

**PROBATE COURT OF CUYAHOGA COUNTY, OHIO**

ANTHONY J. RUSSO, Presiding Judge

LAURA J. GALLAGHER, Judge

\_\_\_\_\_, Fiduciary

Case No: \_\_\_\_\_

**PLAINTIFF**

v.

\_\_\_\_\_,  
**DEFENDANT(S)**

**APPLICATION FOR ORDER OF  
PRIVATE SALE**

(O.R.C. §2127.32-§2127.33)

Now comes the Plaintiff/Fiduciary and represents to the Court that the Defendants have been duly served with notice of the proceedings, or have waived notice and consent to the sale of the real estate as described in the Complaint.

The Plaintiff/Fiduciary further represents:

**(Check which is applicable)**

that the real property was appraised with a value of \$ \_\_\_\_\_, by the appraiser appointed in these proceedings, and requests that the Court approve and confirm the appraisal report.

**OR**

that the real estate was previously appraised with a value of \$ \_\_\_\_\_, and that further appraisal was dispensed with by prior Court Order.

The Plaintiff/Fiduciary further represents that an offer to purchase the real estate has been obtained; that \_\_\_\_\_, a willing purchaser, has offered to pay the sum of \$ \_\_\_\_\_; that the offer is not less than the appraised value, and that it is in the best interests of the Decedent's estate to authorize this private sale.

The Plaintiff/Fiduciary further represents that the offer was obtained through the efforts of \_\_\_\_\_ (a) duly licensed real estate broker(s) seeking to be paid a commission upon consummation of a sale.

The Plaintiff/Fiduciary further represents that the bond previously given 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 by the Fiduciary.

Wherefore, the Plaintiff/Fiduciary requests that the Court authorize the private sale of the real estate at a price of \$ \_\_\_\_\_, a sum not less than the appraised value, and the payment of a customary real estate commission upon consummation of the private sale.

The Plaintiff/Fiduciary further requests that the Court determine the adequacy of his/her bond.

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**ATTORNEY FOR PLAINTIFF**

**PROBATE COURT OF CUYAHOGA COUNTY, OHIO**

ANTHONY J. RUSSO, Presiding Judge

LAURA J. GALLAGHER, Judge

\_\_\_\_\_, Fiduciary

Case No: \_\_\_\_\_

**PLAINTIFF**

v.

\_\_\_\_\_  
**DEFENDANT(S)**

**JUDGMENT ENTRY  
GRANTING PRIVATE SALE**

This matter is before the Court on the **Application for Order of Private Sale** filed by the Plaintiff; the Report of the Appraiser, if applicable; any Answers(s) of the Defendant(s), and the evidence.

The Court finds that all interested Defendants have been duly served with notice of the proceedings, or have waived notice and consent to the sale of the real estate as described in the Complaint.

**(Check which is applicable)**

The Court finds that the real property 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 correct, it is ordered approved and confirmed.

**OR**

The Court finds that the real property was previously appraised with a value of \$ \_\_\_\_\_, and that further appraisal was dispensed with by prior Court Order.

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 not less than the appraised value; that the offer was obtained through the efforts of \_\_\_\_\_ (a) duly licensed real estate broker(s), and that it is in the best interests of the Decedent's estate to have a private sale.

The Court further finds that the bond previously given by the Fiduciary 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 by the Fiduciary will be separately ordered in the related estate case.**

Therefore, it is **ORDERED** that the Plaintiff/Fiduciary proceed to sell the real property at private sale for \$\_\_\_\_\_, being not less than the appraised value 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/Fiduciary make due return of the sale without unnecessary delay.

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**PROBATE JUDGE**