

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

**CHECKLIST – LAND SALE
Estate Administration**

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 or legibly handwritten, 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.

Suggested Additional Reading.

- Probate Information Sheet titled "Land Sale"
- Probate Information Sheet titled "Rights of Surviving Spouse"
- Supreme Court of Ohio Bench Card titled "Land Sales"
- Review Sup. R. 65 and Geauga Probate Local Rule 65
- Review R.C. Chapter 2127
- Civ.R. 4.4(A)(1)

Initial Considerations

- Determine the statutory basis for a court order.
 - In an estate, a court order of Land Sale is only available under
 - R.C. 2127.02 – needed to obtain cash to pay creditors (including Allowance for Support)
 - R.C. 2127.03 – need to obtain cash to pay creditors (including Allowance for Support) and legatees
 - R.C. 2127.04 – with partial consent
 - R.C. 2127.11 - \$3,000 Summary Order
- Before filing a Complaint, obtain a preliminary judicial report that is later no later than 15 days before filing the complaint (which will provide you with information regarding creditors who have a lien against the real property and any other persons who have a legal or equitable interest in the real property and confirm the legal description of the real property).
- Determine whether an appraisal is required under R.C. 2127.22.
- Determine whether an additional bond is required under R.C. 2127.27.
- Determine whether a public or private sale is appropriate.

- Determine whether any rights of a surviving spouse (and minors) must be accounted for (e.g., Election to Receive the Mansion House, Allowance for Support, Right to Purchase Property, Dower Rights).
- Determine the effect of the decedent or ward owning a partial interest and the applicability of R.C. 2127.08.
- Determine all necessary defendants including (1) surviving spouse, (2) all persons entitled to inherit an interest in the real property, (3) all persons identified in the preliminary title report, and (4) the county treasurer.
- Determine whether any parties are minors and whether a guardian ad litem must be appointed.
- Determine whether any parties require (1) service of summons by publication, or (2) service of notice by publication.
- Determine whether to demand a jury trial.
- Do not file unless an inventory, which lists the subject real property, has been filed and approved.

Filing Requirements

1. Complaint (which must set forth):
 - All necessary parties, including the County Treasurer in all events (review the preliminary title report to verify all necessary parties)
 - Statutory basis for the complaint
 - Statement of facts showing the reason for the sale
 - Legal description of the real property
 - Value of the real property
 - Describe the decedent's interest in the real property
2. GC PF 50.1 – Certificate of Title
3. GC PF 63.0 – Summons (See the “Instructions for Summons” on the Court’s Website)
4. GC PF 63.1 - Waiver of Service of Summons (if signed by any parties)
5. GC PF 63.4 – Instructions for Service
6. GC PF 63.4A - Affidavit for Service of Process by Publication (if needed)

Additional Notes

- Within 10 days after filing the complaint obtain an update of the preliminary title report and prepare and file with the Court form GC PF 50.2 – Certificate of Title Update.

- Notice of Hearing – the Clerk will serve notice of hearing upon all parties. If service of notice of hearing is required by publication, prepare and file Court form GC PF 62.0 – Affidavit for Service of Notice by Publication.
- Public Sale – if the court orders a public sale, then:
 - File a copy of the proposed deed.
 - Serve notice of public sale per Sup.R. 65(B) by regular mail no sooner than three weeks before the sale date. Prepare and file form “GC PF 41.6 – Affidavit Evidencing Service of Notice.
 - Arrange for advertisement of the public sale by publication of public sale per R.C. 2127.32.
 - Before the sale, prepare and file form GC PF 72.0 – Certificate of Notice and Advertisement, together with the required attachments.
 - Following public sale, prepare and file report to Court per R.C. 2127.35
- Private Sale. Following the private sale,
 - Prepare and file report to Court per R.C. 2127.35
 - File a copy of the proposed closing statement.
 - File a copy of the proposed deed.
 - Prepare and file GC PF 50.6 – Affidavit of Sale