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Ohio Revised Code

Section 5817.10 Declaration of validity.

Effective: March 22, 2019
Legislation: House Bill 595 - 132nd General Assembly

(A)(1) The court shall declare the will valid if it finds all of the following:

(a) The will was properly executed pursuant to section 2107.03 of the Revised Code or under any prior law of this state that was in effect at the time of execution.

(b) The testator had the requisite testamentary capacity, was free from undue influence, and was not under restraint or duress.

(c) The execution of the will was not the result of fraud or mistake.

(2) After the testator's death, unless the will is modified or revoked after the court's declaration under division (A)(1) of this section, the will has full legal effect as the instrument of the disposition of the testator's estate and shall be admitted to probate upon request.

(B)(1) The court shall declare the trust valid if it finds all of the following:

(a) The trust meets the requirements of section 5804.02 of the Revised Code.

(b) The settlor had the legal capacity to enter into and establish the trust, was free from undue influence, and was not under restraint or duress.

(c) The execution of the trust was not the result of fraud or mistake.

(2) Unless the trust is modified or revoked after the court's declaration, the trust has full legal effect.

(C) The court may, if it finds the will or trust to be valid, attach a copy of the valid document to the court's judgment entry, but failure to do so shall not affect the determination of validity of the will or trust.