
devisees named in the will. The notice shall mention the probate 144
of the will and, if a particular person being given the notice is 145
a legatee or devisee named in the will, shall state that the 146
person is named in the will as beneficiary. A copy of the will 147
admitted to probate is not required to be given with the notice. 148

(2) A person entitled to be given the notice described in 149
division (A)(1) of this section may waive that right by filing a 150
written waiver of the right to receive the notice in the probate 151
court. The person may file the waiver of the right to receive the 152
notice at any time prior to or after the will has been admitted to 153
probate. 154

(3) The fact that the notice described in division (A)(1) of 155
this section has been given, subject to division (B) of this 156
section, to all persons described in division (A)(1) of this 157
section who have not waived their right to receive the notice, 158
and, if applicable, the fact that certain persons described in 159
that division have waived their right to receive the notice in 160
accordance with division (A)(2) of this section, shall be 161
evidenced by a certificate that shall be filed in the probate 162
court in accordance with division (A)(4) of this section. 163

(4) The notice of the admission of the will to probate 164
required by division (A)(1) of this section and the certificate of 165
giving notice or waiver of notice required by division (A)(3) of 166
this section shall be given or filed by the fiduciary for the 167
estate or by the applicant for the admission of the will to 168
probate, the applicant for a release from administration, any 169
other interested person, or the attorney for the fiduciary or for 170
any of the preceding persons. The certificate of giving notice 171

shall be filed not later than two months after the appointment of 172
the fiduciary or, if no fiduciary has been appointed, not later 173
than two months after the admission of the will to probate, unless 174
the court grants an extension of that time. Failure to file the 175
certificate in a timely manner shall subject the fiduciary or 176
applicant to the citation and penalty provisions of section 177
2109.31 of the Revised Code. 178

(B) The fiduciary or another person specified in division 179
(A)(4) of this section is not required to give a notice pursuant 180
to division (A)(1) of this section to persons who have been 181
notified of the application for probate of the will or of a 182
contest as to jurisdiction or to persons whose names or places of 183
residence are unknown and cannot with reasonable diligence be 184
ascertained, and a person authorized by division (A)(4) of this 185
section to give notice shall file in the probate court a 186
certificate to that effect. 187

Sec. 2109.301. (A) An administrator or executor shall render 188
an account at any time other than a time otherwise mentioned in 189
this section upon an order of the probate court issued for good 190
cause shown either at its own instance or upon the motion of any 191
person interested in the estate. Except as otherwise provided in 192
division (B)(2) of this section, an administrator or executor 193
shall render a final account within thirty days after completing 194
the administration of the estate or within any other period of 195
time that the court may order. 196

Every account shall include an itemized statement of all 197
receipts of the administrator or executor during the accounting 198
period and of all disbursements and distributions made by the 199
executor or administrator during the accounting period. In 200
addition, the account shall include an itemized statement of all 201
funds, assets, and investments of the estate known to or in the 202

possession of the administrator or executor at the end of the 203
accounting period and shall show any changes in investments since 204
the last previous account. 205

Every account shall be upon the signature of the 206
administrator or executor. When two or more administrators or 207
executors render an account, the court may allow the account upon 208
the signature of one of them. The court may examine the 209
administrator or executor under oath concerning the account. 210

When an administrator or executor is authorized by law or by 211
the instrument governing distribution to distribute the assets of 212
the estate, in whole or in part, the administrator or executor may 213
do so and include a report of the distribution in the 214
administrator's or executor's succeeding account. 215

In estates of decedents in which none of the legatees, 216
devisees, or heirs is under a legal disability, each partial 217
accounting of an executor or administrator may be waived by the 218
written consent of all the legatees, devisees, or heirs filed in 219
lieu of a partial accounting otherwise required. 220

(B)(1) Every administrator and executor, within six months 221
after appointment, shall render a final and distributive account 222
of the administrator's or executor's administration of the estate 223
unless one or more of the following circumstances apply: 224

