

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

CHECKLIST - SALE OF PERSONAL PROPERTY

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. 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:

- Probate Information Sheet - Full Administration
- R.C. §§ 2113.40, 2113.41, 2113.42, and 2113.43
- Geauga County Juvenile Court Local Rules 63.1 and 78.13

Preliminary Notes

- If a Will was admitted to probate, review the Decedent's Will to determine whether the Will grants power to the Executor to sell personal property without a court order.
 - Even if a Will is admitted to probate, review and consider R.C. § 2113.40(A).
- If there is a surviving spouse, determine whether surviving spouse is entitled to written notice of rights to elect to take the personal property at the appraised value - review R.C. § 2113.40(B).
- If Full Administration, typically the Court will not order a sale of personal property until the Inventory is filed and approved.
- Determine (i) whether the sale will be private sale or public sale, (ii) if public sale, then whether price is fixed or best price, and (iii) whether payment is cash or terms of payment.
- Determine who is entitled to notice of the sale.

Initial Filing Requirements

1. **Form 9.0 Application to Sell Personal Property**
2. **Form GC PF 9.0A - Consent to Sale and Waiver of Personal Property** (note the interested persons may also sign the consent and waiver at the bottom of the first page of Form 9.0 Application to Sell Personal Property)
3. **Form 9.1 Entry Authorizing Sale of Personal Property**

Additional Notes

- Notice of Hearing - If not all interested persons have signed the Consent to Sale and Waiver of Personal Property, then deliver a Notice of Hearing to those persons who have not signed the consent and waiver using GC Form "GC PF 4.18 - Notice of Hearing" and provide the Court with "Proof of Service using GC Form "GC PF 41.6 - Affidavit Evidencing Service of Notice."
- Notice to Spouse - If required by R.C. §2113.40(B), deliver to the surviving spouse "Form 9.2 Notice of Sale of Personal Property," no less than 10 days before the sale, and provide the Court with "Proof of Service using GC Form "GC PF 41.6 - Affidavit Evidencing Service of Notice."
- Notice of Public Sale - If a public sale is to be conducted then comply with the public notice requirements set forth in RC §2113.41. Review carefully RC §2113.41(A) regarding the methods of public notice.
- Report of Sale After the sale is completed, no later than 30 days after completion of the sale, whether public or private, provide a report of sale to the Court using "Form 9.3 Report of Sale of Personal Property" together with the required attachments.