

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 199

Senator Blessing

A BILL

To amend sections 517.23, 517.24, 517.25, 2108.82, 1
2111.18, 2117.06, 2117.07, and 2131.09 and to 2
enact sections 2131.14, 5801.20, 5801.21, 3
5801.22, 5801.23, and 5801.24 of the Revised 4
Code to make changes to the law related to the 5
disinterment of bodies buried in cemeteries, 6
presentment of claims against an estate, non- 7
probate transfers of tangible personal property, 8
Guardianship Law, and the Ohio Trust Law. 9

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

Section 1. That sections 517.23, 517.24, 517.25, 2108.82, 10
2111.18, 2117.06, 2117.07, and 2131.09 be amended and sections 11
2131.14, 5801.20, 5801.21, 5801.22, 5801.23, and 5801.24 of the 12
Revised Code be enacted to read as follows: 13

Sec. 517.23. (A) Subject to divisions (B), (D), and (E) of 14
this section, the board of township trustees, the trustees or 15
directors of a cemetery association, or the other officers 16
having control and management of a cemetery or the officer of a 17
municipal corporation who has control and management of a 18
municipal cemetery shall disinter or grant permission to 19

disinter any remains buried in the cemetery in either of the 20
following circumstances: 21

~~(1) If the surviving spouse of the decedent is eighteen~~ 22
~~years of age or older, within~~ Within thirty days after the 23
~~filing of an application of the surviving spouse made for~~ 24
disinterment is filed with the cemetery in accordance with 25
division (A) of section 517.24 of the Revised Code and payment 26
~~by the applicant~~ of the reasonable costs and expense of 27
disinterment, is made by the following applicants: 28

(a) A designated representative, or successor, to whom the 29
decedent had assigned the right of disposition in a written 30
declaration pursuant to section 2108.70 of the Revised Code and 31
who had exercised such right at the time of the declarant's 32
death; 33

(b) If no designated representative exercised the right of 34
disposition pursuant to section 2108.70 of the Revised Code, the 35
surviving spouse of the decedent who is eighteen years of age or 36
older. 37

(2) On order of a probate court issued under division (B) 38
of section 517.24 of the Revised Code and payment by the person 39
who applied for the order under that division of the reasonable 40
costs and expense of disinterment. 41

(B) No disinterment shall be made pursuant to this section 42
and section 517.24 of the Revised Code if the decedent died of a 43
contagious or infectious disease until a permit has been issued 44
by the board of health of a general health district or of a city 45
health district. 46

(C) Upon disinterment of remains under division (A) (1) or 47
(2) of this section, the involved board, trustees, directors, 48

other officers, or officer of the municipal corporation shall 49
deliver or cause to be delivered the disinterred remains to the 50
applicant ~~surviving spouse~~ under division (A) (1) of this section 51
or, if the disinterment was pursuant to court order issued under 52
division (B) of section 517.24 of the Revised Code, to the 53
person who applied for the order under that division. 54

(D) The board of township trustees, the trustees or 55
directors of a cemetery association, or the other officers 56
having control and management of a cemetery or the officer of a 57
municipal corporation who has control and management of a 58
municipal cemetery may disinter or grant permission to disinter 59
and, if appropriate, may reinter or grant permission to reinter 60
any remains buried in the cemetery to correct an interment error 61
in the cemetery if the board, trustees, directors, other 62
officers, or officer of the municipal corporation comply with 63
the internal rules of the cemetery pertaining to disinterments 64
and if the board, trustees, directors, other officers, or 65
officer of the municipal corporation provide notice of the 66
disinterment to the ~~decedent's last known next of kin~~ person who 67
has been assigned the rights of disposition for the deceased 68
person under the provisions of sections 2108.70 to 2108.90 of 69
the Revised Code. The board, trustees, directors, other 70
officers, or officer of the municipal corporation may correct an 71
interment error under this division without a court order or an 72
application by a person. 73

(E) (1) A person who is an interested party and who is 74
eighteen years of age or older and of sound mind may apply to 75
the probate court of the county in which the decedent is buried 76
for an order to prevent the ~~decedent's surviving spouse~~ 77
applicant under division (A) (1) of this section from having the 78
remains of the decedent disinterred. An application to prevent 79

the disinterment of the remains of the decedent shall be in 80
writing, subscribed and verified by oath, and include all of the 81
following: 82

(a) If applicable, a statement that the applicant assumed 83
financial responsibility for the funeral and burial expenses of 84
the decedent; 85

(b) If division (E) (1) (a) of this section is inapplicable 86
relative to the applicant, a statement that the applicant did 87
not assume financial responsibility for the funeral and burial 88
expenses of the decedent; 89

(c) A statement that the applicant is eighteen years of 90
age or older and of sound mind; 91

(d) The relationship of the applicant to the decedent; 92

(e) A statement of the applicant's reasons to oppose the 93
disinterment of the remains of the decedent. 94

(2) An applicant for an order to prevent the disinterment 95
of the remains of the decedent under division (E) of this 96
section promptly shall give notice of the filing of the 97
application by certified mail, return receipt requested, to the 98
~~decedent's surviving spouse~~applicant under division (A) (1) of 99
this section. The notice shall indicate that the applicant has 100
filed an application for an order to prevent the disinterment of 101
the remains of the decedent. 102

(F) As used in this section and in section 517.24 of the 103
Revised Code: 104

(1) "Cemetery" and "interment" have the same meanings as 105
in section 1721.21 of the Revised Code. 106

(2) "Disinterment" means the recovery of human remains by 107

exhumation, disinterment, or disinterment. "Disinterment" does 108
not include the raising and lowering of remains to accommodate 109
two interments within a single grave and does not include the 110
repositioning of an outside burial container that encroaches an 111
adjoining burial space. 112

Sec. 517.24. (A) An application by ~~a surviving spouse an~~ 113
applicant for disinterment under section 517.23 of the Revised 114
Code shall be in writing and shall state ~~that whether~~ the 115
applicant is the designated representative to whom the decedent 116
has assigned the right of disposition of the decedent's body in 117
a written declaration pursuant to section 2108.70 of the Revised 118
Code and exercised such right at the time of the declarant's 119
death or, if none, the surviving spouse of the decedent, that 120
the applicant is eighteen years of age or older and of sound 121
mind, the disease of which the decedent died, and the place at 122
which the remains shall be reinterred. ~~The application shall be~~ 123
~~subscribed and verified by oath~~If the applicant is the 124
designated representative to whom the decedent has assigned the 125
right of disposition in a written declaration pursuant to 126
section 2108.70 of the Revised Code, a copy of the declaration 127
that appointed the applicant shall be attached to the 128
application. If the applicant is the surviving spouse, the 129
application shall state that to the best of the applicant's 130
knowledge the decedent did not sign a declaration of assignment 131
pursuant to section 2108.72 of the Revised Code or it is not 132
available to the applicant. 133

(B) (1) A person who is eighteen years of age or older and 134
of sound mind and who is not ~~the surviving spouse of the~~ 135
~~decedent involved~~ qualified to file an application to disinter 136
pursuant to division (A) (1) of section 517.23 of the Revised 137
Code may obtain a court order under this division for the 138

disinterment of the remains of the decedent. Any person who is 139
eighteen years of age or older and of sound mind, including, but 140
not limited to, the person who assumed financial responsibility 141
for the funeral and burial expenses of the decedent, and who 142
wishes to obtain a court order for the disinterment of the 143
remains of the decedent may file an application in the probate 144
court of the county in which the decedent is buried requesting 145
the court to issue an order for the disinterment of the remains 146
of the decedent. The application shall be in writing, subscribed 147
and verified by oath, and include all of the following: 148