(a) An Ohio estate tax return must be filed for the estate. 225

(b) A proceeding contesting the validity of the decedent's 226
will pursuant to section 2107.71 of the Revised Code has been 227
commenced. 228

(c) The surviving spouse has filed an election to take 229
against the will. 230

(d) The administrator or executor is a party in a civil 231
action. 232

(e) The estate is insolvent.	233
(f) For other reasons set forth by the administrator or executor, subject to court approval, it would be detrimental to the estate and its beneficiaries or heirs to file a final and distributive account.	234 235 236 237
(2) In estates of decedents in which the sole legatee, devisee, or heir is also the administrator or executor of the estate, no partial accountings are required, and the. <u>The administrator or executor of an estate of that type shall not file a final account or final and distributive account. In or, in lieu of filing a final account, the administrator or executor of an estate of that type shall be discharged by filing may file with the court within thirty days after completing the administration of the estate a certificate of termination of an estate that states all of the following:</u>	238 239 240 241 242 243 244 245 246 247
(a) All debts and claims presented to the estate have been paid in full or settled finally.	248 249
(b) An estate tax return, if required under the provisions of the Internal Revenue Code or Chapter 5731. of the Revised Code, has been filed, and any estate tax has been paid.	250 251 252
(c) All attorney's fees have been waived by or paid to counsel of record of the estate, and all executor or administrator fees have been waived or paid.	253 254 255
(d) The amount of attorney's fees and the amount of administrator or executor fees that have been paid.	256 257
(e) All assets remaining after completion of the activities described in divisions (B)(2)(a) to (d) of this section have been distributed to the sole legatee, devisee, or heir.	258 259 260
(3) <u>In an estate of the type described in division (B)(2) of this section, a sole legatee, devisee, or heir of a decedent may</u>	261 262

be liable to creditors for debts of and claims against the estate 263
that are presented after the filing of the certificate of 264
termination described in that division and within the time allowed 265
by section 2117.06 of the Revised Code for presentation of the 266
creditors' claims. 267

(4) Not later than thirteen months after appointment, every 268
administrator and executor shall render an account of the 269
administrator's or executor's administration, unless a certificate 270
of termination is filed under division (B)(2) of this section. 271
Except as provided in divisions (B)(1) and (2) of this section, 272
after the initial account is rendered, every administrator and 273
executor shall render further accounts at least once each year. 274

Sec. 2109.32. (A) Every fiduciary's account required by 275
section 2109.301, 2109.302, or 2109.303 of the Revised Code shall 276
be set for hearing before the probate court. The hearing on the 277
account shall be set not earlier than thirty days after the filing 278
of the account. 279

At the hearing upon an account required by section 2109.302 280
or 2109.303 of the Revised Code and, if ordered by the court, upon 281
an account required by section 2109.301 of the Revised Code, the 282
court shall inquire into, consider, and determine all matters 283
relative to the account and the manner in which the fiduciary has 284
executed the fiduciary's trust, including the investment of trust 285
funds, and may order the account approved and settled or make any 286
other order as the court considers proper. If, at the hearing upon 287
an account, the court finds that the fiduciary has fully and 288
lawfully administered the estate or trust and has distributed the 289
assets of the estate or trust in accordance with the law or the 290
instrument governing distribution, as shown in the account, the 291
court shall order the account approved and settled and may order 292
the fiduciary discharged. Upon approval of a final and 293

distributive account required by division (B)(1) of section 294
2109.301 of the Revised Code, the court may order the surety bond 295
for the fiduciary terminated. Unless otherwise ordered by the 296
court, the fiduciary shall be discharged without further order 297
twelve months following the approval of the final and distributive 298
account. 299

