

As Reported by the House Judiciary Committee

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Am. H. B. No. 96

Representative Healy

**Cosponsors: Representatives Garrison, Evans, Okey, Williams, B.,
Otterman, Brown, Luckie, Fende, Strahorn, Blessing, Wagoner, Harwood,
Bacon, Batchelder, Coley, Dolan, Latta, Seitz, Budish, Carano, Dyer, Foley,
Skindell**

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A B I L L

To amend section 2101.16 and to enact section 1
2101.164 of the Revised Code to exempt estates of 2
members of the United States Armed Services who 3
died while serving in a combat zone from being 4
charged any fees associated with the filing of the 5
decedent's will for probate or the administration 6
of the decedent's estate or any fees for relieving 7
the estate from administration or granting an 8
order for summary release from administration. 9

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

Section 1. That section 2101.16 be amended and section 10
2101.164 of the Revised Code be enacted to read as follows: 11

Sec. 2101.16. (A) The Except as provided in section 2101.164 12
of the Revised Code, the fees enumerated in this division shall be 13
charged and collected, if possible, by the probate judge and shall 14
be in full for all services rendered in the respective 15
proceedings: 16

(1) Account, in addition to advertising charges	\$12.00	17
Waivers and proof of notice of hearing on account, per		18
page, minimum one dollar	\$ 1.00	19
(2) Account of distribution, in addition to		20
advertising charges	\$ 7.00	21
(3) Adoption of child, petition for	\$50.00	22
(4) Alter or cancel contract for sale or purchase of		23
real estate, petition to	\$20.00	24
(5) Application and order not otherwise provided		25
for in this section or by rule adopted pursuant to		26
division (E) of this section	\$ 5.00	27
(6) Appropriation suit, per day, hearing in	\$20.00	28
(7) Birth, application for registration of	\$ 7.00	29
(8) Birth record, application to correct	\$ 5.00	30
(9) Bond, application for new or additional	\$ 5.00	31
(10) Bond, application for release of surety or		32
reduction of	\$ 5.00	33
(11) Bond, receipt for securities deposited in lieu of	\$ 5.00	34
(12) Certified copy of journal entry, record, or proceeding,		35
per page, minimum fee one dollar	\$ 1.00	36
(13) Citation and issuing citation, application for	\$ 5.00	37
(14) Change of name, petition for	\$20.00	38
(15) Claim, application of administrator or executor for		39
allowance of administrator's or executor's own	\$10.00	40
(16) Claim, application to compromise or settle	\$10.00	41
(17) Claim, authority to present	\$10.00	42
(18) Commissioner, appointment of	\$ 5.00	43
(19) Compensation for extraordinary services and attorney's		44
fees for fiduciary, application for	\$ 5.00	45
(20) Competency, application to procure adjudication of ...	\$20.00	46
(21) Complete contract, application to	\$10.00	47
(22) Concealment of assets, citation for	\$10.00	48
(23) Construction of will, petition for	\$20.00	49

(24) Continue decedent's business, application to	\$10.00	50
Monthly reports of operation	\$ 5.00	51
(25) Declaratory judgment, petition for	\$20.00	52
(26) Deposit of will	\$ 5.00	53
(27) Designation of heir	\$20.00	54
(28) Distribution in kind, application, assent, and order for	\$ 5.00	55 56
(29) Distribution under section 2109.36 of the Revised Code, application for an order of	\$ 7.00	57 58
(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	\$15.00	59 60 61
(31) Exceptions to any proceeding named in this section, contest of appointment or	\$10.00	62 63
(32) Election of surviving partner to purchase assets of partnership, proceedings relating to	\$10.00	64 65
(33) Election of surviving spouse under will	\$ 5.00	66
(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of	\$35.00	67 68 69
(35) Foreign will, application to record	\$10.00	70
Record of foreign will, additional, per page	\$ 1.00	71
(36) Forms when supplied by the probate court, not to exceed	\$10.00	72 73
(37) Heirship, petition to determine	\$20.00	74
(38) Injunction proceedings	\$20.00	75
(39) Improve real estate, petition to	\$20.00	76
(40) Inventory with appraisement	\$10.00	77
(41) Inventory without appraisement	\$ 7.00	78
(42) Investment or expenditure of funds, application for ..	\$10.00	79
(43) Invest in real estate, application to	\$10.00	80
(44) Lease for oil, gas, coal, or other mineral, petition to	\$20.00	81 82

(45) Lease or lease and improve real estate, petition to ..	\$20.00	83
(46) Marriage license	\$10.00	84
Certified abstract of each marriage	\$ 2.00	85
(47) Minor or mentally ill person, etc., disposal of estate		86
under ten thousand dollars of	\$10.00	87
(48) Mortgage or mortgage and repair or improve real		88
estate, petition to	\$20.00	89
(49) Newly discovered assets, report of	\$ 7.00	90
(50) Nonresident executor or administrator to bar		91
creditors' claims, proceedings by	\$20.00	92
(51) Power of attorney or revocation of power,		93
bonding company	\$10.00	94
(52) Presumption of death, petition to establish	\$20.00	95
(53) Probating will	\$15.00	96
Proof of notice to beneficiaries	\$ 5.00	97
(54) Purchase personal property, application of surviving		98
spouse to	\$10.00	99
(55) Purchase real estate at appraised value, petition of		100
surviving spouse to	\$20.00	101
(56) Receipts in addition to advertising charges,		102
application and order to record	\$ 5.00	103
Record of those receipts, additional, per page	\$ 1.00	104
(57) Record in excess of fifteen hundred words in any		105
proceeding in the probate court, per page	\$ 1.00	106
(58) Release of estate by mortgagee or other lienholder ...	\$ 5.00	107
(59) Relieving an estate from administration under section		108
2113.03 of the Revised Code or granting an order for a		109
summary release from administration under section		110
2113.031 of the Revised Code	\$60.00	111
(60) Removal of fiduciary, application for	\$10.00	112
(61) Requalification of executor or administrator	\$10.00	113
(62) Resignation of fiduciary	\$ 5.00	114
(63) Sale bill, public sale of personal property	\$10.00	115

