



## Ohio Revised Code

### Section 5817.05 Testator complaint; party defendants.

Effective: March 22, 2019

Legislation: House Bill 595 - 132nd General Assembly

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(A) A complaint under section 5817.02 of the Revised Code shall name as party defendants all of the following, as applicable:

- (1) The testator's spouse;
- (2) The testator's children;
- (3) The testator's heirs who would take property pursuant to section 2105.06 of the Revised Code had the testator died intestate at the time the complaint is filed;
- (4) The testator's beneficiaries under the will;
- (5) Any beneficiary under the testator's most recent prior will.

(B) A complaint under section 5817.02 of the Revised Code may name as a party defendant any other person that the testator believes may have a pecuniary interest in the determination of the validity of the testator's will.

(C) A complaint under section 5817.02 of the Revised Code may contain all or any of the following:

- (1) A statement that a copy of the will has been filed with the court;
- (2) A statement that the will is in writing;
- (3) A statement that the will was signed by the testator, or was signed in the testator's name by another person in the testator's conscious presence and at the testator's express direction;
- (4) A statement that the will was signed in the conscious presence of the testator by two or more



competent individuals, each of whom either witnessed the testator sign the will, or heard the testator acknowledge signing the will;

(5) A statement that the will was executed with the testator's testamentary intent;

(6) A statement that the testator had testamentary capacity;

(7) A statement that the testator executed the will free from undue influence, not under restraint or duress, and in the exercise of the testator's free will;

(8) A statement that the execution of the will was not the result of fraud or mistake;

(9) The names and addresses of the testator and all of the defendants and, if any of the defendants are minors, their ages;

(10) A statement that the will has not been revoked or modified;

(11) A statement that the testator is familiar with the contents of the will.