INSTRUCTIONS FOR FILING A 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 land sale.

A filing fee is required at the time of filing. Current Court Costs are posted at: https://www.probatect.org/about/general-resources.

Please confirm the amount with the Cashier since filing fees may have changed subsequent to the publication of this instruction sheet. **We accept cash, cashier's checks or all major credit/debit cards as payment for the fee. No personal checks or money orders will be accepted.**

1. Prepare Complaint, have Complaint reviewed by magistrate assigned to the companion case before filing with cashier and paying costs. R.C.2127.10.

   If minor or incompetent is involved, the Court will appoint a guardian ad litem (GAL). R.C. 2111.23. However, the guardian of the minor/incompetent must waive service of summons or must be served before GAL can be appointed.

2. File written request for service and copies of complaint with Issue Desk. R.C. 2127.14.

3. In all cases, you must file evidence of title showing the record condition of the title to the property. This **must** be done before filing the entry required in #4. This must be prepared by a licensed title company, an attorney's certificate, or other evidence of title satisfactory to the Court. C.P.Sup.R.65(A).

4. File Application and Entry Finding Sale Necessary after all parties are before the Court; **either order or dispense with appraisement.** Generally, appraisement will be dispensed with if the property has been appraised in the inventory within the last six (6) months. If the appraisement is dispensed with, an **additional bond must be ordered in this entry.** If the appraisement is **ordered**, the Court will appoint the appraiser. R.C. 2127.18, 2127.22 and 2127.27. The Issue Desk will prepare the **order to appraise.** (You must **provide** a legal description of the real estate to the Issue Desk.) **You must pick up this Order at the Issue Desk.**

   NOTE: The Entry Finding Sale Necessary **shall not** be approved until an inventory is filed in the companion matter.

5. Return the Order to Appraise and an Entry Approving Appraisement (if not dispensed with) and Ordering Additional Bond or Dispensing with same if a sufficient bond has already been posted in the companion matter. **If additional bond is required, leave signed bond with Issue Desk (let clerk know it is for a sales case) and contact bonding company to come to Court and sign bond.**

6. File Application and Entry Ordering Private (Public) Sale and Approving Additional Bond (if not dispensed with). Entry **must include cash as terms of sale (if Application and Entry is for Public Sale; Entry must include date and time of sale).** If employment of real estate broker is not asked for in the Complaint, you must ask for **authority to employ a broker in your Application and Order.**

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.**

7. Return Order for Private (Public) Sale to cashier when completed.

8. File Application to Confirm Private (Public) 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).

9. Prepare Fiduciary deed for closing.

10. Obtain cost statement from cashier **prior to closing.**

11. File Entry Ordering Distribution of Proceeds of Private (Public) Sale. R.C. 2127.36 and R.C. 2127.38.

12. Pick up checks from cashier.

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1. If private sale **is not consummated,** return Report of Private Sale to cashier indicating no buyer at appraised value. R.C. 2109.45.

2. File Entry Ordering Private Sale at Fixed Price.
   Magistrate will affix red stamp to this Entry.

3. Issue Desk will prepare Order For Private Sale at Fixed Price. (You must **provide** legal description of real estate to Issue Desk.) **You must pick up this Order at Issue Desk.**

4. Return Order for Private Sale at Fixed Price to cashier when completed.

5. File Application to Confirm Sale **and** Entry Confirming Sale of Real Estate and Ordering Deed.

   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. Prepare Fiduciary deed for closing.

7. Obtain cost statement from cashier **prior to closing.**

8. File Entry Ordering Distribution of Proceeds of Private Sale.

9. Pick up checks from cashier.