(a) If applicable, a statement that the applicant assumed 149
financial responsibility for the funeral and burial expenses of 150
the decedent; 151

(b) If division (B)(1)(a) of this section is inapplicable 152
relative to the applicant, a statement that the applicant did 153
not assume financial responsibility for the funeral and burial 154
expenses of the decedent; 155

(c) A statement that the applicant is eighteen years of 156
age or older and of sound mind; 157

(d) The relationship of the applicant to the decedent; 158

(e) A statement of the place at which the remains will be 159
reinterred; 160

(f) The name, the relationship to the decedent, and the 161
address of the decedent's surviving spouse; of the person who 162
has been assigned the rights of disposition for the deceased 163
person under the provisions of sections 2108.70 to 2108.90 of 164
the Revised Code; of all persons who would have been entitled to 165
inherit from the decedent under Chapter 2105. of the Revised 166
Code if the decedent had died intestate; and, if the decedent 167

had a will, of all legatees and devisees named in the decedent's will;

(g) A true and correct copy of the decedent's written declaration of assignment pursuant to section 2108.70 of the Revised Code, if any, or a statement that to the best of the applicant's knowledge the decedent did not sign a written declaration of assignment or it is not available to the applicant.

(2) (a) Subject to division (B) (2) (b) of this section, upon the filing of an application for an order for disinterment of remains under division (B) of this section, the applicant promptly shall give notice as described in this division by certified mail, return receipt requested, to the decedent's surviving spouse; to the person who has been assigned the rights of disposition for the deceased person under the provisions of sections 2108.70 to 2108.90 of the Revised Code; to all persons who would have been entitled to inherit from the decedent under Chapter 2105. of the Revised Code if the decedent had died intestate; if the decedent had a will, to all legatees and devisees named in the decedent's will; and to the board of township trustees, the trustees or directors of a cemetery association, or the other officers having control and management of the cemetery in which the remains of the decedent are interred or to the officer of a municipal corporation who has control and management of a municipal cemetery in which the remains of the decedent are interred. The notice shall indicate that an application for disinterment of the remains of the decedent has been filed.

(b) A person entitled to be given the notice described in division (B) (2) (a) of this section may waive the right to

receive the notice by filing a written waiver of that right in 198
the probate court. 199

(c) The fact that the notice required by division (B) (2) 200
(a) of this section has been given, subject to division (B) (2) 201
(d) of this section, to all persons described in division (B) (2) 202
(a) of this section who have not waived their right to receive 203
the notice and, if applicable, the fact that certain persons 204
described in that division have waived their right to receive 205
the notice in accordance with division (B) (2) (b) of this section 206
shall be evidenced by an affidavit of the applicant for the 207
order for disinterment, and the applicant shall file the 208
affidavit in the probate court. 209

(d) An applicant for an order for disinterment is not 210
required to give a notice pursuant to division (B) (2) (a) of this 211
section to persons whose names or places of residence are 212
unknown and cannot with reasonable diligence be ascertained, and 213
the applicant shall file an affidavit in the probate court 214
specifying any persons who were not given notice pursuant to 215
division (B) (2) (a) of this section and the reason for not giving 216
notice to those persons. 217

(3) (a) Except as otherwise provided in division (B) (3) (b) 218
of this section, upon the filing of an application for 219
disinterment of remains and the giving of the required notice 220
under division (B) (2) of this section, the probate court 221
promptly shall conduct a hearing to determine whether to issue 222
an order for disinterment of the remains of the decedent, taking 223
into account the provisions of section 2108.82 of the Revised 224
Code. ~~Except as otherwise provided in division (B) (3) (a) of this~~ 225
~~section, at the hearing, the court, in its discretion, may issue~~ 226
~~an order for disinterment of the decedent's remains if good-~~ 227

~~cause for disinterment is shown. If a person who is an~~ 228
~~interested party and who is eighteen years of age or older and~~ 229
~~of sound mind establishes by a preponderance of the evidence at~~ 230
~~the hearing that the issuance of an order for disinterment of~~ 231
~~the decedent's remains under division (B) (3) of this section~~ 232
~~would be against the decedent's religious beliefs or~~ 233
~~ascertainable desires, the court shall not issue the requested~~ 234
~~order unless the court finds a compelling reason to issue it. If~~ 235
~~the court is not so prohibited from issuing the requested order~~ 236
~~and exercises its discretion to issue issues the requested order~~ 237
for disinterment of the decedent's remains in accordance with 238
division (B) (3) of this section, the court promptly shall 239
deliver the order to the applicant. An order of the court for 240
disinterment of the decedent's remains shall specify that the 241
board of township trustees, the trustees or board of the 242
cemetery association, or other officers having control and 243
management of the cemetery or the officer of a municipal 244
corporation who has control and management of the municipal 245
cemetery shall have a period of at least thirty days from the 246
receipt of the order to perform the ordered disinterment. 247

(b) The court is not required to conduct a hearing under 248
division (B) (3) (a) of this section if each person entitled to be 249
given the notice described in division (B) (2) (a) of this section 250
has waived that right by filing a written waiver of the right to 251
receive the notice in the probate court. 252

Sec. 517.25. If the board of township trustees, the 253
trustees or board of a cemetery association, or the other 254
officers in charge of a cemetery refuse to disinter or grant 255
permission for disinterment after a ~~surviving spouse person~~ 256
makes application under ~~sections~~ division (A) (1) of section 257
517.23 ~~and or under division (B) (1) of section~~ 517.24 of the 258

Revised Code, the probate court of the county in which the 259
decedent is buried shall issue a writ of mandamus requiring the 260
officers to disinter the remains or to grant permission for 261
their disinterment. 262

Sec. 2108.82. (A) Notwithstanding section 2108.81 of the 263
Revised Code and in accordance with division (B) of this 264
section, the probate court for the county in which the declarant 265
or deceased person resided at the time of death may, on its own 266
motion or the motion of another person, assign to any person the 267
right of disposition for a declarant or deceased person. 268

(B) In making a determination for purposes of division (A) 269
of this section and division (C) of section 2108.79 of the 270
Revised Code, the court shall consider the following: 271

(1) Whether evidence presented to, or in the possession of 272
the court, demonstrates that the person who is the subject of 273
the motion and the declarant or deceased person had a close 274
personal relationship; 275

(2) The reasonableness and practicality of any plans that 276
the person who is the subject of the motion may have for the 277
declarant's or deceased person's funeral, burial, cremation, ~~or~~ 278
final disposition, redisposition, or disinterment, including the 279
degree to which such plans allow maximum participation by all 280
persons who wish to pay their final respects to the deceased 281
person; 282

(3) The willingness of the person who is the subject of 283
the motion to assume the responsibility to pay for the 284
declarant's or deceased person's funeral, burial, cremation, ~~or~~ 285
final disposition, redisposition, or disinterment, and the 286
desires of that person; 287

