

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

ESTATE OF _____, DECEASED
CASE NO. _____

MOTION TO ABANDON REAL PROPERTY
[Local Rule 78.9]

The Fiduciary of this estate moves the Court for an Order authorizing the Fiduciary to abandon real property that is an asset of the estate. In support of this Motion, the Fiduciary provides the following facts and evidence regarding the real property that is the subject of this Motion (“Property”).

1. The address of the Property is:

Street: _____

City: _____ State: _____ Zip: _____

Parcel ID: _____

2. The legal description of the Property is attached as Exhibit A.
3. The current fair market value of the Property, as shown on the Inventory and Appraisal, is \$_____. The appraisal establishing this value is attached as Exhibit B.
4. Real Estate Taxes [Check this box if there are no outstanding real estate taxes on the Property.]

The total amount of all outstanding real estate taxes that are due and payable on the Property, including all interest and penalties as of the date of this Motion, is \$_____. Verification of the amount of the outstanding real estate taxes from the Lucas County Auditor’s Office is attached as Exhibit C.

5. Mortgages Check this box if there are no outstanding mortgages encumbering the Property.
 Check this box if there are outstanding mortgages encumbering the Property and provide the details below.

The names and addresses of each mortgage holder, and the total amount due on each mortgage encumbering the Property, including all interest and penalties as of the date of this Motion, are described below. Verification of the outstanding balance due on each mortgage is attached as Exhibit C.

First Mortgage: First Mortgage Holder: _____

Address: Street: _____

City: _____ State: _____ Zip: _____

Outstanding Balance Due: \$_____

Second Mortgage: [Check this box if there is no second mortgage encumbering the Property.]

Second Mortgage Holder: _____

Address: Street: _____

City: _____ State: _____ Zip: _____

Outstanding Balance Due: \$ _____

Third Mortgage: [Check this box if there is no third mortgage encumbering the Property.]

Third Mortgage Holder: _____

Address: Street: _____

City: _____ State: _____ Zip: _____

Outstanding Balance Due: \$ _____

[Check this box if there are more mortgages encumbering the Property and attach the information on a continuation sheet.]

6. Other Liens Check this box if there are no other outstanding liens encumbering the Property.

Check this box if there are other outstanding liens encumbering the Property and provide the details below.

The names and addresses of each other lienholder, and the total amount due on each lien encumbering the Property, including all interest and penalties as of the date of this Motion, are described below. Verification of the outstanding balance due on each lien is attached as Exhibit D.

First Lien: Lienholder: _____

Address: Street: _____

City: _____ State: _____ Zip: _____

Outstanding Balance Due: \$ _____

Second Lien: [Check this box if there is no second mortgage encumbering the Property.]

Lienholder: _____

Address: Street: _____

City: _____ State: _____ Zip: _____

Outstanding Balance Due: \$ _____

Third Lien: [Check this box if there is no third mortgage encumbering the Property.]

Lienholder: _____

Address: Street: _____

City: _____ State: _____ Zip: _____

Outstanding Balance Due: \$ _____

[Check this box if there are more liens encumbering the Property and attach the information on a continuation sheet.]

7. Below is a summary of the current economic value of the Property:

Current fair market value: \$ _____

Outstanding real estate taxes \$ _____

Outstanding mortgages \$ _____

Outstanding other liens \$ _____

Total Outstanding Encumbrances: (\$ _____)

Total Equity in Property: (\$ _____)

8. The Fiduciary submits that 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.

9. The Fiduciary also submits that it would 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.

10. The Fiduciary also submits that it 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.

Therefore, the Fiduciary requests permission from the Court to abandon the Property as an asset of the estate without sale or transfer and without further liability of the fiduciary or the estate to maintain, preserve and protect the Property. The Fiduciary further requests permission to exclude the Property from all future accountings of this estate.

The Fiduciary requests the Court to set this matter for hearing at the soonest possible date.

Attorney

Fiduciary

CERTIFICATE OF SERVICE

I certify that I served a copy of this Motion to Abandon Real Property and the Notice of Hearing on this Motion by ordinary mail on all persons and entities entitled to notice under Lucas County Probate Court Local Rule 78.9, except those who have waived notice, simultaneously with filing this Motion.

Attorney/Fiduciary