

## INSTRUCTIONS FOR FILING A SUMMARY LAND SALE

These instructions are intended as a guideline only and should not be relied upon as a comprehensive list of duties in filing a summary land sale.

A filing fee of \$125.00 deposit is required at the time of filing. Please confirm the amount with the Cashier since filing fees may have changed subsequent to the publication of this instruction sheet. **This fee must be paid in cash, money order, certified check, MasterCard, Discover, or American Express. No personal checks will be accepted.**

A summary land sale may be filed when the actual market value of the entire interest in the real estate is less than \$3000.

An Inventory must have been filed by the fiduciary in the estate before a summary land sales proceeding may be initiated.

The entire interest of the real estate must be in the estate seeking to sell the real estate (no fractional interest).

1. Prepare Complaint, have Complaint reviewed by magistrate assigned to the companion case before filing with cashier and paying costs. R.C. 2127.10 and 2127.11 plus 2127.02 (debts), 2127.03 (legacy) or 2127.05 (guardian).
2. File written request for service and copies of complaint with Issue Desk (if service is required). R.C.2127.12 or R.C. 2127.13  
Under the present statute, when the actual market value of the interest in the real estate to be sold is less than \$3000.00, the service of summons, appraisal, and additional bond shall be waived. (If there are any lien-holders listed as party defendants, they must be served.)
3. File Entry Finding Summary Sale Necessary and Authorizing Private Sale. The Issue Desk will prepare the **order for private sale**. (You must **provide** a legal description of the real estate to the Issue Desk.)  
**You must pick up this Order at the Issue Desk.**  
**Magistrate will affix red stamp to the Entry.**
4. Return Order for Private Sale to cashier when completed.
5. File Application to Confirm Summary Sale **and** Entry Confirming Sale and Ordering Deed. R.C. 2127.35.  
**NOTE: Entry must include gross proceeds, terms of sale (cash), and attach a copy of the proposed closing statement itemizing all proposed disbursements.**  
**C.P.Sup.R.65(C).**
6. Obtain cost statement from cashier **prior to closing**.
7. File Entry Ordering Distribution of Proceeds of Private Sale. R.C. 2127.38.
8. Pick up checks from cashier.