

PROBATE COURT OF MIAMI 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