

PROBATE COURT OF SUMMIT COUNTY, OHIO

CASE NO. _____

Name and complete address

of the Estate of:

deceased, Plaintiff

V.

COMPLAINT TO SELL REAL ESTATE TO PAY DEBTS

(R.C. 2127.02)

Names and Complete Addresses

Defendant(s)

The plaintiff is the duly appointed, qualified and acting fiduciary of the estate of _____, deceased, having been duly appointed as such by Judge _____ on _____, 20____, in Case No._____.

As near as can be ascertained, the amount of the valid debts against said estate is \$_____.

An allowance of \$_____ is due to the surviving spouse or minor children of said decedent for support.

The costs of administering the estate will be about \$_____.

The total value of the personal property of the said decedent was fixed by the appraiser of said estate at \$_____, said appraisal not having been excepted to, and said personal property is wholly insufficient to pay the debts, allowance and costs aforesaid.

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

Said real estate was included in the inventory of the estate, pursuant to the order of this Court, and appraised at \$_____.

Said real estate is encumbered as follows:

The defendant _____

_____ is the surviving spouse of said decedent.

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.

The defendants _____

_____ are lienholders whose claims affect such real estate or a part thereof.

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.

The defendant _____

_____ is believed to be dead and _____.

Plaintiff therefore alleges that _____ died leaving possible heirs, devisees, legatees, executors and administrators whose names and whereabouts are unknown and who are made parties defendant hereto without naming them.

Wherefore, plaintiff prays that he/she be authorized and ordered to sell the _____ interest in said real estate according to the statutes in such case made and provided, that he/she be authorized to employ and pay a real estate broker if needed in the sale of the real estate, and for such other and further relief as plaintiff may be entitled in the premises.

Attorney for Plaintiff

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.

_____ Printed Name	_____ Signature	_____ Date
_____ Printed Name	_____ Signature	_____ Date
_____ Printed Name	_____ Signature	_____ Date
_____ Printed Name	_____ Signature	_____ Date
_____ Printed Name	_____ Signature	_____ Date

INSTRUCTIONS FOR PERSONAL OR RESIDENCE SERVICE

To the Judge:

You are instructed to make personal/residence service upon defendant(s):

_____ Name	_____ Complete Address
_____ Name	_____ Complete Address
_____ Name	_____ Complete Address
_____ Name	_____ Complete Address

Special instructions for server: _____

Attorney for Plaintiff