(4) The convenience and needs of other families <u>family</u>	288
<u>members</u> and friends wishing to pay their final respects to the	289
declarant or deceased person;	290
(5) The express written desires of the declarant or	291
deceased person;	292
<u>(6) The religious beliefs or other evidence of the desires</u>	293
<u>of the declarant or deceased person;</u>	294
<u>(7) The conduct of the persons involved in the proceedings</u>	295
<u>related to the circumstances concerning the deceased person, the</u>	296
<u>deceased person's estate, and other family members;</u>	297
<u>(8) The length of time that has elapsed since the original</u>	298
<u>or last disposition.</u>	299
(C) <u>There shall be no disinterment or other change of the</u>	300
<u>original or last disposition unless the court makes a finding of</u>	301
<u>compelling reasons based upon a substantial change of</u>	302
<u>circumstances since the original or last disposition.</u>	303
<u>As used in this division, "change of circumstances"</u>	304
<u>includes a change to the physical or environmental conditions of</u>	305
<u>the cemetery or other location of the decedent's bodily remains</u>	306
<u>or the surrounding area; a change to the financial condition of</u>	307
<u>the cemetery; a change related to the residence of the deceased</u>	308
<u>person's family members; or a change to the burial arrangements</u>	309
<u>for said family members. "Change of circumstances" does not</u>	310
<u>include a mere change of the representative who has been</u>	311
<u>assigned the right to direct the disposition of the decedent's</u>	312
<u>body.</u>	313
<u>(D) Except to the extent considered under division (B) (3)</u>	314
<u>of this section, the following persons do not have a greater</u>	315
<u>claim to the right of disposition than such persons otherwise</u>	316

have pursuant to law: 317

(1) A person who is willing to assume the responsibility 318
to pay for the declarant's or deceased person's funeral, burial, 319
cremation, or final disposition; 320

(2) The personal representative of the declarant or 321
deceased person. 322

Sec. 2111.18. If personal injury, damage to tangible or 323
intangible property, or damage or loss on account of personal 324
injury or damage to tangible or intangible property is caused to 325
a ward by wrongful act, neglect, or default that would entitle 326
the ward to maintain an action and recover damages for the 327
injury, damage, or loss, and when any ward is entitled to 328
maintain an action for damages or any other relief based on any 329
claim or is subject to any claim to recover damages or any other 330
relief based on any claim, the guardian of the estate of the 331
ward may adjust and settle the claim with the advice, approval, 332
and consent of the probate court. If it is proposed that a claim 333
be settled for the net amount of twenty-five thousand dollars or 334
less after payment of fees and expenses as allowed by the court, 335
the court, upon application by any suitable person whom the 336
court may authorize to receive and receipt for the settlement, 337
may authorize the settlement without the appointment of a 338
guardian and authorize the delivery of the moneys as provided in 339
section 2111.05 of the Revised Code. The court may authorize the 340
person receiving the moneys to execute a complete release on 341
account of the receipt. The payment shall be a complete and 342
final discharge of that claim. In the settlement, if the ward is 343
a minor, the parent or parents of the minor may waive all claim 344
for damages on account of loss of service of the minor, and that 345
claim may be included in the settlement. If the claimant is a 346

minor, records of proceedings pursuant to this section are not 347
subject to disclosure to any person who is not a party to the 348
settlement, or made available for publication or inspection, 349
except upon motion and show of good cause. 350

Sec. 2117.06. (A) All creditors having claims against an 351
estate, including claims arising out of contract, out of tort, 352
on cognovit notes, or on judgments, whether due or not due, 353
secured or unsecured, liquidated or unliquidated, shall present 354
their claims in one of the following manners: 355

(1) After the appointment of an executor or administrator 356
and prior to the filing of a final account or a certificate of 357
termination, in one of the following manners: 358

(a) To the executor or administrator, or to an attorney 359
who is identified as counsel for the executor or administrator 360
in the probate court records for the estate of the decedent, in 361
a writing; 362

(b) ~~To the executor or administrator in a writing, and to~~ 363
~~the probate court by filing in a copy of the writing with it that~~ 364
includes the probate court case number of the decedent's estate; 365

(c) In a writing ~~that is sent by ordinary mail addressed~~ 366
~~to the decedent and that is actually received by the executor or~~ 367
~~administrator, or by an attorney who is identified as counsel~~ 368
for the executor or administrator in the probate court records 369
for the estate of the decedent, within the appropriate time 370
specified in division (B) of this section and without regard to 371
whom the writing is addressed. For purposes of this division, if 372
an executor or administrator is not a natural person, the 373
writing shall be considered as being actually received by the 374
executor or administrator only if the person charged with the 375

primary responsibility of administering the estate of the 376
decedent actually receives the writing within the appropriate 377
time specified in division (B) of this section. 378

(2) If the final account or certificate of termination has 379
been filed, in a writing to those distributees of the decedent's 380
estate who may share liability for the payment of the claim. 381

(B) Except as provided in section 2117.061 of the Revised 382
Code, all claims shall be presented within six months after the 383
death of the decedent, whether or not the estate is released 384
from administration or an executor or administrator is appointed 385
during that six-month period. Every claim presented shall set 386
forth the claimant's address. 387

(C) Except as provided in section 2117.061 of the Revised 388
Code, a claim that is not presented within six months after the 389
death of the decedent shall be forever barred as to all parties, 390
including, but not limited to, devisees, legatees, and 391
distributees. No payment shall be made on the claim and no 392
action shall be maintained on the claim, except as otherwise 393
provided in sections 2117.37 to 2117.42 of the Revised Code with 394
reference to contingent claims. 395

(D) In the absence of any prior demand for allowance, the 396
executor or administrator shall allow or reject all claims, 397
except tax assessment claims, within thirty days after their 398
presentation, provided that failure of the executor or 399
administrator to allow or reject within that time shall not 400
prevent the executor or administrator from doing so after that 401
time and shall not prejudice the rights of any claimant. Upon 402
the allowance of a claim, the executor or the administrator, on 403
demand of the creditor, shall furnish the creditor with a 404
written statement or memorandum of the fact and date of the 405

allowance. 406

(E) If the executor or administrator has actual knowledge 407
of a pending action commenced against the decedent prior to the 408
decedent's death in a court of record in this state, the 409
executor or administrator shall file a notice of the appointment 410
of the executor or administrator in the pending action within 411
ten days after acquiring that knowledge. If the administrator or 412
executor is not a natural person, actual knowledge of a pending 413
suit against the decedent shall be limited to the actual 414
knowledge of the person charged with the primary responsibility 415
of administering the estate of the decedent. Failure to file the 416
notice within the ten-day period does not extend the claim 417
period established by this section. 418

(F) This section applies to any person who is required to 419
give written notice to the executor or administrator of a motion 420
or application to revive an action pending against the decedent 421
at the date of the death of the decedent. 422

(G) Nothing in this section or in section 2117.07 of the 423
Revised Code shall be construed to reduce the periods of 424
limitation or periods prior to repose in section 2125.02 or 425
Chapter 2305. of the Revised Code, provided that no portion of 426
any recovery on a claim brought pursuant to that section or any 427
section in that chapter shall come from the assets of an estate 428
unless the claim has been presented against the estate in 429
accordance with Chapter 2117. of the Revised Code. 430

(H) Any person whose claim has been presented and has not 431
been rejected after presentment is a creditor as that term is 432
used in Chapters 2113. to 2125. of the Revised Code. Claims that 433
are contingent need not be presented except as provided in 434
sections 2117.37 to 2117.42 of the Revised Code, but, whether 435

presented pursuant to those sections or this section, contingent 436
claims may be presented in any of the manners described in 437
division (A) of this section. 438

(I) If a creditor presents a claim against an estate in 439
accordance with division (A) (1) (b) of this section, the probate 440
court shall not close the administration of the estate until 441
that claim is allowed or rejected. 442

(J) The probate court shall not require an executor or 443
administrator to make and return into the court a schedule of 444
claims against the estate. 445

