



Ohio Revised Code

Section 5817.06 Settlor complaint; party defendants.

Effective: March 22, 2019

Legislation: House Bill 595 - 132nd General Assembly

(A) A complaint under section 5817.03 of the Revised Code shall name as party defendants the following, as applicable:

- (1) The settlor's spouse;
- (2) The settlor's children;
- (3) The settlor's heirs who would take property pursuant to section 2105.06 of the Revised Code had the settlor died intestate at the time the complaint is filed;
- (4) The trustee or trustees under the trust;
- (5) The beneficiaries under the trust;
- (6) If the trust amends, amends and restates, or replaces a prior trust, any beneficiary under the settlor's most recent prior trust.

(B) A complaint under section 5817.03 of the Revised Code may name as a party defendant any other person that the settlor believes may have a pecuniary interest in the determination of the validity of the settlor's trust.

(C) A complaint under section 5817.03 of the Revised Code may contain all or any of the following:

- (1) A statement that a copy of the trust has been filed with the court;
- (2) A statement that the trust is in writing and was signed by the settlor;
- (3) A statement that the trust was executed with the intent to create a trust;



- (4) A statement that the settlor had the legal capacity to enter into and establish the trust;
- (5) A statement that the trust has a definite beneficiary or is one of the following:
 - (a) A charitable trust;
 - (b) A trust for the care of an animal as provided in section 5804.08 of the Revised Code;
 - (c) A trust for a noncharitable purpose as provided in section 5804.09 of the Revised Code.
- (6) A statement that the trustee of the trust has duties to perform;
- (7) A statement that the same person is not the sole trustee and sole beneficiary of the trust;
- (8) A statement that the settlor executed the trust free from undue influence, not under restraint or duress, and in the exercise of the settlor's free will;
- (9) A statement that execution of the trust was not the result of fraud or mistake;
- (10) The names and addresses of the settlor and all of the defendants and, if any of the defendants are minors, their ages;
- (11) A statement that the trust has not been revoked or modified;
- (12) A statement that the settlor is familiar with the contents of the trust.