

Checklist **Wrongful Death Trust**

Fees:

Court Costs: \$153.00

Requirements

An estate action was previously opened in this Court and proceedings for the approval of a settlement of a wrongful death claim have been filed, and approved. The Entry Approving Settlement and Distribution of Wrongful Death Proceeds provides for the creation of a wrongful death trust for one or more beneficiaries under the age of 25 pursuant to R.C. §2125.03(A)(2)

**Note: All paperwork must be typed. We will not accept handwritten documents.
All filings must be single-sided. We will not accept double-sided originals.
Please do not staple original paperwork. We cannot accept filings with staples.**

Initial filing

- Self-Representation Acknowledgment (GC Form 75.1) *If applicable*
 - o This form **must** be filed if applicant is not represented by an attorney.
- Application for Appointment of Trustee (GC Form 105.1-A)
 - o Copy of file-stamped Entry Approving Settlement and Distribution of Wrongful Death Proceeds must be attached
 - o Proposed Wrongful Death Trust Declaration must be attached
(Note: There is no prescribed form for this document. It must be drafted by Applicant's attorney)
- Contact Information Form – Trust Actions (GC Form 105.1-B)
- Fiduciary's Acceptance – Trustee (GC Form 105.1-C)
- Judgment Entry Appointing Trustee (GC Form 105.1-D)
- Letters of Authority of Trustee (GC Form 105.1-E)
- Beneficiary's Consent to Appointment of Trustee (GC Form 105.1-K)
 - o Must be signed by each Adult Beneficiary or Legal Guardian of a Minor Beneficiary
- Trustee's Bond (GC Form 105.1-F)

OR

- Application to Dispense with Trustee's Bond (GC Form 75.2-E)
- Entry Regarding Trustee's Bond (GC Form 75.2-F)

(See Local Rule 75.2 on bond requirements)

Later Filings

- Trustee's Inventory (GC Form 105.1-G)
 - o Due 3 months following the date of Appointment of Trustee
- Trustee's Account (GC Form 105.1-H)
 - o Due 1 year following Appointment of Trustee, and then every other year thereafter.
 - o See Greene County Local Rule 77 for citations and sanctions of late filings
- Application for Authority to Expend Funds (GC Form 105.1-J)

Note: Not all trusts require Probate Court approval or oversight. It is highly recommended that anyone considering creating a trust, currently administering a trust, or that has questions regarding trusts consult with an attorney who has expertise in that area of law. Probate Court Clerks are not attorneys and cannot give you legal advice or answer legal questions.