(K) If the executor or administrator makes a distribution 446
of the assets of the estate pursuant to section 2113.53 of the 447
Revised Code and prior to the expiration of the time for the 448
presentation of claims as set forth in this section, the 449
executor or administrator shall provide notice on the account 450
delivered to each distributee that the distributee may be liable 451
to the estate if a claim is presented prior to the filing of the 452
final account and may be liable to the claimant if the claim is 453
presented after the filing of the final account up to the value 454
of the distribution and may be required to return all or any 455
part of the value of the distribution if a valid claim is 456
subsequently made against the estate within the time permitted 457
under this section. 458

Sec. 2117.07. An executor or administrator may accelerate 459
the bar against claims against the estate established by section 460
2117.06 of the Revised Code by giving written notice to a 461
potential claimant that identifies the decedent by name, states 462
the date of the death of the decedent, identifies the executor 463
or administrator by name and mailing address, and informs the 464
potential claimant that any claims the claimant may have against 465

the estate are required to be presented to the executor or 466
administrator in a writing in the manner provided in section 467
2117.06 of the Revised Code within the earlier of thirty days 468
after receipt of the notice by the potential claimant or six 469
months after the date of the death of the decedent. A claim of 470
that potential claimant that is not presented in the manner 471
provided by section 2117.06 of the Revised Code within the 472
earlier of thirty days after receipt of the notice by the 473
potential claimant or six months after the date of the death of 474
the decedent is barred by section 2117.06 of the Revised Code in 475
the same manner as if it was not presented within six months 476
after the date of the death of the decedent. 477

Sec. 2131.09. (A) A trust of real or personal property 478
created by an employer as part of a stock bonus plan, pension 479
plan, disability or death benefit plan, or profit-sharing plan, 480
for the benefit of some or all of the employees, to which 481
contributions are made by the employer or employees, or both, 482
for the purpose of distributing to the employees or their 483
beneficiaries the earnings or the principal, or both earnings 484
and principal, of the fund so held in trust is not invalid as 485
violating the rule against perpetuities, any other existing law 486
against perpetuities, or any law restricting or limiting the 487
duration of trusts; but the trust may continue for the time that 488
is necessary to accomplish the purposes for which it was 489
created. 490

The income arising from any trust within the 491
classifications mentioned in this division may be accumulated in 492
accordance with the terms of the trust for as long a time as is 493
necessary to accomplish the purposes for which the trust was 494
created, notwithstanding any law limiting the period during 495
which trust income may be accumulated. 496

No rule of law against perpetuities or the suspension of 497
the power of alienation of the title to property invalidates any 498
trust within the classifications mentioned in this division 499
unless the trust is terminated by decree of a court in a suit 500
instituted within two years after June 25, 1951. 501

(B) (1) No rule of law against perpetuities or suspension 502
of the power of alienation of the title to property, any other 503
existing law against perpetuities, or any law restricting or 504
limiting the duration of trusts shall apply with respect to any 505
interest in real or personal property held in trust if both of 506
the following apply: 507

(a) The instrument creating the trust specifically states 508
that the rule against perpetuities or the provisions of division 509
(A) of section 2131.08 of the Revised Code shall not apply to 510
the trust. 511

(b) The trustee has unlimited power, or one or more 512
persons have the unlimited power to direct the trustee or to 513
approve the trustee's decision, either to sell all trust assets 514
or to terminate the entire trust. 515

(2) Division (B) (1) of this section shall apply to the 516
interpretation of a testamentary or inter vivos trust instrument 517
that creates an interest in real or personal property in 518
relation to which one or more of the following conditions apply: 519

(a) The instrument creating the testamentary or inter 520
vivos trust is executed in this state. 521

(b) The sole trustee or one of the trustees is domiciled 522
in this state. 523

(c) The testamentary or inter vivos trust is administered 524
in this state or the situs of a substantial portion of the 525

assets subject to the testamentary portion of the testamentary 526
or inter vivos trust is in this state, even though some part or 527
all of those assets are physically deposited for safekeeping in 528
a state other than this state. 529

(d) The instrument creating the testamentary or inter 530
vivos trust states that the law of this state is to apply. 531

(3) Subject to division (C) of this section, division (B) 532
of this section shall be effective with respect to all of the 533
following: 534

(a) An interest in real or personal property in trust 535
created under the terms of a will of a decedent dying on or 536
after March 22, 1999; 537

(b) An interest in real or personal property created under 538
the terms of an inter vivos or testamentary trust instrument 539
executed on or after March 22, 1999; 540

(c) An interest in real or personal property in trust 541
created by the exercise of a general power of appointment on or 542
after March 22, 1999; 543

(d) An interest in real or personal property in trust 544
created by the exercise of a nongeneral power of appointment 545
over any portion of a trust that meets the requirements of 546
division (B) of this section, but only if the date of creation 547
of that nongeneral power of appointment is on or after ~~the~~ 548
~~effective date of this section~~ March 27, 2013. 549

(C) The exercise of a nongeneral power of appointment 550
granted over any portion of a trust to which the rule against 551
perpetuities does not apply because the terms of the trust meet 552
the requirements of division (B) of this section shall 553
nevertheless be subject to section 2131.08 of the Revised Code, 554

except that interests created pursuant to the exercise of a 555
nongeneral power of appointment that has a date of creation on 556
or after ~~the effective date of this section~~ March 27, 2013, 557
shall be required to vest not later than one thousand years 558
after the date of creation of that power. 559

(D) For purposes of this section, the instrument creating 560
a trust subject to a power reserved by the grantor to amend, 561
revoke, or terminate the trust shall include the original 562
instrument establishing the trust and all amendments to the 563
instrument made prior to the time at which the reserved power 564
expires by reason of the death of the grantor, by release of the 565
power, or otherwise. 566

(E) The amendment of division (B) (1) of this section and 567
divisions (D) and (F) of this section are intended to clarify 568
the provisions of divisions (B) and (C) of this section as 569
originally enacted and apply to trust instruments that are in 570
existence prior to, on, or after ~~the effective date of this~~ 571
~~section~~ March 22, 1999. 572

(F) For purposes of this section: 573

(1) "General power of appointment" means a power that is 574
exercisable in favor of the individual possessing the power, the 575
individual's estate, the individual's creditors, or the 576
creditors of the individual's estate other than either of the 577
following: 578

(a) A power that is limited by an ascertainable standard 579
as defined in section 5801.01 of the Revised Code; 580

(b) A power of withdrawal held by an individual, but only 581
to the extent that it does not exceed the amount specified in 582
section 2041(b) (2) or 2514(e) of the "Internal Revenue Code of 583

1986," 100 Stat. 2085, 26 U.S.C. 1 et seq., as amended. 584

(2) "Nongeneral power of appointment" means any power of 585
appointment that is not a general power of appointment. 586

(3) The "date of creation" of a nongeneral power of 587
appointment created by the exercise of one or more powers of 588
appointment, except by the exercise of a general power of 589
appointment exercisable by deed, shall be the date of creation 590
of the first of those powers of appointment to be exercised. 591

(4) "Exercisable by deed" has the same meaning as in 592
section 2131.08 of the Revised Code. 593

Sec. 2131.14. (A) As used in this section: 594

(1) "Designate" or "designation in beneficiary form" means 595
to designate, or the designation of, tangible personal property, 596
with the intention to transfer ownership upon death of the 597
present owner, to one or more persons, identified by name, as 598
the transfer-on-death beneficiary or beneficiaries, who will 599
become the owner or owners of the tangible personal property 600
upon death of the present owner. 601

