

PROBATE COURT OF CUYAHOGA COUNTY, OHIO

ANTHONY J. RUSSO, Presiding Judge

LAURA J. GALLAGHER, Judge

_____, Guardian

Case No: _____

PLAINTIFF

v.

_____, Ward, et. al.

DEFENDANT(S)

**APPLICATION TO FIX PRICE AND
FOR ORDER OF PRIVATE SALE**

(O.R.C. §2127.32-§2127.33)

Now comes the Plaintiff/Guardian and represents to the Court that he/she was authorized to sell the real estate described in the Complaint; that the real estate has been appraised at a value of \$ _____; that he/she has made a bona fide attempt to sell the real estate at a sum not less than the appraised value, but has been unable to sell said real estate for a sum not less than the appraised value.

The Plaintiff/Guardian further represents that the following facts substantiate the sale at a lower price:

(Ex: the length of time on the market; the number of showings; whether the condition of the property has deteriorated since the Complaint has been filed, etc.)

The Plaintiff/Guardian further represents that he/she has received an offer to purchase the real estate for the sum of \$ _____; that it is the highest offer that has been received, and that it is in the best interests of the Ward to sell the real estate at a price less than the appraised value.

The Plaintiff/Guardian requests that the Court fix the price at \$ _____, for which the real estate may be sold and that the realtor commissions be allowed to the broker(s) upon consummation of the sale.

The Plaintiff/Guardian represents that a bond in the amount of \$_____, has been previously given. The Plaintiff/Guardian requests that the Court determine whether said bond is sufficient or insufficient to protect the proceeds of the sale.

ATTORNEY FOR PLAINTIFF

NOTICE

PLEASE BE ADVISED THAT A HEARING WILL BE SCHEDULED ON THE MOTION TO FIX PRICE IF ALL DEFENDANTS DO NOT FILE/SUBMIT WRITTEN CONSENTS TO THE SALE OF THE REAL ESTATE AT THE FIXED PRICE. THE DEFENDANTS MUST BE SENT A COPY OF THE MOTION ALONG WITH THE NOTICE OF THE HEARING DATE.

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DEFENDANT(S)

**JUDGMENT ENTRY
FIXING PRICE AND FOR ORDER OF
PRIVATE SALE**

This matter is before the Court on the **Application to Fix Price and for Order of Private Sale** filed by the Plaintiff, the **Report of the Appraiser**, and the evidence.

The Court finds that all interested Defendants have been duly served with notice of the proceedings, or have waived notice of hearing and have consented to the granting of the Application.

The Court finds that the real estate was appraised with a value of \$ _____ by the appraiser appointed in these proceedings and, it appearing upon examination that the report is in all respects regular and proper, it is ordered approved and confirmed.

The Court finds that the Plaintiff/Guardian has made a bona fide effort to sell the real estate at private sale for not less than the appraised value, but that no such sale has been affected.

The Court further finds that the allegations in the Application are true; that the offer of \$ _____ is the highest and best offer that has been obtained by a willing purchaser; that the offer is less than the appraised value, but that it is in the best interests of the guardianship estate to have a private sale at the reduced price.

The Court further finds that the offer was obtained through the efforts of a duly licensed real estate broker(s).

The Court further finds that the bond previously given by the Guardian in the amount of \$ _____ is sufficient insufficient to protect the proceeds of the sale, and that no additional bond additional bond is necessary to be given. Any additional bond necessary to be given will be separately ordered in the related guardianship case.

Therefore, it is **ORDERED** that the Plaintiff/Guardian proceed to sell the real estate at private sale for the fixed price of \$ _____.

It is further **ORDERED** that a real estate commission not exceeding a total of _____% or \$ _____ be allowed to the real estate broker(s) upon a sale being consummated through their efforts, and that the Plaintiff/Guardian make due return of the sale without unnecessary delay.

PROBATE JUDGE