PROBATE COURT OF CUYAHOGA COUNTY, OHIO

GUIDELINES – E-FILE TRUSTS

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Updated 03/22/24

For Testamentary Trusts and related Estates (with Last Will and Testament)

After the decedent's Will has been admitted to probate, a Testamentary Trust Application (Form 25.0 with 25.1A) may be filed under a new Trust case number.

Please list the related estate case number on the line provided in the body of the Testamentary Trust Application. DO NOT list the estate case number on the Trust Application Case Number line.

For Wrongful Death, R.C. 2111, and Medicaid Payback/Special Needs Trusts

A Trust Application (form 25.0A with 25.1A) may be filed under a new Trust case number after a settlement order has been issued on an underlying case authorizing the establishment of the trust.

List the related estate or guardian case number on the line provided in the body of the Trust Application. DO NOT list these numbers on the Trust Application Case Number line.

Underlying and Related Cases

Whenever possible, please list known related Probate Court cases on the Application forms on lines provided. For other pleadings, please list the related case number under or near to the caption of the pleading. We also encourage you to use the E-File *Note for Clerk* field on the Gateway review screen to list related cases.

DO NOT list related cases on the Trust forms Case Number line. Leave this line blank for the Court to populate with the new Trust case number.

Only after all required documents have been filed will the Court proceed to review Applications to appoint a Trustee.

The Probate Court will index its database of cases for all new filings and may contact E-File users prior to acceptance if any search results may affect a particular submission or require clarification.

The Court may require additional waivers, hearings, and notice of hearing to interested parties after the Application is filed.

In certain instances, applicants may be required to post a fiduciary's bond in accordance with law.

Forms for Trust Filings

The Probate Court web pages list Ohio Supreme Court standard probate forms and additional documents accepted by the Cuyahoga County Probate Court in the administration of estates.

Navigate to the website forms, here: <u>Forms>Trust Forms</u> Web address: <u>https://probate.cuyahogacounty.us/trsforms.aspx</u>.

Document Preparation and Signatures

Forms downloaded from the Court's web pages are fillable PDFs and **MUST be typed** complete with signatures. Handwritten forms will not be accepted.

Signatures on forms and pleadings may be submitted in the following ways:

- 1) As an ink signature, the signed document then converted to a scanned PDF copy, or
- 2) As an E-Signature, formatted by typing /S/ in front of the typed name on signature lines, or
- 3) As an electronically signed or captured signature using software with audit tracking capability (e.g., DocuSign, RightSignature, Adobe Sign).

Note: The audit track is not required with submission for forms or pleadings but must be presented if requested by a hearing officer reviewing the document.

Exception: Waivers may NOT be submitted using the E-Signature format. See details below.

Preparation and Submission of Waivers

Signed waivers for Estate pleadings may be submitted to E-File using the following methods:

- 1) As scanned PDF copies with original ink signatures, or
- 2) As electronically signed PDF copies, using signature capture software which includes audit tracking capability (e.g., DocuSign, RightSignature, Adobe Sign).

Submit electronically signed waivers and attach to each its audit track in the same PDF file, behind the waiver form.

<u>Waivers submitted without an audit track will be rejected.</u> Electronically signed waivers may be subject to further review by hearing officers.

Information about Filing Original and Additional Bonds

The Probate Court may order a fiduciary's bond be posted by Trustees prior to appointment. Additional bonds may be ordered any time after an original bond has been posted.

All original notarized hard-copy bonds must be filed within thirty (30) days of the order and before letters of Trustee will be issued.

Additional notarized hard-copy bonds must be filed at Court within ten (10) days of the order. **BONDS CANNOT BE E-FILED**.

- Bonds may be filed in person at the Clerk's Office, Rm. 119, or
- Bonds may be mailed.

If mailed, attach a cover-letter with contact information and your case number, then mail the ink-signed original/additional bond with the bond agent's power of attorney attached, to:

Probate Court Clerk's Office, Room 119, 1 Lakeside Ave. West, Cleveland, Ohio, 44113.

Information about Hearings

Once your Application has been **Accepted**, you may receive a hearing notice with the date and time to appear at the Probate Court or additional instructions for off-site remote hearing options (e.g., via phone or *Zoom*).

Effective Wednesday, June 16, 2021, the Cuyahoga County Probate Court will resume full access to the public. The Clerk's Office will accept in-person filings, electronic filings, and those submitted by U.S. mail. With the resumption of in-person filings, drop boxes in the Rotunda and the Huntington Park Garage entrance have been removed.