(2) "Motor vehicle" has the same meaning as in section 602
4505.01 of the Revised Code. 603

(3) "Person" means an individual, a corporation, an 604
organization, a trust, or other legal entity. 605

(4) "Tangible personal property" means objects that may be 606
touched and moved, including animals and property that is 607
acquired after the execution of a designation in beneficiary 608
form. "Tangible personal property" excludes money other than 609
coin collections, or any registered or certificated tangible 610
personal property such as motor vehicles, watercraft, and 611

outboard motors. 612

(5) "Transfer-on-death beneficiary" or "beneficiaries" 613
means a person or persons, identified by name, specified in a 614
designation in beneficiary form who will become the owner or 615
owners of the tangible personal property upon the death of the 616
present owner. 617

(6) "Transferring person" means any person that delivers 618
or conveys tangible personal property to a transfer-on-death 619
beneficiary or beneficiaries in accordance with a designation in 620
beneficiary form that satisfies the requirements of division (B) 621
of this section. 622

(7) "Watercraft" has the same meaning as in section 623
1548.01 of the Revised Code. 624

(B) A designation in beneficiary form shall: 625

(1) Be in writing; 626

(2) List all of the following: 627

(a) Contain a general statement of disposition of all 628
tangible personal property or describe the specific item or 629
items of tangible personal property; 630

(b) Identify a specified part of the interest to be 631
transferred, if less than the entire interest; 632

(c) State "transfer-on-death," "TOD," or any other words 633
or statements to indicate intent to transfer ownership of 634
tangible personal property upon the death of the present owner; 635

(d) Identify the name of the transfer-on-death beneficiary 636
or beneficiaries. 637

(3) Be dated; 638

(4) Be executed by the present owner and acknowledged 639
before a notary public. 640

(C) A designation in beneficiary form is not required to 641
be supported by any consideration or be delivered to the 642
transfer-on-death beneficiary or beneficiaries in order for the 643
designation in beneficiary form to be effective. 644

(D) A designation in beneficiary form has no effect on the 645
ownership of the tangible personal property until the death of 646
the present owner. The present owner may revoke or change the 647
designation in beneficiary form at any time without the consent 648
of the transfer-on-death beneficiary or beneficiaries by a 649
subsequently executed designation in beneficiary form or by a 650
subsequently executed written instrument that is dated, executed 651
by the present owner, and acknowledged before a notary public. 652

(E) Upon the death of the present owner of tangible 653
personal property designated in beneficiary form, the ownership 654
of the tangible personal property shall pass to the transfer-on- 655
death beneficiary or beneficiaries who survive the deceased 656
owner or are in existence on the date of death of the deceased 657
owner. 658

(F) A designation in beneficiary form may include primary 659
and contingent transfer-on-death beneficiaries. 660

(G) If there are inconsistent designations in beneficiary 661
form, the most recent designation in beneficiary form controls. 662

(H) If no primary or contingent transfer-on-death 663
beneficiary or beneficiaries survive the deceased owner, the 664
tangible personal property shall be included in the probate 665
estate of the deceased owner. 666

(I) The recipient of tangible personal property that was 667

improperly distributed, pursuant to a designation in beneficiary 668
form, by a transferring person or otherwise, is liable to 669
deliver the improperly received tangible personal property to 670
the rightful beneficiary or beneficiaries. If a recipient who 671
improperly received the tangible personal property no longer has 672
the tangible personal property or has imposed an encumbrance on 673
the tangible personal property, the recipient is liable to 674
return the value of the property as of the date of disposition. 675

(J) The present owner, in making provision for a 676
nonprobate transfer under this section, gives to any 677
transferring person acting hereunder the protections provided in 678
this section for executing the present owner's designation in 679
beneficiary form. 680

(K) A transferring person may rely and act on a certified 681
or authenticated copy of a death certificate issued by an 682
official or agency of the place where the death occurred as 683
showing the fact, place, date, time of death, and identity of 684
the decedent, or a certified or authenticated copy of a report 685
or record of any governmental agency that a person is deceased. 686

(L) A transferring person has no duty to do any of the 687
following: 688

(1) Give notice to any person of the date, manner, and 689
persons to whom transfer will be made under the beneficiary 690
designation; 691

(2) Attempt to locate any beneficiary; 692

(3) Locate a trustee or custodian, obtain appointment of a 693
successor trustee or custodian, or discover the existence of a 694
trust instrument or will that creates an express trust; 695

(4) Determine any fact or law that would cause the 696

beneficiary designation to be revoked, in whole or in part, as 697
to any person or that would qualify or disqualify any person to 698
receive a share under the nonprobate transfer, or that would 699
vary the distribution provided in the beneficiary designation. 700

(M) If there is an issue or problem with respect to the 701
transfer of the tangible personal property to the transfer-on- 702
death beneficiary or beneficiaries, a transferring person has 703
the right to petition the probate court having jurisdiction with 704
respect to the deceased owner's estate for instructions. 705

(N) If, after the execution of a designation of 706
beneficiary form under which the present owner of the tangible 707
personal property's spouse is designated the transfer-on-death 708
beneficiary, the present owner of the tangible personal property 709
and the present owner's spouse are divorced, obtain a 710
dissolution of marriage, or have the marriage annulled, then the 711
designation of the present owner's spouse as a transfer-on-death 712
beneficiary shall be terminated and the spouse shall be deemed 713
to have predeceased the present owner of the tangible personal 714
property. 715

(O) A transfer by the transferring person, in accordance 716
with this section and pursuant to a beneficiary designation, in 717
good faith and in reliance on information the transferring 718
person reasonably believes to be accurate, discharges the 719
transferring person from all claims and liability for the 720
property transferred, regardless of any negligence in 721
determining the proper transferees. The remedy of the rightful 722
transferees of tangible personal property transferred under a 723
designation in beneficiary form executed in compliance with 724
division (B) of this section shall be limited to an action 725
against the improper transferees. 726

(P) This section does not preclude other methods of 727
transferring ownership of tangible personal property that are 728
permitted by law and have the effect of postponing enjoyment of 729
the tangible personal property until after the death of the 730
present owner. 731

Sec. 5801.20. As used in sections 5801.20 to 5801.24 of 732
the Revised Code: 733

(A) (1) "Applicable reporting period" means either of the 734
following, as applicable: 735

(a) The most recent four years, as of the date of 736
preparation of a notice authorized under division (B) of section 737
5801.22 or division (B) of section 5801.23 of the Revised Code; 738

(b) If the trust became irrevocable during such four-year 739
period, the period from the date the trust became irrevocable to 740
the date of preparation of the notice. 741

(2) If the trustee sending the notice accepted the 742
trusteeship during the period described in division (A) (1) of 743
this section, the "applicable reporting period" shall be from 744
the date of the trustee's acceptance to the date of preparation 745
of the notice. 746

(B) "Departing trustee" means a trustee who is resigning 747
or has been removed as trustee of a trust. 748

(C) "Distributions objection period" means a forty-five- 749
day period for providing the trustee of the noticing trust with 750
objections under division (D) of section 5801.22 of the Revised 751
Code. The period commences with the date the notice and 752
trustee's reports described in division (B) of section 5801.22 753
of the Revised Code are served on the recipient. 754

(D) "Noticing trust" means a trust whose trustee is 755
serving or has served a notice and trustee reports under section 756
5801.22 or 5801.23 of the Revised Code. 757

