

## BUTLER COUNTY PROBATE COURT

**Procedure For: APPLICATION TO SELL PERSONAL PROPERTY**

**Standard Probate Form Number: 9.0**

**Date Last Reviewed      05/20/2016**

Application to Sell Personal Property is filed if there is no will or if the will does not contain a power of sale for personal property.

- Is the document typewritten with no white-out?
- Did the fiduciary sign the application?
- Are consents signed by the surviving spouse and all interested parties?
- Does the property stated on the schedule of personal property for sale (page two of Form 9.0) have an adequate description?
- Is the property stated to be sold shown on the schedule of assets (Form 6.1) filed with the inventory?
- Has the time expired for the surviving spouse to elect to purchase personal property?<sup>1</sup>

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<sup>1</sup> Pursuant to R.C. 2106.16, the surviving spouse has the right to purchase estate assets at the appraised value. The application to purchase assets must be filed within one month of the approval of the inventory or the right is forfeited. Therefore, **if it is more than one month past the date the filing date of the entry approving the inventory, the time has expired for the surviving spouse to exercise her right to purchase and the application to sell personal property may be granted.** If the inventory has not been filed or approved, the application to sell personal property may not be granted as the surviving spouse's time for exercising her right to purchase estate assets has not begun and ended.