(64) Sale of personal property and report, application		116
for	\$10.00	117
(65) Sale of real estate, petition for	\$25.00	118
(66) Terminate guardianship, petition to	\$10.00	119
(67) Transfer of real estate, application, entry, and certificate for	\$ 7.00	120 121
(68) Unclaimed money, application to invest	\$ 7.00	122
(69) Vacate approval of account or order of distribution, motion to	\$10.00	123 124
(70) Writ of execution	\$ 5.00	125
(71) Writ of possession	\$ 5.00	126
(72) Wrongful death, application and settlement of claim for	\$20.00	127 128
(73) Year's allowance, petition to review	\$ 7.00	129
(74) Guardian's report, filing and review of	\$ 5.00	130

(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section 2111.49 of the Revised Code, the probate court, pursuant to court order or in accordance with a court rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.041 or division (A)(2) of section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that an alleged incompetent or a ward is indigent, the court may waive the costs, fees, and expenses of an investigation.

(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the

fees for the investigation shall be paid into the county treasury. 149
If the court finds that the guardian or applicant is indigent, the 150
court may waive the costs, fees, and expenses of an investigation. 151

(C) Thirty dollars of the thirty-five-dollar fee collected 152
pursuant to division (A)(34) of this section and twenty dollars of 153
the sixty-dollar fee collected pursuant to division (A)(59) of 154
this section shall be deposited by the county treasurer in the 155
indigent guardianship fund created pursuant to section 2111.51 of 156
the Revised Code. 157

(D) The fees of witnesses, jurors, sheriffs, coroners, and 158
constables for services rendered in the probate court or by order 159
of the probate judge shall be the same as provided for like 160
services in the court of common pleas. 161

(E) The probate court, by rule, may require an advance 162
deposit for costs, not to exceed one hundred twenty-five dollars, 163
at the time application is made for an appointment as executor or 164
administrator or at the time a will is presented for probate. 165

(F) The probate court, by rule, shall establish a reasonable 166
fee, not to exceed fifty dollars, for the filing of a petition for 167
the release of information regarding an adopted person's name by 168
birth and the identity of the adopted person's biological parents 169
and biological siblings pursuant to section 3107.41 of the Revised 170
Code, all proceedings relative to the petition, the entry of an 171
order relative to the petition, and all services required to be 172
performed in connection with the petition. The probate court may 173
use a reasonable portion of a fee charged under authority of this 174
division to reimburse any agency, as defined in section 3107.39 of 175
the Revised Code, for any services it renders in performing a task 176
described in section 3107.41 of the Revised Code relative to or in 177
connection with the petition for which the fee was charged. 178

(G)(1) Thirty dollars of the fifty-dollar fee collected 179

pursuant to division (A)(3) of this section shall be deposited 180
into the "putative father registry fund," which is hereby created 181
in the state treasury. The department of job and family services 182
shall use the money in the fund to fund the department's costs of 183
performing its duties related to the putative father registry 184
established under section 3107.062 of the Revised Code. 185

(2) If the department determines that money in the putative 186
father registry fund is more than is needed for its duties related 187
to the putative father registry, the department may use the 188
surplus moneys in the fund as permitted in division (C) of section 189
2151.3529, division (B) of section 2151.3530, or section 5103.155 190
of the Revised Code. 191

Sec. 2101.164. (A) As used in this section, "combat zone" 192
means an area that the president of the United States by executive 193
order designates for purposes of 26 U.S.C. 112 as an area in which 194
armed forces of the United States are or have engaged in combat. 195

(B) A probate judge shall not charge, or collect from, the 196
estate of a decedent who died while in active service as a member 197
of the armed forces of the United States any of the following fees 198
if the death occurred while the decedent was serving in a combat 199
zone or as a result of wounds, disease, or injury incurred while 200
serving in a combat zone: 201

(1) Any fee for or associated with the filing of the 202
decedent's will for probate; 203

(2) Any fee for any service rendered by the probate court 204
that is associated with the administration of the decedent's 205
estate; 206

(3) Any fee for relieving the decedent's estate from 207
administration under section 2113.03 of the Revised Code or 208
granting an order for a summary release from administration under 209

section 2113.031 of the Revised Code. 210

(C) In determining whether a decedent died in a place or 211
manner that exempts the estate of the decedent from fees under 212
division (B) of this section, a probate judge may consider a 213
casualty report issued pursuant to Army Regulation 600-8-1 or the 214
regulations of any of the armed services of the United States, the 215
list of combat zones set forth in Publication 3, "The Armed 216
Forces' Tax Guide," of the Internal Revenue Service, or any other 217
form of documentation satisfactory to the probate judge. 218

Section 2. That existing section 2101.16 of the Revised Code 219
is hereby repealed. 220

Section 3. Section 2101.16 of the Revised Code, as amended by 221
this act, and section 2101.164 of the Revised Code, as enacted by 222
this act, apply to the estates of decedents who die on or after 223
the effective date of this act. 224