(E) "Resignation or removal necessary parties" means the 758
following persons: 759

(1) In the case of a trustee resignation: 760

(a) If the trust terms identify one or more persons to 761
whom notice of the trustee's resignation must be provided, the 762
persons so identified and any other persons who are current 763
beneficiaries of the trust, determined as of the date of the 764
notice described in division (B) of section 5801.23 of the 765
Revised Code; 766

(b) If the trust terms do not identify any persons to whom 767
notice of the trustee's resignation must be provided, the 768
qualified beneficiaries of the trust, determined as of the date 769
of the notice described in division (B) of section 5801.23 of 770
the Revised Code. 771

(2) In the case of a trustee removal, the persons, if any, 772
to whom notice of trustee removal is required to be provided 773
under the trust terms and any other persons who are current 774
beneficiaries of the trust, determined as of the date of the 775
notice described in division (B) of section 5801.23 of the 776
Revised Code. 777

(3) Any co-trustee of the trust; 778

(4) The successor trustee if one has been appointed or 779
designated as provided in the trust terms or otherwise 780
appointed, as provided in division (C) of section 5807.04 of the 781
Revised Code or pursuant to other applicable law. 782

(F) "Successor trustee" means a person, not previously 783
serving as a co-trustee, who is to replace the departing trustee 784
following the departing trustee's resignation or removal. 785

(G) "Terminating distributions necessary parties" means: 786

(1) The current beneficiaries of the trust, determined as 787
of the date of the notice described in division (B) of section 788
5801.22 of the Revised Code; 789

(2) If the trust-terminating distributions include one or 790
more mandatory distributions under the terms of the trust, all 791
other persons living at the date of the notice who were current 792
beneficiaries of the trust immediately prior to the triggering 793
event that is the basis for the mandatory distributions; 794

(3) Any co-trustee of the trust. 795

(H) "Triggering event" means any event, such as a death, 796
age attainment or other circumstance, that has occurred and that 797
is the basis for a mandatory distribution under the terms of the 798
trust. 799

(I) "Trust-terminating distributions" means distributions 800
that, when completed, will distribute the remaining net assets 801
of a trust and thereby effectively terminate the trust, 802
including any such distributions that are made pursuant to 803
section 5808.18 of the Revised Code or under any similar 804
statutory or common law applicable to the trust. 805

(J) "Trustee indemnification clause" means a provision 806
that indemnifies the trustee against loss arising from a claim 807
relating to the trustee's administration of the trust. 808

(K) "Trustee's report" means a report as described in 809
division (C) of section 5808.13 of the Revised Code. 810

(L) "Trustee succession objection period" means a forty-five-day period for providing to the departing trustee objections under division (D) of section 5801.23 of the Revised Code. The period commences with the date the notice and trustee's reports described in division (B) of section 5801.23 of the Revised Code are served on the recipient. 811
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Sec. 5801.21. (A) A trustee may, but is not required to, use the process prescribed in sections 5801.22 and 5801.23 of the Revised Code, as applicable, when concluding the trustee's administration of an irrevocable trust. 817
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(B) Sections 5801.20 to 5801.24 of the Revised Code do not apply to a testamentary trust subject to the supervision of a probate court. 821
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(C) Except as otherwise provided in the Revised Code or other applicable law, including the common law, the provisions of sections 5801.22 and 5801.23 of the Revised Code may be used in combination with or in lieu of other options or proceedings available under the Revised Code or other applicable law, including the common law. 824
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(D) A trustee's substantial good-faith compliance with the requirements concerning the contents of the notices described in division (B) of section 5801.22 and division (B) of section 5801.23 of the Revised Code is deemed sufficient. 830
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Sec. 5801.22. (A) When a trust is to terminate as a result of trust-terminating distributions and the trustee elects to use the provisions of this section, the trustee shall serve on the terminating distributions necessary parties the documents and information described in division (B) of this section. The trustee also may serve those documents and that information on 834
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other persons who the trustee reasonably believes may have an 840
interest in the trust. Service shall be made within a reasonable 841
period of time after the event or determination that requires or 842
authorizes such distributions. 843

(B) The documents and information to be served include 844
both of the following: 845

(1) A written notice, executed by or on behalf of the 846
trustee, that includes the following information: 847

(a) The date of the notice, corresponding to the date the 848
notice is being sent; 849

(b) A description of the terms of the trust that require 850
or authorize the trust-terminating distributions or a citation 851
to any statute that requires or authorizes the distributions; 852

(c) If the terms of the trust require any of the proposed 853
trust-terminating distributions, a description of any triggering 854
event that is the basis for each mandatory distribution; 855

(d) A description of the proposed trust-terminating 856
distributions that includes the names of the proposed 857
distributees and a description, in general or specific terms, of 858
the assets proposed for distribution to each; 859

(e) A description of the distributions objection period 860
and the name, mailing address, electronic address if available, 861
and telephone number of the person or office associated with the 862
trustee to which any written objections should be sent; 863

(f) A description of the process, described in division 864
(C) of this section, that will be followed if the trustee 865
receives no written objections within the distributions 866
objection period; 867

(g) A description of the process, described in division (D) of this section, that will be followed if the trustee receives a written objection within the distributions objection period; 868
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(h) A statement of the impending bar of claims against the trustee, as described in division (F) of this section, that will result if an objection is not timely made; 872
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(i) A statement that the trustee may rely upon the written statement of a recipient of the notice that such person consents to the proposed trust-terminating distributions and irrevocably waives the right to object to the distributions and any claim against the trustee for matters disclosed in the notice or the trustee's reports served with it and all other matters pertaining to the trustee's administration of the trust; 875
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(j) A statement that the trustee may complete the distributions described in the notice prior to the expiration of the distributions objection period if all of the persons on whom the notice was served deliver to the trustee written consents and irrevocable waivers of the kind described in division (E) of this section; 882
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(k) An exhibit showing the assets on hand at the date the notice is prepared and their respective values as shown in the regularly kept records of the trustee; 888
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(l) An estimate of any assets, income, taxes, fees, expenses, claims, or other items reasonably expected by the trustee to be received or disbursed before completion of the trust-terminating distributions but not yet received or disbursed, including trustee fees remaining to be paid. 891
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(2) One or more trustee's reports covering the applicable 896

reporting period. 897

(C) If no written objection is received by the trustee 898
within the distributions objection period: 899

(1) The notice and trustee's reports served pursuant to 900
division (A) of this section shall be considered approved by 901
each recipient of the notice and reports; 902

(2) The trustee, within a reasonable period of time 903
following the expiration of the distributions objection period, 904
shall distribute the assets as provided in the notice; 905

(3) Any person who was served such notice and reports 906
shall be barred from bringing a claim against the trustee, and 907
from challenging the validity of the trust, as provided in 908
division (F) of this section. 909

(D) (1) If, after being served the notice and trustee's 910
reports described in division (B) of this section, a qualified 911
beneficiary or any other recipient of the notice wishes to 912
object to matters disclosed in the notice or trustee's reports 913
served, or any other matter pertaining to the trustee's 914
administration of the trust, the person shall provide written 915
notice of the objection to the trustee of the noticing trust 916
within the distributions objection period. If the trustee 917
receives a written objection within the distributions objection 918
period, the trustee may do either of the following: 919

(a) Submit the written objection to the court for 920
resolution. The expense of commencing, conducting, and 921
concluding such a proceeding shall be charged as ordered by the 922
court. 923

