Thank you, Chair Thomas and Vice Chair Mathews, for hearing my testimony on House Bill 55 today. This bill will clarify how probate court fees are to be paid from estates and, in turn, ensure estates are taken care of properly.

People deserve to have their estate handled to their wishes, which is why they hire a probate attorney. These attorneys prepare and file the proper court paperwork, gather the deceased's assets, file the deceased's will, and do all the heavy lifting in preparing for the distribution of the assets. However, in certain probate cases dealing with land sale complaints, mortgage holders are taking almost all the estate's money before probate attorneys can be paid for their administrative fees. This practice presents two issues: 1. Estates cannot pay for probate services because the mortgage holder is taking all the available funds, and 2. Attorneys aren't likely to handle probate cases where they cannot be paid.

Ohio Revised Code 2127.38 says that, if an estate is insolvent after a land sale proceeding is complete, mortgage holders take the rest of the funds available, leaving nothing for the rest of the attorneys' general administrative work. The most common probate cases that experience this issue are those handling low-income estates that, after the land is sold, have no money left to pay the administrative fees. These estates are then left vulnerable, and the cases are typically not taken. This bill would mirror existing law by simply saying that attorney's fees for the broader probate administration also have priority over the existing mortgage.

Overall, this bill will clarify that all work involved in a probate estate administration needs to be paid for as a cost having priority over the mortgage. It should also be noted that this bill is prospective and would not affect any existing mortgage, but rather would only apply to mortgages and estates moving forward.