

**Supplemental Checklist**  
**Abandoning Real Property**  
**Full Administration**

Abandonment of Real Property

Abandonment of Real Estate is a Greene County Probate Court specific action. See Local Rule 78.2(E) for more information. There is no specific statutory authority to abandon real property out of an estate. However, in certain circumstances, this Court will permit the Fiduciary to abandon real property out of an estate and exclude it from administration if the real property has no economic value to the estate.

Filing Fee: \$20.00

*Required Documents*

- Motion to Abandon Real Property (GC Form 78.2-D)
  - All attachments must accompany the Motion
  - The legal description must have the Auditor's approval stamp and accompany the Motion **and** the proposed Order
- Notice of Hearing (GC Form 78.2-E)
  - The Fiduciary must serve a copy of the Motion and Notice of Hearing to all parties who have not waived, by **ordinary mail**. See *Local Rule 78.2(E) for necessary parties*
- Entry of Appearance, Waiver of Notice of Hearing, and Consent to Abandon Real Property (GC Form 78.2-F)
  - All parties who sign the Waiver, **do not** have to be served with Notice of Hearing
- Order Abandoning Real Property (GC Form 78.2-G)
  - A legal description must accompany the Order.
  - Once approved, the Order must be recorded in the County Recorder's Office.
  - Proof of the recorded Order must be filed to the Court within 30 days of approval of the Order.

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Note: Abandoning real property does not require an amendment to the Inventory. An abandonment action merely orders the real property be excluded from further probate administration and relieves the Fiduciary of further responsibility for that real property. Abandonment does not change the value of the assets on the date of the Decedent's death.

When accounting for real property that has been abandoned out of an estate, the real property must be exhibited in the receipts and disbursements of the Fiduciary's Account as having been abandoned.

**Example:**

<u>Receipts</u>	
<b>Real Property Not Sold</b>	<b>Value or Amount</b>
Entire fee simple interest in real property located at 1234 Main St., Xenia, OH 45385 Parcel ID: X123456789	\$20,000
<u>Disbursements</u>	
<b>Other Disbursements</b>	<b>Value or Amount</b>
Entire fee simple interest in real property located at 1234 Main St., Xenia, OH 45385 Parcel ID: X123456789 – real property was abandoned pursuant to Judgment Entry filed August 1, 2019	\$20,000