Hearings may be conducted remotely or in-person, as determined by the Judge or Magistrate assigned to the case.

If you received an email or mail notice of hearing indicating a *Zoom* hearing is set, please do not appear at Court in person. If you have questions, please contact the Court to verify the status of your hearing.

Per the <u>Administrative Order effective March 1, 2022</u>, all individuals entering the courthouse are no longer required to wear face coverings but may choose to wear them.

Applicants must have printed hardcopies of E-Filed documents available for any hearing.

If you have a scheduling conflict, please call **216-443-8970**. The Court will make every effort to accommodate a convenient date and time for all parties concerned.

E-Filing Steps for New Trusts Cases

Testamentary Trust Setup – with Copy of Will

 AFTER LOGIN: Select File a New Case from the blue E-Filing tab Select <u>TRUST</u> Select <u>TESTAMENTARY TRUST</u> Case Title: type the full name of the Decedent

[Click Save and Proceed to advance each screen]

2. ADD CASE PARTIES:

Party Role information must match the information on the *Application*. Enter all names complete without abbreviations or initials. Enter any Alias Names (AKAs) in the alias fields provided.

The following roles are REQUIRED for *Testamentary Trusts:*

Case Party Role on Web	Application Fields
Applicant	Applicant
Decedent, include all known AKAs	Decedent, include all known AKAs
Beneficiary	Party to benefit from Trust
(one per each Trust case)	(as named in Trust declaration/agreement)

3. ADD DOCUMENTS: Fill-in forms MUST be typed complete and signed.

Upload the <u>Application for Appoint of Testamentary Trustee (Form 25.0 with</u> <u>25.1A)</u>

Upload a copy of the Will admitted to probate using the 'Supplemental Document' code – your copy must match the Will admitted at Court

Upload the list of <u>Trust Beneficiaries (Form 25.1)</u>

Upload the list of <u>Next of Kin of Minor Beneficiaries (Form 25.15)</u> if necessary

- 4. FILING REVIEW: Review your data and documents for accuracy. EDIT for corrections.
- 5. PAYMENT: Add Credit or Debit Card billing information:

Submit the filing on behalf of the **APPLICANT**

Your credit/debit card will be charged only AFTER your E-Filing has been accepted. The name on the credit/debit card MUST match the Registered E-File Account Name. Third party payments will NOT be accepted without prior arrangement with E-File staff.

Print a copy of the Submission Confirmation for your records.

Wrongful Death Trust Setup

1. AFTER LOGIN: Select File a New Case from the blue E-Filing tab

Select <u>TRUST</u> Select <u>WRONGFUL DEATH TRUST</u> Case Title: type the full name of the Beneficiary [Click **Save and Proceed** to advance each screen]

2. ADD CASE PARTIES:

Party Role information must match the information on the *Application(s)*. Enter all names complete without abbreviations or initials. Enter any Alias Names (AKAs) in the alias fields provided.

The following roles are REQUIRED for Wrongful Death Trusts:

Case Party Role on Web	Application Fields (Form 25.0A)
Applicant	Applicant
Decedent, include all known AKAs	Decedent, include all known AKAs
Beneficiary	Party to benefit from Trust
(one per each Trust case)	(as named in Trust declaration/agreement)

3. ADD DOCUMENTS: Fill-in forms MUST be typed complete and signed.

Upload the <u>Application for Appointment of Trustee (Form 25.0A with 25.1A)</u>

- Upload the list of <u>Trust Beneficiaries (Form 25.1)</u>
- Upload the list of <u>Next of Kin of Minor Beneficiaries (Form 25.15)</u> if necessary

Upload a copy of the proposed Trust Agreement/Declaration signed by Applicant with blank signature line for the Probate Judge using code 'Proposed Trust Agreement/Declaration of Trust, filed' code

- 4. FILING REVIEW: Review your data and documents for accuracy. EDIT for corrections.
- 5. PAYMENT: Add Credit or Debit Card billing information:

Submit the filing on behalf of the APPLICANT

Your credit/debit card will be charged only AFTER your E-Filing has been accepted. The name on the credit/debit card MUST match the Registered E-File Account Name. Third party payments will NOT be accepted without prior arrangement with E-File staff.

Print a copy of the Submission Confirmation for your records.

R.C. 2111.182 Trust Setup

1. AFTER LOGIN: Select File a New Case from the blue E-Filing tab

Select <u>TRUST</u> Select <u>2111 TRUST</u> Case Title: type the full name of the Beneficiary [Click **Save and Proceed** to advance each screen]

2. ADD CASE PARTIES:

Party Role information must match the information on the *Application* and *Motion*. Enter all names complete without abbreviations or initials. Enter any Alias Names (AKAs) in the alias fields provided.