(B)(1) An administrator or executor filing an account 300
pursuant to section 2109.301 of the Revised Code shall provide at 301
the time of filing the account a copy of the account to each heir 302
of an intestate estate or to each beneficiary of a testate estate. 303
An administrator or executor is not required to provide a copy of 304
the account to any of the following: 305

(a) An heir or a beneficiary whose residence is unknown; 306

(b) A beneficiary of a specific bequest or devise who has 307
received his or her distribution and for which a receipt has been 308
filed or exhibited with the court. 309

(2) An administrator or executor filing an account pursuant 310
to section 2109.301 of the Revised Code shall file with the 311
probate court a certificate of service of account prior to or 312
simultaneously with the filing of the account. 313

(3) The probate court shall not approve the final account of 314
any executor or administrator until the following events have 315
occurred: 316

(a) Three months have passed since the death of the decedent. 317

(b) The surviving spouse has filed an election to take under 318
or against the will, or the time for making the election has 319
expired. 320

~~(3)~~(4) If an administrator or executor learns of the 321
existence of newly discovered assets after the filing of the final 322
account or otherwise comes into possession of assets belonging to 323

the estate after the filing of the final account, the executor or 324
administrator shall file a supplemental final account with respect 325
to the disposition of the assets and shall provide a copy of the 326
supplemental final account to each heir of an intestate estate or 327
to each beneficiary of a testate estate, as provided in division 328
(B)(1) of this section and subject to the exceptions specified in 329
divisions (B)(1)(a) and (b) of this section. 330

(C) The rights of any person with a pecuniary interest in the 331
estate are not barred by approval of an account pursuant to 332
divisions (A) and (B) of this section. These rights may be barred 333
following a hearing on the account pursuant to section 2109.33 of 334
the Revised Code. 335

Sec. 2113.53. (A) At any time after the appointment of an 336
executor or administrator, the executor or administrator may 337
distribute to the beneficiaries entitled to assets of the estate 338
under the will, if there is no action pending to set aside the 339
will, or to the heirs entitled to assets of the estate by law, in 340
cash or in kind, any part or all of the assets of the estate. Each 341
beneficiary or heir is liable to return the assets, or the 342
proceeds from the assets, to the estate if they are necessary to 343
satisfy the share of a surviving spouse who elects to take against 344
the will pursuant to section 2106.01 of the Revised Code, ~~if they~~ 345
~~are necessary to satisfy any claims against the estate as provided~~ 346
~~in this section,~~ or if the will is set aside. 347

(B) After distribution pursuant to division (A) of this 348
section, a distributee shall be personally liable to a claimant 349
who presents a valid claim within the time set forth in division 350
(B) of section 2117.06 of the Revised Code, subject to the 351
limitations described in this division. 352

If presentation of a claim is made pursuant to division 353
(A)(2) of section 2117.06 of the Revised Code, only those 354

distributees who have received timely presentation of the claim 355
pursuant to division (B) of that section have any liability for 356
the claim, subject to the limitations described in this division. 357

The personal liability of any distributee shall not exceed 358
the lesser of the following: 359

(1) The amount the distributee has received reduced by the 360
amount, if any, previously returned or otherwise used for the 361
payment of the spouse's share or claims finally allowed; 362

(2) The distributee's proportionate share of the spouse's 363
share or of claims finally allowed. Any distributee's 364
proportionate share of the spouse's share or of claims finally 365
allowed shall be determined by the following fraction: 366

(a) The numerator shall be the total amount received by the 367
distributee, reduced by all amounts, if any, previously returned 368
or otherwise used for the payment of the spouse's share or claims 369
finally allowed. 370

(b) The denominator shall be the total amount received by all 371
distributees reduced by all amounts, if any, previously returned 372
or otherwise used for the payment of the spouse's share or claims 373
finally allowed. 374

