

**PROBATE COURT OF DELAWARE COUNTY, OHIO
DAVID A. HEJMANOWSKI, JUDGE**

IN THE MATTER OF: _____

CASE NO. _____

**ACKNOWLEDGMENT OF REQUIREMENTS
FOR
FIDUCIARY CUSTODIAL DEPOSIT ACCOUNTS
Signed by Fiduciary**

The Court has authorized and ordered the custodial deposit of funds otherwise held by the fiduciary (an executor, administrator, conservator, guardian or trustee. The undersigned, jointly and severally if more than one, acknowledge(s) that the following requirements apply to the deposit of such funds.

1. The funds belong to the respective estate, conservatorship or ward and not to the fiduciary individually.
2. The funds must be deposited into an account **that is titled in a manner that clearly identifies that the funds are fiduciary funds**, (i.e. “Jane Doe, Guardian/Executor/Trustee for Robert Doe”) and not into Uniform Transfer to Minor’s Act (UTMA account), a payable-on-death account, a joint account, or a survivorship account. Depositing the funds in an account other than a fiduciary custodial account is an illegal conversion of the assets and may subject the fiduciary to liability or findings of contempt of court with resulting sanctions.

Upon an improper deposit, the Court may determine to surcharge the fiduciary for any loss, require an increase the required bond, and/or remove the fiduciary.

3. There can be no death beneficiary's name on the account unless otherwise expressly ordered by this Court.
4. The account must be restricted by the financial institution holding the deposit in such manner (through appropriate coding, or otherwise) that no withdrawals are permitted by anyone, including the fiduciary, except upon other specific order of the Court.
5. If a particular front-line employee of the selected financial institution refuses to comply with these directives, the supervisors should be contacted, or a different financial institution selected. The statutory requirements cannot be waived by the Court, a particular institution, or an individual branch operation.
6. An Initial Verification of Receipt and/or Deposit of Custodial Funds (DCPC Form 22.3A) signed by the financial institution must be filed with the Court, and a Verification of Funds with Restricted Access (DCPC Form 22.3B) must be annually filed thereafter

Dated: _____

Fiduciary (Printed): _____

Dated: _____

Fiduciary (Printed): _____