The following roles are REQUIRED for R.C. 2111.182 Trusts:

Case Party Role on Web	Application Fields (Form 25.0A)
Applicant	Applicant
Beneficiary	Beneficiary
(one per each Trust case)	(as named in Trust declaration/agreement)

3. ADD DOCUMENTS:

Fill-in forms MUST be typed complete and signed.

Upload the Application for Appointment of Trustee (Form 25.0A with 25.1A)

- Upload the list of Trust Beneficiaries (Form 25.1)
- Upload the list of Next of Kin of Minor Beneficiaries (Form 25.15) if necessary

Upload a copy of the proposed Trust Agreement/Declaration signed by Applicant with blank signature line for the Probate Judge using code 'Proposed Trust Agreement/Declaration of Trust, filed' code

4. FILING REVIEW: Review your data and documents for accuracy. EDIT for corrections.

5. PAYMENT: Add Credit or Debit Card billing information:

Submit the filing on behalf of the **APPLICANT**

Your credit/debit card will be charged only AFTER your E-Filing has been accepted. The name on the credit/debit card MUST match the Registered E-File Account Name. Third party payments will NOT be accepted without prior arrangement with E-File staff.

Print a copy of the Submission Confirmation for your records.

Medicaid Payback/Special Needs Trust Setup

1. AFTER LOGIN: Select File a New Case from the blue E-Filing tab

Select <u>TRUST</u> Select <u>MEDICAID PAYBACK TRUST</u> Case Title: type the full name of the Beneficiary [Click **Save and Proceed** to advance each screen]

2. ADD CASE PARTIES:

Party Role information must match the information on the *Application* and *Motion*. Enter all names complete without abbreviations or initials. Enter any Alias Names (AKAs) in the alias fields provided.

The following roles are REQUIRED for Special Needs/Medicaid Payback Trusts:

Case Party Role on Web	Application Fields (Form 25.0A)
Applicant	Applicant
Beneficiary	Beneficiary
(one per each Trust case)	(as named in Trust declaration/agreement)

3. ADD DOCUMENTS:

Fill-in forms MUST be typed complete and signed.

Upload the Application for Appointment of Trustee (Form 25.0A with 25.1A)

- Upload the list of Trust Beneficiaries (Form 25.1)
- Upload the list of Next of Kin of Minor Beneficiaries (Form 25.15) if necessary

Upload a copy of the proposed Trust Agreement/Declaration signed by Applicant with blank signature line for the Probate Judge using code 'Proposed Trust Agreement/Declaration of Trust, filed' code

4. FILING REVIEW: Review your data and documents for accuracy. EDIT for corrections.

5. PAYMENT: Add Credit or Debit Card billing information:

Submit the filing on behalf of the **APPLICANT**

Your credit/debit card will be charged only AFTER your E-Filing has been accepted. The name on the credit/debit card MUST match the Registered E-File Account Name. Third party payments will NOT be accepted without prior arrangement with E-File staff.

Print a copy of the Submission Confirmation for your records.

E-Filing on Existing Trust Cases

Login to your E-File account

- 1. Select File On An Existing Case from the blue E-Filing tab
- 2. Search your existing estate case by name or number



Select the green **E** to E-File on your case

3. ADD NEW or CLAIM EXISTING CASE PARTIES: scroll to the bottom of the screen:

To CLAIM yourself as an existing appointed Trustee Click CLAIM PARTY next to your name To ADD yourself as a new Applicant or Interested party on the case Complete all fields; click SAVE PARTY Attorneys Click CLAIM PARTY next to the party's name To CLAIM an existing party to represent Click CLAIM PARTY next to the party's name To ADD a new Applicant or Interested Party Click SAVE PARTY If your party is already Click SAVE and PROCEED to move	Filing Pro Se		
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If your party is already	To ADD a new Applicant or Interested Party	Complete all fields; click SAVE PARTY	
(Your name highlighted above party)	If your party is already represented and claimed (Your name highlighted above party)	Click SAVE and PROCEED to move directly to ADD DOCUMENTS	
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4. ADD DOCUMENTS: Choose a Docket Code from the menu, upload each as a PDF file.

Tip: In general, submit unrelated filings under separate confirmation numbers. (e.g., Do not send an Account with an Application to Expend Funds.)

*See pages 11-15 for instructions for specific types of pleadings.

