

CASE NO. 217403

FILED
MAY 25 2016

FINDINGS OF FACT AND CONCLUSIONS OF LAW
JUDGE DIXIE PARK
STARK COUNTY PROBATE COURT

THE DECEDENT DIED TESTATE ON 1/27/2013 SURVIVED BY SIBLINGS AND THE ISSUE OF DECEASED SIBLINGS (NIECES & NEPHEWS) AS HIS SOLE NEXT OF KIN, AND RESIDUARY BENEFICIARIES OF HIS ESTATE. JOHN BAICH POSTED A \$600,000.00 SURETY BOND AND WAS APPOINTED FIDUCIARY ON 3/22/13. THE BOND WAS REDUCED TO \$200,000.00 ON 10/18/13. THE APPROVED INVENTORY LISTS A PROBATE ESTATE VALUED AT \$88,874.95. THERE IS ALSO AN ASBESTOS CLAIM PASSING FROM THE ESTATE OF THE DECEASED SURVIVING SPOUSE [#220053]. A FIRST PARTIAL ACCOUNT WAS FILED ON 2/25/14. THERE IS A PENDING ORDER FOR FIVE BENEFICIARIES TO REIMBURSE THE ESTATE FOR OVERPAYMENT OF THEIR DISTRIBUTION. THE OVERPAYMENTS HAVE NOT BEEN REPAID IN FULL. THE FIDUCIARY IS DELINQUENT MORE THAN A YEAR IN THE FILING OF AN ANNUAL ACCOUNT ALTHOUGH NOTIFIED TO FILE ONE. BEVAN AND ASSOCIATES HAS A SETTLEMENT AVAILABLE FOR APPROVAL. A HEARING WILL BE REQUIRED ON THE ASBESTOS SETTLEMENT.

MAGISTRATE'S DECISION AND ORDER

ORDERED THAT: [1] A PARTIAL ACCOUNT TO BE FILED BEFORE JUNE 17, 2016.

[X] That pursuant to Civil Rule 53(D)(4)(e)(ii), based on the decision immediate relief is justified in this case for this recommendation to take effect forthwith as an interim order.

Dated: May 25, 2016

MAGISTRATE


Gust Goutras