

**PROBATE COURT OF GEAUGA COUNTY, OHIO
JUDGE TIMOTHY J. GREDELL**

Case No. _____

COMPLAINT FOR LAND SALE

vs. _____ Plaintiff

PAYMENT OF DEBTS AND LEGACIES

Defendants, et. al. [See attached Exhibit A for Defendants' List]

1. The Plaintiff is the Executor Administrator of the Estate of _____, Decedent, pending in this Court under Case No. _____ and files this Complaint as such.
2. The statutory basis for this complaint is R.C. 2127.03. A legacy is effectual to charge real property, and the personal property in the possession or under the control of the executor or administrator is insufficient to pay the legacy and all the Decedent's debts, together with the allowance for support to the Decedent's surviving spouse, minor children, or surviving spouse and minor children as provided in R.C. 2106.13, and the costs of administering the estate, and thus the executor or administrator commences a civil action in the probate court for authority to sell the decedent's Real Property.
3. The Decedent died owning a _____ interest in the certain real property (the "Real Property"), commonly known as _____ the legal description being described below. The Real Property was included in the inventory of this probate estate, which was filed and approved, and has an appraised value of \$_____.

Legal Description

4. [Select as applicable]

The mortgagor, other lienholders, or others having an adverse interest regarding the Real Property are described below

Name	Describe lien (or adverse interest)	Debt/Claim
_____	_____	_____
_____	_____	_____
_____	_____	_____

To the best of Plaintiff's knowledge, there are no mortgagors, other lienholders, or others having an adverse interest regarding the Real Property.

5. The Decedent's Will contains the following provisions regarding legacies:

6. The Decedent died leaving [Select as applicable]

_____, as surviving spouse

the following named Defendants, who are either an heir, devisee, legatee, or a person otherwise entitled to inherit or otherwise receive the Real Property:

Name	Relationship	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Additionally, such Defendants include the Decedent's (i) unknown heirs and devisees, (ii) unknown heirs and devisees of those unknown heirs and devisees, and (iii) the guardians of those unknown heirs and devisees.

7. Other than as described above, there are no persons or entities who have an interest in the Real Property.
8. The sale of the Real Property is in the best interest of the Estate.

Plaintiff requests that the Court:

determine that all necessary parties are properly before the court and that the demands for relief be granted;

authorize Plaintiff to sell the Real Property by private sale and authorize Plaintiff to retain a real estate broker and to incur and pay any reasonable expenses resulting from the sale, including brokerage fees, escrow fees, or title insurance costs;

authorize Plaintiff to sell the Real Property by public sale, determine the time and place of the public sale and authorized Plaintiff to hire an auctioneer and pay all reasonable costs related to the public sale;

authorize Plaintiff to expend not more than \$ _____ to make repairs or improvements to the Real Property in order to facilitate a sale at a reasonable and fair price;

determine the equities among the parties and the priorities of lien of the several lien holders on the Real Property, and order a distribution of the money arising from the sale in accordance with its determination, and order contributions among all parties in interest;

order a new appraisal;

waive additional bond;

Other:

Signature _____
Print Name _____
Street Address _____
City, State, Zip _____
Tel. No. _____
Atty Reg. No. _____