(b) (i) Resolve the objection with the objecting person by 924
accepting a withdrawal of the person's objection or by written 925

instrument, a written agreement as described in section 5801.10 926
of the Revised Code, or other means. 927

(ii) Any agreement or other written instrument executed by 928
the objecting party pursuant to division (D)(1)(b)(i) of this 929
section may include a release and a trustee indemnification 930
clause, along with other terms agreed to by the parties. 931
Reasonable expenses related to such written instrument or 932
written agreement shall be charged to the trust. 933

(2) Within a reasonable time after resolution of all 934
timely objections under division (D)(1) of this section, the 935
trustee shall distribute the remaining trust assets as provided 936
in the notice, subject to any modifications provided for in the 937
terms of the document setting forth the resolution of each such 938
objection. 939

(E)(1) The trustee may rely upon the written statement of 940
a recipient of the notice and trustee's reports served under 941
this section that the recipient: 942

(a) Consents to the proposed trust-terminating 943
distributions; 944

(b) Irrevocably waives the right to object to the 945
distributions; 946

(c) Irrevocably waives any claims against the trustee for 947
breach of trust as to matters disclosed in the notice and 948
trustee's reports and all other matters pertaining to the 949
trustee's administration of the trust. 950

(2) The distributions described in the notice may be 951
completed prior to the expiration of the distributions objection 952
period if all of the persons on whom the notice and trustee's 953
reports were served have delivered to the trustee similar 954

written consents and irrevocable waivers. 955

(F) (1) (a) Any person who was served a notice and trustee's 956
reports that comply with the requirements of this section and 957
who either consented to the proposed trust-terminating 958
distributions or failed to timely provide the trustee a written 959
objection as described in this section is barred from: 960

(i) Bringing a claim against the trustee for breach of 961
trust as to matters disclosed in the notice and trustee's 962
reports and all other matters pertaining to the trustee's 963
administration of the trust; 964

(ii) Challenging the validity of the trust. 965

Such claims shall be barred as described in division (F) 966
(2) of this section. 967

(b) If all of the terminating distributions necessary 968
parties and all qualified beneficiaries of the trust have been 969
served a notice and trustee's reports that comply with the 970
requirements of this section and have either consented to the 971
proposed trust-terminating distributions or failed to timely 972
provide the trustee a written objection as described in this 973
section, all other beneficiaries of the trust, including persons 974
who may succeed to the interests in the trust of the 975
beneficiaries served, shall be barred as described in division 976
(F) (2) of this section. 977

(2) The bar of claims under division (F) of this section 978
applies: 979

(a) To each person barred, the person's personal 980
representatives and assigns, and the person's heirs who are not 981
beneficiaries of the noticing trust; 982

(b) To the same extent and with the same preclusive effect 983
as if the court had entered a final order approving and settling 984
the trustee's full account of its entire administration of the 985
trust, notwithstanding the limitations periods otherwise 986
applicable under section 5810.05 of the Revised Code. 987

(G) Any beneficiary who receives trust assets as a result 988
of a trust-terminating distribution described in the notice 989
described in division (B) of this section and who is barred from 990
bringing claims under division (F) of this section may be 991
required to return all or any part of the value of the 992
distributed assets if the trustee determines that the return of 993
assets is necessary to pay, or reimburse the trustee for payment 994
of, taxes, debts, or expenses of the trust, including reasonable 995
expenses incurred by the trustee in obtaining the return of 996
those assets. The beneficiary shall make the return 997
expeditiously upon receipt of a written notice from the trustee 998
requesting the return of all or any part of the value of those 999
distributed assets. 1000

Sec. 5801.23. (A) When a trustee resigns or is removed 1001
from an irrevocable trust pursuant to the terms of the trust or 1002
otherwise and the departing trustee elects to use the provisions 1003
of this section, the departing trustee shall serve on the 1004
resignation or removal necessary parties the documents and 1005
information described in division (B) of this section. The 1006
trustee also may serve those documents and that information on 1007
other persons who the trustee reasonably believes may have an 1008
interest in the trust. Service shall be made within a reasonable 1009
period of time after such resignation or removal. 1010

(B) The documents and information to be served include all 1011
of the following: 1012

(1) A written notice, executed by or on behalf of the 1013
departing trustee, that includes all of the following 1014
information: 1015

(a) The date of the notice, corresponding to the date the 1016
notice is being sent; 1017

(b) A description of any terms of the trust or the Revised 1018
Code relevant to the resignation or removal of the departing 1019
trustee and the provisions, if applicable, regarding the 1020
appointment or designation of the successor trustee; 1021

(c) A description of any actions taken by the departing 1022
trustee, the beneficiaries of the trust, or other required 1023
parties pertaining to the resignation or removal of the 1024
departing trustee and, if applicable, the appointment or 1025
designation of the successor trustee; 1026

(d) The name and address of the successor trustee, if one 1027
has been appointed or designated; 1028

(e) If applicable, a statement confirming the successor 1029
trustee's acceptance of the trusteeship; 1030

(f) A description of the trustee succession objection 1031
period and the name, mailing address, electronic mail address if 1032
available, and telephone number of the person or office 1033
associated with the departing trustee to which any written 1034
objections should be sent; 1035

(g) A description of the process, described in division 1036
(C) of this section, that will be followed if the departing 1037
trustee receives no written objections within the trustee 1038
succession objection period; 1039

(h) A description of the process, described in division 1040

(D) of this section, that will be followed if the departing trustee receives a written objection within the trustee succession objection period; 1041
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(i) A statement of the impending bar of claims against the departing trustee, as described in division (F) of this section, that will result if an objection is not timely made; 1044
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(j) A statement that the departing trustee may rely upon the written statement of a recipient of the notice that such person consents to the delivery of the net assets of the trust to the successor trustee, or to one or more co-trustees as applicable, and irrevocably waives the right to object to the delivery of the assets and any claim against the departing trustee for matters disclosed in the notice or the trustee's reports served with it and all other matters pertaining to the departing trustee's administration of the trust; 1047
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(k) A statement that the departing trustee may complete the delivery of the net assets of the trust to the successor trustee, or to one or more co-trustees as applicable, prior to the expiration of the trustee succession objection period if all of the persons on whom the notice was served deliver to the trustee written consents and irrevocable waivers of the kind described in division (E) of this section; 1056
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(l) An exhibit showing the assets on hand at the date the notice is prepared and their respective values as shown in the regularly kept records of the trustee; 1063
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(m) An estimate of any assets, income, taxes, fees, expenses, claims, or other items reasonably expected by the departing trustee to be received or disbursed before delivery of the net assets of the trust to the successor trustee, or to one 1066
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or more co-trustees as applicable, but not yet received or 1070
disbursed, including trustee fees remaining to be paid. 1071

(2) One or more trustee's reports covering the applicable 1072
reporting period. 1073

(C) If no written objection is received by the departing 1074
trustee within the trustee succession objection period: 1075

(1) The notice and trustee's reports served pursuant to 1076
division (A) of this section shall be considered approved by 1077
each recipient of the notice and reports. 1078

(2) The departing trustee, within a reasonable period of 1079
time following the expiration of the trustee succession 1080
objection period, shall deliver the net trust assets to the 1081
successor trustee or to one or more co-trustees, as applicable. 1082

(3) Any person who was served such notice and reports 1083
shall be barred from bringing a claim against the trustee, and 1084
from challenging the validity of the trust, as provided in 1085
division (F) of this section. 1086

