INSTRUCTIONS FOR FILING COMPLAINT FOR SURVIVING SPOUSE TO PURCHASE REAL ESTATE AT APPRAISED VALUE

These instructions are intended as a guideline only and should not be relied upon as a comprehensive list of duties in filing a complaint for surviving spouse to purchase real estate at appraised value.

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 filed by Surviving Spouse, have Complaint reviewed by magistrate assigned to the companion case before filing with cashier and paying costs (R.C. 2106.16).
   Contents:
   - Election of surviving spouse to purchase at appraised value
   - Legal description of real estate
   - Interested parties
     - Executor or administrator
     - The persons to whom such real estate passes by inheritance or residuary devise
     - All mortgages or other lien holders whose claims affect any part of the real estate
   - Prayer of surviving spouse for Court to issue order accordingly.
   - Inventory and Appraisal has been filed
   - Complaint has been filed within one month after inventory and appraisal has been approved.

2. File written request for service and copies of complaint with Issue Desk. Service of summons will be issued by Court.

3. Hearing on Complaint: If an answer to the complaint has been filed, the complaint must be set for hearing and notice of the hearing date given to all parties not in default of answer, with proof of service of notice.

4. Entry on Complaint: At the hearing, if all parties are properly before the Court, the order of the Court shall be as follows:
   (a) A finding in favor of the surviving spouse, unless it appears that the appraisement was made as a result of collusion or fraud or that it is so manifestly inadequate that a sale at that price would unconscionably prejudice the rights of the parties in interest or creditors.
   (b) Fix the terms of payment to the executor or administrator for the property, having regard for the rights of creditors of the estate.
   (c) Order the executor or administrator, or a commissioner who may be appointed and authorized for the purpose to transfer and convey the property to the spouse upon compliance with the terms fixed by the Court.
   (d) Dispense with additional bond or order additional bond. If the decedent's Will dispenses with bond the Court will most likely dispense with additional bond. **If additional bond is required, leave signed bond with Issue Desk (let clerk know it is a sale to surviving spouse) and contact bonding company to come to the Court and execute bond.**

5. Obtain cost statement from cashier **before issuing deed to surviving spouse.**

6. Issue deed to surviving spouse.

7. Make a return of sale to the Court.