

PROBATE COURT OF CLERMONT COUNTY, OHIO

Case No. _____

COMPLAINT TO SELL REAL ESTATE TO PAY DEBTS

of the _____ Address
of _____
Plaintiff

VS

Defendant Address

1. Plaintiff is the duly appointed, qualified and acting _____ of the estate of _____, deceased, having been duly appointed as such by _____ on _____, _____, in Case No. _____.
2. As near as can be ascertained the amount of the valid debts against said estate is \$_____.
3. An allowance of \$ _____ is due to the surviving spouse or minor children of said decedent for support.
4. The costs of administering the estate will be about \$ _____.
5. The total value of the personal property of the said decedent was fixed by the appraiser of said estate at \$ _____, said appraisement not having been excepted to; and said personal property is wholly insufficient to pay the debts, allowance and costs aforesaid.
6. Said real estate was included in the inventory of the estate, pursuant to the order of this Court and appraised at \$_____.

7. Said decedent died seized _____ interest in the following described real estate situated in the _____ of _____, County of _____ State of Ohio, and described as follows:

8. Said real estate is encumbered as follows: _____

9. The defendant _____ is the surviving spouse of the decedent, and the owner of the following interest in the real estate. _____

10. The defendants _____

_____ are all the heirs, devisees or persons entitled to the next estate of inheritance from the decedent in such real estate and having an interest therein.

11. The defendants _____

_____ are lien holders whose claims affect such real estate or part thereof.

12. The defendants _____

_____ are all of the other persons holding any right, title or interest in or to such real estate or any part thereof who are necessary parties to this action.

13. Plaintiff has ascertained that the personal property of the decedent is insufficient to pay debts of the decedent including the Allowance for Support under Ohio R.C. 2106.13, if any, and costs of administration.

14. Plaintiff desires to sell the entire interest of all Defendants in said real estate, pursuant to the statutory authority granted under Ohio R.C. 2127.08.

15. Plaintiff believes it may be in the best interest of the estate and all parties defendant to employ a real estate broker to assist in the sale of the premises, and requests the Court for authority to pay such real estate broker the commission customary for the vicinity.

WHEREFORE, Plaintiff prays the Court for authorization to sell the entire interest in the said real estate free of the claims, interests, liens, and rights of expectancy or dower therein of all persons to this action, and be authorized to employ a real estate broker to assist in such sale and for such other and further relief which the Court deems proper.

Attorney for Plaintiff

Typed or Printed Name

Address

Telephone Number

WAIVER OF SUMMONS

We, the undersigned, parties defendant to the within Complaint, waive the issuing and service of summons, and voluntarily enter our appearance as such defendants.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(FOR USE IN GUARDIANSHIP SALES CASES)

WAIVER OF SERVICE ON WARD BY GUARDIAN AND PLAINTIFF

Now comes _____, Guardian of the person and estate of _____, one of the defendants herein, and waives service of summons pursuant to Civil Rule 4(D) and 4.2 (3) and requests that a Guardian Ad Litem be appointed to protect the interest of _____ in these proceedings.

Guardian and Plaintiff