(C) If there is a surviving spouse and if the executor or 375
administrator distributes any part of the assets of the estate 376
before the expiration of the times described in division (E) of 377
section 2106.01 of the Revised Code for the making of an election 378
by a surviving spouse, the executor or administrator shall be 379
personally liable to any surviving spouse who subsequently elects 380
to take against the will. If the executor or administrator 381
distributes any part of the assets of the estate within three 382
months after the death of the decedent, the executor or 383
administrator shall be personally liable only to those claimants 384
who present their claims within that three-month period. If the 385

executor or administrator distributes any part of the assets of 386
the estate more than three months but less than one year after the 387
death of the decedent, the executor or administrator shall be 388
personally liable only to those claimants who present their claims 389
before the time of distribution and within the time set forth in 390
division (B) of section 2117.06 of the Revised Code. 391

The executor or administrator shall be liable only to the 392
extent that the sum of the remaining assets of the estate and the 393
assets returned by the beneficiaries or heirs is insufficient to 394
satisfy the share of the surviving spouse and to satisfy the 395
claims against the estate. The executor or administrator shall not 396
be liable in any case for an amount greater than the value of the 397
estate that existed at the time that the distribution of assets 398
was made and that was subject to the spouse's share or to the 399
claims. 400

(D) The executor or administrator may provide for the payment 401
of rejected claims or claims in suit by setting aside a sufficient 402
amount of the assets of the estate for paying the claims. The 403
assets shall be set aside for the payment of the claims in a 404
manner approved by the probate court. Each claimant for whom 405
assets are to be set aside shall be given notice, in the manner as 406
the court shall order, of the hearing upon the application to set 407
aside assets and shall have the right to be fully heard as to the 408
nature and amount of the assets to be set aside for payment of the 409
claim and as to all other conditions in connection with the claim. 410
In any case in which the executor or administrator may set aside 411
assets as provided in this section, the court, upon its own motion 412
or upon application of the executor or administrator, as a 413
condition precedent to any distribution, may require any 414
beneficiary or heir to give a bond to the state with surety 415
approved and in an amount fixed by the court, conditioned to 416
secure the return of the assets to be distributed, or the proceeds 417

from the assets or as much of the assets as may be necessary to 418
satisfy the claims that may be recovered against the estate, and 419
to indemnify the executor or administrator against loss and damage 420
on account of such distribution. The bond may be in addition to 421
the assets to be set aside or partially or wholly in lieu of the 422
assets, as the court shall determine. 423

Sec. 2117.06. (A) All creditors having claims against an 424
estate, including claims arising out of contract, out of tort, on 425
cognovit notes, or on judgments, whether due or not due, secured 426
or unsecured, liquidated or unliquidated, shall present their 427
claims in one of the following manners: 428

(1) After the appointment of an executor or administrator and 429
prior to the filing of a final account or a certificate of 430
termination, in one of the following manners: 431

(a) To the executor or administrator in a writing; 432

~~(2)~~(b) To the executor or administrator in a writing, and to 433
the probate court by filing a copy of the writing with it; 434

~~(3)~~(c) In a writing that is sent by ordinary mail addressed 435
to the decedent and that is actually received by the executor or 436
administrator within the appropriate time specified in division 437
(B) of this section. For purposes of this division, if an executor 438
or administrator is not a natural person, the writing shall be 439
considered as being actually received by the executor or 440
administrator only if the person charged with the primary 441
responsibility of administering the estate of the decedent 442
actually receives the writing within the appropriate time 443
specified in division (B) of this section. 444

(2) If the final account or certificate of termination has 445
been filed, in a writing to those distributees of the decedent's 446
estate who may share liability for the payment of the claim. 447

(B) Except as provided in section 2117.061 of the Revised Code, all claims shall be presented within ~~one year~~ six months after the death of the decedent, whether or not the estate is released from administration or an executor or administrator is appointed during that ~~one year~~ six-month period. Every claim presented shall set forth the claimant's address.

