PROBATE COURT OF BUTLER COUNTY, OHIO

JOHN M. HOLCOMB, JUDGE

ESTATE OF _____, **DECEASED**

CASE NO. _____

APPLICATION TO SELL PERSONAL PROPERTY

[R.C. 2113.40, 2113.41, 2113.42, and 2113.43]

The fiduciary asks the Court to authorize the sale of the personal property of decedent listed on the within schedule, at a public or private sale, for a fixed price or for the best price obtainable, and for cash or on terms as the Court may determine.

The fiduciary states that the sale will be in the best interests of the estate, that none of the property listed is subject to a demand for distribution in kind made by the surviving spouse or other beneficiary entitled to such distribution, and that none of the property listed is subject to a wish expressed by decedent in the Will that it not be sold. Further, none of the property listed is specifically bequeathed; or if some or all of the property is specifically bequeathed, as noted on the schedule, either its sale is necessary to pay debts, or the persons entitled to it consented to the sale.

The fiduciary further states that: **[Check the applicable boxes]**

- ☐ The sale is before the expiration of the time within which the surviving spouse may elect to take at the appraised value and
- ☐ the surviving spouse consents to such sale or waives notice thereof;
- ☐ the surviving spouse does not consent to such sale;
- ☐ the property is not perishable and the surviving spouse is entitled to notice of the sale as provided by law.

The fiduciary further states that: **[include any special allegations or information]**

_____

_____

_____

The fiduciary further states that for a public sale, notice will be given by advertisement appearing at least three times in a newspaper of general circulation in the county during a period of fifteen days next preceding such sale and/or by advertisement posted not less than fifteen days next preceding such sale in at least five public places in the township or municipal corporation where such sale is to take place.

_____
Fiduciary

CONSENT TO SALE AND WAIVER OF NOTICE

The undersigned, being the decedent's surviving spouse or other interested persons, hereby waive notice and consent to the sale as described herein.

_____ _____
Surviving Spouse Typed name

_____ _____
Typed name Typed name

_____ _____
Typed name Typed name

Case No. _____

SCHEDULE OF PERSONAL PROPERTY FOR SALE

ITEM	Sale Method Public/Private	Price Fixed/Best	Payment Cash/Terms

ENTRY AUTHORIZING SALE OF PERSONAL PROPERTY

The Court finds that the sale of the personal property of the decedent as set forth herein is not prohibited by law and will be in the best interests of the estate.

It is hereby ordered: **[check the applicable boxes]**

☐ That the fiduciary is authorized to sell the personal property in accordance with the terms and conditions as set forth in the application.

☐ That the fiduciary is authorized to sell the personal property in accordance with the terms and conditions as set forth in the application, except as follows:

_____

_____

[Check if applicable] - ☐ The time has not expired within which the surviving spouse may elect to purchase personal property at its appraised value; the surviving spouse has not consented to the sale, and the property is not perishable. It is therefore further ordered that the fiduciary give at least ten days notice of the sale to the surviving spouse, as provided by law.

_____ _____

Date **Probate Judge**