(D) (1) If, after being served the notice and trustee's 1087
reports described in division (B) of this section, a qualified 1088
beneficiary or any other recipient of the notice wishes to 1089
object to matters disclosed in the notice or reports or any 1090
other matter pertaining to the departing trustee's 1091
administration of the trust, the person shall provide written 1092
notice of the objection to the departing trustee within the 1093
trustee succession objection period. If the departing trustee 1094
receives a written objection within the trustee succession 1095
objection period, the departing trustee may do either of the 1096
following: 1097

(a) Submit the written objection to the court for 1098

resolution. The expense of commencing, conducting, and 1099
concluding such a proceeding shall be charged as ordered by the 1100
court. 1101

(b)(i) Resolve the objection with the objecting person by 1102
accepting a withdrawal of the person's objection or by written 1103
instrument, a written agreement as described in section 5801.10 1104
of the Revised Code, or other means. 1105

(ii) Any agreement or other written instrument executed by 1106
the objecting party pursuant to division (D)(1)(b)(i) of this 1107
section may include a release and a trustee indemnification 1108
clause, along with other terms agreed to by the parties. 1109
Reasonable expenses related to such written instrument or 1110
written agreement shall be charged to the trust. 1111

(2) Within a reasonable time after resolution of all 1112
timely objections under division (D)(1) of this section, the 1113
departing trustee shall deliver the net trust assets to the 1114
successor trustee, or to one or more co-trustees as applicable, 1115
subject to any modifications provided for in the terms of the 1116
document setting forth the resolution of each such objection. 1117

(E)(1) The departing trustee may rely upon the written 1118
statement of a recipient of the notice and trustee's reports 1119
served under this section that the recipient consents to, and 1120
irrevocably waives the right to object to: 1121

(a) The departing trustee's resignation or removal; 1122

(b) The appointment of the successor trustee, if 1123
applicable; 1124

(c) Delivery of the net assets of the trust to the 1125
successor trustee or to one or more co-trustees, as applicable. 1126

(2) The statement shall also irrevocably waive any claims 1127
against the departing trustee for breach of trust as to matters 1128
disclosed in the notice and trustee's reports and all other 1129
matters pertaining to the departing trustee's administration of 1130
the trust. 1131

(3) The delivery of the net assets of the trust to the 1132
successor trustee, or to one or more co-trustees as applicable, 1133
may be completed prior to the expiration of the trustee 1134
succession objection period if all of the persons on whom the 1135
notice and trustee's reports were served have delivered to the 1136
departing trustee similar written consents and irrevocable 1137
waivers. 1138

(F) (1) Any person who was served a notice and trustee's 1139
reports that comply with the requirements of this section and 1140
who either consented to the delivery of the net assets of the 1141
trust to the successor trustee or one or more co-trustees as 1142
applicable or failed to timely provide the departing trustee a 1143
written objection as described in this section is barred from: 1144

(a) Bringing a claim against the departing trustee for 1145
breach of trust as to matters disclosed in the notice and 1146
trustee's reports and all other matters pertaining to the 1147
departing trustee's administration of the trust; 1148

(b) Challenging the validity of the trust. 1149

Such claims shall be barred as described in division (F) 1150
(3) of this section. 1151

(2) If all of the resignation or removal necessary parties 1152
and all qualified beneficiaries of the trust have been served a 1153
notice and trustee's reports that comply with the requirements 1154
of this section and have either consented to the delivery of the 1155

net assets of the trust to the successor trustee or failed to 1156
timely provide the trustee a written objection as described in 1157
this section, all other beneficiaries of the trust, including 1158
persons who may succeed to the interests in the trust of the 1159
beneficiaries served, shall be barred as described in division 1160
(F)(3) of this section. 1161

(3) The bar of claims under divisions (F)(1) and (2) of 1162
this section applies: 1163

(a) To each person barred, the person's personal 1164
representatives and assigns, and the person's heirs who are not 1165
beneficiaries of the noticing trust; 1166

(b) To the same extent and with the same preclusive effect 1167
as if the court had entered a final order approving and settling 1168
the departing trustee's full account of its entire 1169
administration of the trust, notwithstanding the limitations 1170
periods otherwise applicable under section 5810.05 of the 1171
Revised Code. 1172

(c) To bar the person from bringing a claim against the 1173
successor trustee for failure to object to a matter that is 1174
subject to the bar of claims against the departing trustee to 1175
the same extent as the bar applies to claims against the 1176
departing trustee. 1177

Sec. 5801.24. (A)(1) Division (A)(2) of this section 1178
applies if both of the following apply: 1179

(a) A notice and trustee's reports under division (B) of 1180
section 5801.22 or division (B) of section 5801.23 of the 1181
Revised Code are served upon both of the following: 1182

(i) The personal representative for the estate of a 1183
deceased beneficiary of the noticing trust or the trustee of a 1184

subtrust that is a beneficiary of the noticing trust; 1185

(ii) One or more beneficiaries of the estate or subtrust 1186
whose fiduciary is served. 1187

(b) Both the fiduciary of the estate or subtrust and one 1188
or more beneficiaries of that estate or subtrust who are served 1189
do either of the following: 1190

(i) Consent to the proposed distributions or delivery of 1191
assets described in the notice; 1192

(ii) Fail to object within the applicable objection 1193
period. 1194

(2) If the criteria described in division (A)(1) of this 1195
section are met, the beneficiary of the estate or subtrust who 1196
is subject to the claims bar with respect to the administration 1197
of the noticing trust shall be barred to the same extent from 1198
bringing a claim against the fiduciary of the estate or subtrust 1199
for failure to object to a matter that is subject to the bar of 1200
claims against the trustee of the noticing trust. 1201

(B) The notices and trustee's reports served by the 1202
trustee of the noticing trust under section 5801.22 or 5801.23 1203
of the Revised Code shall be served on a person by any of the 1204
following means: 1205

(1) Handing them to the person; 1206

(2) Leaving them at either of the following locations: 1207

(a) At the person's office with a clerk or other person in 1208
charge or, if no one is in charge, in a conspicuous place in the 1209
office; 1210

(b) At the person's dwelling or usual place of abode with 1211

someone of suitable age and discretion who resides there; 1212

(3) Mailing them to the person's last known address by 1213
United States mail, in which event service is complete upon 1214
mailing; 1215

(4) Delivering them to a commercial carrier service for 1216
delivery to the person's last known address within three 1217
calendar days, in which event service is complete upon delivery 1218
to the carrier; 1219

(5) Sending them by electronic means to a facsimile number 1220
or electronic mail address provided by the person to be served 1221
or provided by his or her attorney, in which event service is 1222
complete upon transmission, but is not effective if the trustee 1223
of the noticing trust learns that they did not reach the person. 1224

(C) No trustee shall request or include a trustee 1225
indemnification clause in the notice and trustee's reports 1226
served under division (B) of section 5801.22 or division (B) of 1227
section 5801.23 of the Revised Code or in any documentation 1228
served by the trustee with the notice and trustee's reports. 1229
However, in the event such notice and trustee's reports are 1230
served and a written objection is received by the trustee within 1231
the applicable objection period, a trustee indemnification 1232
clause may be included in an agreement or other written 1233
instrument executed by the objecting party pursuant to division 1234
(D) (1) (b) (i) of section 5801.22 or division (D) (1) (b) (i) of 1235
section 5801.23 of the Revised Code. 1236

Section 2. That existing sections 517.23, 517.24, 517.25, 1237
2108.82, 2111.18, 2117.06, 2117.07, and 2131.09 of the Revised 1238
Code are hereby repealed. 1239