



Ohio Revised Code

Section 5801.24 Delivery of notices and trustee's reports.

Effective: April 3, 2023

Legislation: Senate Bill 202

(A)(1) Division (A)(2) of this section applies if both of the following apply:

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

(i) The personal representative for the estate of a deceased beneficiary of the noticing trust or the trustee of a subtrust that is a beneficiary of the noticing trust;

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

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

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

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

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

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

(1) Handing them to the person;

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



- (a) At the person's office with a clerk or other person in charge or, if no one is in charge, in a conspicuous place in the office;
 - (b) At the person's dwelling or usual place of abode with someone of suitable age and discretion who resides there;
 - (3) Mailing them to the person's last known address by United States mail, in which event service is complete upon mailing;
 - (4) Delivering them to a commercial carrier service for delivery to the person's last known address within three calendar days, in which event service is complete upon delivery to the carrier;
 - (5) Sending them by electronic means to a facsimile number or electronic mail address provided by the person to be served or provided by his or her attorney, in which event service is complete upon transmission, but is not effective if the trustee of the noticing trust learns that they did not reach the person.
- (C) No trustee shall request or include a trustee indemnification clause in the notice and trustee's reports served under division (B) of section 5801.22 or division (B) of section 5801.23 of the Revised Code or in any documentation served by the trustee with the notice and trustee's reports. However, in the event such notice and trustee's reports are served and a written objection is received by the trustee within the applicable objection period, a trustee indemnification clause may be included in an agreement or other written instrument executed by the objecting party pursuant to division (D)(1)(b)(i) of section 5801.22 or division (D)(1)(b)(i) of section 5801.23 of the Revised Code.