5. FILING REVIEW: Review your data and documents for accuracy. EDIT for corrections.

6. PAYMENT: Add Credit or Debit Card billing information: Select to file on behalf of the Trustee (most filings) Select to file on behalf of BENEFICIARY or OTHER (Objections, Exceptions)

*Back costs already owed on your case must be paid prior to submission of new pleadings. To pay back costs owed on cases over the phone via credit or debit card, or for questions about case billing, contact the Clerk's Office at (216) 443-8896 and press '0' after the prompt. After back costs are paid, refresh the Payment screen and the SUBMIT button will once again be available for your new submission.

Your credit/debit card will be charged only AFTER your E-Filing has been accepted. The name on the credit/debit card MUST match the Registered E-File Account Name. Third party payments will NOT be accepted without prior arrangement with E-File staff.

<u>Click SUBMIT</u> – Retain a copy of the **Filing Confirmation** for your records.

The Court will send an email to users indicating a filing has been Accepted or Rejected.

If the filing is Rejected, reasons for rejection will be listed in the email. Corrected filings may be resubmitted within 72 hours. If you do not correct the rejected filing within 72 hours, you must start the filing again with a new confirmation number.

For questions about filings: Have your confirmation number or case number or rejection email available for reference.

E-File Help Desk: (216) 443-8948 or probate_efile@cuyahogacounty.us.

Inventories, Accounts, and other Trust Documents

Below are instructions to assist users with uploading groups of filings or filings specified for review by multiple departments at court. Following these instructions will increase efficiency in the review process and provide clarity on the Court's electronic docket.

Whenever possible, select dedicated codes from the dropdown menu on the ADD DOCUMENTS screen. The codes are listed alphabetically and generally match form captions. Contact the E-File Help Desk for further assistance or general questions about E-Filing.

For specific questions regarding required filings by trustees, please contact the appropriate department and have your case number available for reference. A list of Probate Court department phone numbers follows this list.

Trustee's Inventory (Form 25.4 or 25.4A)

Upload the signed and completed Trustee Inventory as one PDF file using code **TRUSTEE'S INVENTORY FILED.**

All assets should be listed with complete identifying details (account numbers, VINS, etc.). Upload supporting documents (e.g., Auditor valuations of property, Kelly Blue Book vehicle valuations) using code **SUPPLEMENTAL DOCUMENTS**.

See also the Inventory guideline on our Topics pages on the web.

□ **Testamentary Trustees** – Use Testamentary Trustee Inventory (Form 25.4)

- □ All Other Trustees Use Trustee Inventory (Form 25.4A)
- □ Upload supporting documents as 'Supplemental Documents'

Note: Fiduciaries who wish to keep full account numbers and identifying financial details confidential, must submit a separate completed Form 45D with the Inventory. Upload the **Confidential Disclosure of Personal Identifiers** (Form 45D) using the dedicated code in the document menu.

SEND INVENTORY UPLOADS TOGETHER UNDER THE SAME CONFIRMATION SUBMISSION.

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Partial or Final Accounts (Forms 76A – 76C and Others)

*Accounts may be rejected if unpaid costs are owed on the case. Contact the **Clerk's Office** at **(216) 443-8896 and press '0' after the prompt** for payment or payment inquires.

Submit the following documents as individual PDFs, using the available codes in the menu and instructions below. <u>See also the Accounts and Inventories Topic page on the web</u>.

SEND ACCOUNT UPLOADS TOGETHER UNDER THE SAME CONFIRMATION SUBMISSION.

- Upload the signed <u>Trustee's Account (Form 76A front and reverse)</u>.
 Choose Docket Code: **TRUSTEE'S PARTIAL ACCOUNT**, or **TRUSTEE'S FINAL ACCOUNT**.
- Upload Receipts and Disbursements (Form 76B), Assets Remaining in Fiduciary's Hands (Form 76C), and any spreadsheets or handwritten accounting sheets as one PDF file using code ADDITIONAL PAGES OF ACCOUNTING.
- □ Upload Bank statements, HUD/Settlement Statements, Attorney or Trustee Computations, and Receipts for Specific Bequests using code **SUPPLEMENTAL DOCUMENTS**.
- Upload in one PDF any signed Waivers of Notice of Hearing and Consent to Account (Form 13.7B) if applicable.
- □ Upload the **Certificate of Service of Account** (Form 13.9) if applicable.
- Upload a **Confidential Disclosure of Personal Identifiers** (Form 45D) as needed.
- Notice of Hearing on Account (Form 13.5) required with some Final Accounts for any interested parties who did not sign a Waiver of Notice of Hearing and Consent to Account (Form 13.7B). Upload copies of the Notice for each party and attach proof of delivery of notice with accompanying certified mail "green" cards or USPS online records showing proof of delivery, or other proof of receipt of notice as governed by Ohio Civil Rule 73 and Local Rule 64.2. Use the Account approval dates listed on our website to complete the Notice form. See note below for approval dates.