(C) Except as provided in section 2117.061 of the Revised Code, a claim that is not presented within ~~one year~~ six months after the death of the decedent shall be forever barred as to all parties, including, but not limited to, devisees, legatees, and distributees. No payment shall be made on the claim and no action shall be maintained on the claim, except as otherwise provided in sections 2117.37 to 2117.42 of the Revised Code with reference to contingent claims.

(D) In the absence of any prior demand for allowance, the executor or administrator shall allow or reject all claims, except tax assessment claims, within thirty days after their presentation, provided that failure of the executor or administrator to allow or reject within that time shall not prevent the executor or administrator from doing so after that time and shall not prejudice the rights of any claimant. Upon the allowance of a claim, the executor or the administrator, on demand of the creditor, shall furnish the creditor with a written statement or memorandum of the fact and date of the allowance.

(E) If the executor or administrator has actual knowledge of a pending action commenced against the decedent prior to the decedent's death in a court of record in this state, the executor or administrator shall file a notice of the appointment of the executor or administrator in the pending action within ten days after acquiring that knowledge. If the administrator or executor is not a natural person, actual knowledge of a pending suit against the decedent shall be limited to the actual knowledge of

the person charged with the primary responsibility of 480
administering the estate of the decedent. Failure to file the 481
notice within the ten-day period does not extend the claim period 482
established by this section. 483

(F) This section applies to any person who is required to 484
give written notice to the executor or administrator of a motion 485
or application to revive an action pending against the decedent at 486
the date of the death of the decedent. 487

(G) Nothing in this section or in section 2117.07 of the 488
Revised Code shall be construed to reduce the time mentioned in 489
section 2125.02, 2305.09, 2305.10, 2305.11, 2305.113, or 2305.12 490
of the Revised Code, provided that no portion of any recovery on a 491
claim brought pursuant to any of those sections shall come from 492
the assets of an estate unless the claim has been presented 493
against the estate in accordance with Chapter 2117. of the Revised 494
Code. 495

(H) Any person whose claim has been presented and has not 496
been rejected after presentment is a creditor as that term is used 497
in Chapters 2113. to 2125. of the Revised Code. Claims that are 498
contingent need not be presented except as provided in sections 499
2117.37 to 2117.42 of the Revised Code, but, whether presented 500
pursuant to those sections or this section, contingent claims may 501
be presented in any of the manners described in division (A) of 502
this section. 503

(I) If a creditor presents a claim against an estate in 504
accordance with division (A)~~(2)~~(1)(b) of this section, the probate 505
court shall not close the administration of the estate until that 506
claim is allowed or rejected. 507

(J) The probate court shall not require an executor or 508
administrator to make and return into the court a schedule of 509
claims against the estate. 510

(K) If the executor or administrator makes a distribution of the assets of the estate pursuant to section 2113.53 of the Revised Code and prior to the expiration of the time for the ~~filing~~ presentation of claims as set forth in this section, the executor or administrator shall provide notice on the account delivered to each distributee that the distributee may be liable to the estate if a claim is presented prior to the filing of the final account and may be liable to the claimant if the claim is presented after the filing of the final account up to the value of the distribution and may be required to return all or any part of the value of the distribution if a valid claim is subsequently made against the estate within the time permitted under this section.

Sec. 2117.07. An executor or administrator may accelerate the bar against claims against the estate established by section 2117.06 of the Revised Code by giving written notice to a potential claimant that identifies the decedent by name, states the date of the death of the decedent, identifies the executor or administrator by name and mailing address, and informs the potential claimant that any claims ~~he~~ the claimant may have against the estate are required to be presented to the executor or administrator in a writing within the earlier of thirty days after receipt of the notice by the potential claimant or ~~one-year~~ six months after the date of the death of the decedent. A claim of that potential claimant that is not presented in the manner provided by section 2117.06 of the Revised Code within the earlier of thirty days after receipt of the notice by the potential claimant or ~~one-year~~ six months after the date of the death of the decedent is barred by section 2117.06 of the Revised Code in the same manner as if it was not presented within ~~one-year~~ six months after the date of the death of the decedent.

