

**GEAUGA COUNTY PROBATE COURT  
JUDGE TIMOTHY J. GRENDALL**

**CHECKLIST – CONSENT TO SELL REAL PROPERTY  
[R.C. 2127.012 – for Guardian]**

These instructions are provided as a public service of the Geauga County Probate Court, are intended as a guideline only, and are not legal advice. Depending on the circumstances of each case, additional steps may be required that are not listed below. The clerks are not attorneys and therefore cannot answer legal questions or assist you in completing the forms or deciding which forms apply to your situation. The documents that you file must be typewritten, legible, and completed in their entirety. The clerks may refuse for filing illegible or incomplete documents. The Court recommends that you obtain legal advice from your attorney or obtain assistance from the Court's Help Center before preparing and filing any forms. You may make an appointment with the Help Center by calling 440-226-7339. If you decide to proceed without assistance from your attorney or from the Court's Help Center, then you should read the following before taking any action:

- Geauga Probate Local Rule – Superintendence 65
- R.C. 2127.012
- Probate Information Sheet – Land Sales

**Sale by Consent – Guardian of the Estate (R.C. 2127.012)**

**Background** - Sale by Consent by the Guardian of an Estate is not available if:

- The sale price is less than 80% of the appraised value of the real estate as set forth in the approved Inventory if appraised within two years before the filing of Form 28.0; provided, however, that if the real estate was (i) not appraised, or (ii) appraised but not within two years of filing Form 28.0, then the guardian must obtain a new appraisal; or
- any of the ward's surviving spouse or any next of kin is a minor, or
- the Inventory has not been filed and approved, or a copy of the deed was not filed with the Inventory.

**Filing Requirements – Guardian of the Estate**

- 1. Form 28.0 - Motion By Guardian For Real Estate Sale By Consent**
- 2. Form 28.1 – Consent To Power To Sell Real Estate – Guardianship**

**Additional Notes**

- Form 28.1 must be signed by the ward's surviving spouse and the ward's next of kin.
- The guardian shall file a copy of the deed if not previously filed with the Court.
- After filing the consent, the guardian shall obtain a surety bond in the amount set forth in the Court's Entry under Form 28.0, as required by R.C. 2127.012(A)(4).