

**LOC. R. 59.3**  
**(PROBATING A LOST, SPOLIATED OR DESTROYED WILL)**

This Rule covers the process to admit a lost, spoliated or destroyed will to probate under ORC §2107.26 and §2107.27.

A. Procedure

An application to admit a lost, spoliated or destroyed will to Probate must be accompanied by all other prescribed forms necessary to begin the administration of a testate estate, along with the Application to Probate Lost Spoliated or Destroyed Will, and a Judgement Entry Setting Hearing (Appendix L).

B. Notice and Hearing

The applicant seeking to admit a lost, spoliated or destroyed will to Probate is responsible for serving the notice required in ORC 2107.27(A). The applicant must file the Verification of Service (Appendix M) with the Court no later than five (5) calendar days before the hearing. The witnesses to the purported will are required to attend the hearing to give testimony, as are the Applicant and the Applicant's Attorney.