

PROBATE COURT OF LUCAS COUNTY, OHIO
JACK R. PUFFENBERGER, JUDGE

ESTATE OF _____, DECEASED
CASE NO. _____

ORDER ABANDONING REAL PROPERTY
[Local Rule 78.9]

This matter came before the Court on _____, 20____ for hearing on the Fiduciary's Motion to Abandon Real Property in the above-captioned estate. All persons entitled to notice under Lucas County Probate Court Local Rule were properly served and had a full and fair opportunity to appear at the hearing to present testimony and other evidence in open court in favor of or in opposition to the Motion.

The Court makes the following findings from the testimony and other evidence presented in the Motion and at the hearing. The real property described on attached Exhibit A ("Property") is an asset in the above-captioned estate and is included in the Inventory and Appraisal. The total outstanding liabilities for real estate taxes, mortgages and other liens encumbering the Property exceeds the fair market value of the Property, resulting in a high probability that the estate, heirs or beneficiaries will never realize any value from this Property. It would be detrimental to the estate to continue spending other estate resources to maintain, preserve and protect the Property when the Property does not have any economic value to the estate. It would also be detrimental to the estate to attempt to sell the Property, at public or private sale, because the costs to sell the Property would further deplete other estate resources with no foreseeable probability of recovering those costs from the net proceeds of the sale. It also would not be in the best interest of the heirs or beneficiaries of the estate to confirm title to the Property in the names of the heirs or beneficiaries by certificate of transfer because that could impose upon the heirs or beneficiaries personal liability for ongoing real estate taxes, insurance, maintenance and other expenses with no foreseeable probability of future economic gain.

Revised Code §2101.24(C) grants probate courts plenary power at law and in equity to dispose fully of any matter that is properly before the Court. Pursuant to that power, the Court grants the Fiduciary's Motion to Abandon the Property as an asset of this estate without sale, transfer or further administration. The Court orders that the Fiduciary is no longer obligated to maintain, preserve or protect the Property and is not required to account for the Property in future accountings of the estate.

The Court further orders the Fiduciary to record a certified copy of this Order in the Office of the Recorder in the County in which the real property is located, and file a photocopy of the recorded Order with the Court within 30 days.

The Court shall send a copy of this Order to the Lucas County Land Bank and to the Lucas County Treasurer, as well as provide to the Lucas County Treasurer the names of all heirs, their spouses, and their addresses.
IT IS SO ORDERED.

Date

Jack R. Puffenberger, Judge