Sec. 2117.11. An executor or administrator, or a distributee 542
who receives the presentation of a claim as provided in division 543
(A)(2) of section 2117.06 of the Revised Code, shall reject a 544
creditor's claim against the estate ~~he represents~~ by giving the 545
claimant written notice of the disallowance ~~thereof~~ of the claim. 546
~~Such~~ The notice shall be given to the claimant ~~personally or by~~ 547
~~registered mail with return receipt requested, addressed to the~~ 548
~~claimant at the address given on the claim pursuant to Civil Rule~~ 549
73. Notice by mail shall be effective on delivery of the mail at 550
the address given. A claim may be rejected in whole or in part. A 551
claim ~~which~~ that has been allowed may be rejected at any time 552
~~thereafter~~ after allowance of the claim. 553

A claim is rejected if the executor or administrator, or a 554
distributee who receives the presentation of a claim as provided 555
in division (A)(2) of section 2117.06 of the Revised Code, on 556
demand in writing by the claimant for an allowance ~~thereof~~ of the 557
claim within five days, which demand may be made at presentation 558
or at any time ~~thereafter~~ after presentation, fails to give to the 559
claimant, within ~~such~~ that five-day period, a written statement of 560
the allowance of ~~such~~ the claim. ~~Such~~ The rejection shall become 561
effective at the expiration of ~~such~~ that period. 562

Sec. 2117.12. When a claim against an estate has been 563
rejected in whole or in part but not referred to referees, or when 564
a claim has been allowed in whole or in part and thereafter 565
rejected, the claimant must commence an action on the claim, or 566
that part ~~thereof~~ of the claim that was rejected, within two 567
months after ~~such~~ the rejection if the debt or that part ~~thereof~~ 568
of the debt that was rejected is then due, or within two months 569
after ~~the same~~ that debt or part of the debt that was rejected 570
becomes due, or be forever barred from maintaining an action 571
~~thereon~~ on the claim or part of the claim that was rejected. If 572

the executor or administrator dies, resigns, or is removed within 573
~~such two months~~⁺ that two-month period and before action is 574
commenced ~~thereon~~ on the claim or part of the claim that was 575
rejected, the action may be commenced within two months after the 576
appointment of a successor. 577

For the purposes of this section, the action of a claimant is 578
commenced when the ~~petition~~ complaint and praecipe for service of 579
summons on the executor or administrator, or on the distributee 580
who received the presentation of the claim as provided in division 581
(A)(2) of section 2117.06 of the Revised Code, have been filed. 582

Section 2. That existing sections 2106.01, 2106.02, 2107.19, 583
2109.301, 2109.32, 2113.53, 2117.06, 2117.07, 2117.11, and 2117.12 584
of the Revised Code are hereby repealed. 585

Section 3. (A) Sections 2106.01, 2106.02, 2107.19, 2109.301, 586
2109.32, 2113.53, 2117.06, 2117.07, 2117.11, and 2117.12 of the 587
Revised Code, as amended by this act, apply to estates that are in 588
existence or are initiated on or after the effective date of this 589
act. 590

(B) Section 2101.163 of the Revised Code, as enacted by this 591
act, applies to civil actions and proceedings that are pending in 592
or brought before the probate court on or after the effective date 593
of this act. 594

Section 4. It is hereby declared that it was the intent of 595
the General Assembly that the sections of the Revised Code 596
described in Section 2 of Sub. H.B. 85 of the 124th General 597
Assembly were to be repealed effective December 31, 2001, to 598
coincide with Section 5 of Sub. H.B. 85 of the 124th General 599
Assembly, and that the repeal of such Revised Code sections in 600
Section 2 of Sub. H.B. 85 of the 124th General Assembly was not to 601
be effective October 31, 2001. 602