Note: Pre-set approval dates for Inventories and Accounts can be found on the Probate Court's website in the following locations: under the <u>Accounts and Inventories Topics page</u>, within the E-File Estate Guideline, and on the Miscellaneous Forms page.

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Application to Sell Personal Property (Form 9.0 – 9.2)

Note: Trustee's Inventory must be approved *before* Form 9.0 can be granted.

□ Upload the signed **Application** (Form 9.0) available from the document menu. Check appropriate boxes and fill all required blanks on the front and reverse of the form. Items to be sold should be listed with identifying detail (e.g., Year and model, VINs, Serial numbers, Product IDs, Brand names, etc.)

Leave BLANK the Entry portion of the form and/or the Entry page (Form 9.1).

Consents signed on the bottom of Form 9.0 may be signed in ink, or electronically signed using signature capture software. If electronically signed using signature capture, the audit track for each signature must be attached to the Application file.

Consents and waivers of notice of hearing may also be filed individually using the menu code "Waivers and Consent."

Form 9.2 may be used to notify parties if requested by the hearing officer.

Application for Authority to Expend Funds from Trust

Upload the Application (Form 15.7) with copies of invoices, receipts, or with additional explanation, documentation, or estimates as needed. Select the matching code from the menu.

Optional: Upload a **Confidential Disclosure of Personal Identifiers** (Form 45D) as needed.

Verification of Receipt and Deposit (Form 22.3)

Upload the signed Verification (Form 22.3 for minors) or (Form 22.3B for adults). Select the matching code from the menu.

Report of Newly Discovered Assets

□ Upload the <u>REPORT OF NEWLY DISCOVERED ASSETS</u> under its own code from the menu. Upload as a separate PDF the blank **Judgement Entry** page using the PROPOSED ORDER code. Also, if applicable, upload Form 45D (*Confidential Disclosure of Personal Identifiers*) as its own PDF using the code dedicated to Form 45D. Send all uploads under the same confirmation number.

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Motions to Amend/Correct Data or Forms on the Existing Court Docket

- $\hfill\square$ Attach the corrected form behind your motion in one PDF file.
- □ Upload the entry page PDF using code "Proposed Order Filed."

Motion for Continuance (of a scheduled hearing)

Please give as much advanced notice as possible when filing this motion.

Include a 'Note to Clerk' on the E-File Final Review Screen indicating your pleading is urgent or time-sensitive. You can also contact the E-File staff by phone (216-443-8948) to check the status of your motion or to let them know well in advance of the urgency before you file.

- □ Attach the Motion for Continuance PDF using the dedicated code MOTION FOR CONTINUANCE available in the upload menu.
- □ Upload the entry page PDF using code "Proposed Order Filed."

Other Motions and Pleadings

- $\hfill\square$ Attach the Motion PDF file using dedicated motion codes available in the upload menu.
- □ Upload the entry page PDF separately using code "Proposed Order Filed."

Proposed Orders and Agreed Judgment Entries

□ Upload the proposed entry page PDF using code "Proposed Order Filed."

Waivers of Notice and Consent (if applicable)

 Upload any waivers and consents obtained after case creation separately, using code "Waivers and Consents" as many times as needed. Send all under the same confirmation number whenever possible.

Original or Additional Bonds (Bonds may NOT be E-Filed)

□ Bonds may be filed in person at the Clerk's Office, Rm. 119, or mailed to Court: If mailed, attach a cover-letter with contact information and your case number, the inksigned original/additional bond, and the bond agent's power of attorney, then send to:

Probate Court Clerk's Office, Room 119, 1 Lakeside Ave. West, Cleveland, Ohio, 44113.

Probate Court of Cuyahoga County Department Phone Contacts

To speak to a Magistrate in the Court's general Front Office – (216) 443-8979.

For procedural questions on Trust Accounts and Inventories – (216) 443-8770.

To pay back costs owed on cases over the phone via credit or debit card, or for questions about case billing, contact the Clerk's Office – (216) 443-8896 and press '0' after the prompt.

For questions about copies or the issuance of Letters of Appointment – (216) 443-8793.

For all questions related to E-File User Accounts and E-Filing – (216) 443-8948.

Users may also email the E-File Help Desk at probate_efile@cuyahogacounty.us