



Ohio Revised Code

Section 2127.38 Distribution of money received from sale of real property.

Effective: May 27, 2026

Legislation: House Bill 55

The sale price of real property sold following an action by an executor, administrator, or guardian shall be applied and distributed as follows:

(A)(1) To discharge the costs and expenses of the sale, including reasonable fees to be fixed by the probate court for services performed by attorneys for the fiduciary in connection with the sale, and compensation, if any, to the fiduciary for services in connection with the sale as the court may fix, which costs, expenses, fees, and compensation shall be paid prior to any liens upon the real property sold and notwithstanding the purchase of the real property by a lien holder;

(2) If the estate is insolvent or if, following the application and distribution of the sale proceeds under this section, the real and personal property in the possession or under the control of the executor or administrator of the estate is insufficient to pay the costs, expenses, or fees incurred by the executor or administrator in the course of administering the entire estate, including fees for services performed by attorneys employed by the executor or administrator in relation to the administration of the entire estate, a court may fix which of those costs, expenses, and fees, not to exceed an aggregate of five thousand dollars, in addition to the costs, expenses, fees, and compensation authorized by division (A)(1) of this section, shall be paid prior to any liens placed on or after the effective date of this amendment, upon the real property sold and notwithstanding the purchase of the real property by a lien holder.

(B) To the payment of taxes, interest, penalties, and assessments then due against the real property, and to the payment of mortgages and judgments against the ward or deceased person, according to their respective priorities of lien, so far as they operated as a lien on the real property of the deceased at the time of the sale, or on the estate of the ward at the time of the sale, that shall be apportioned and determined by the court, or on reference to a master, or otherwise;

(C)(1) In the case of an executor or administrator, the remaining proceeds of sale shall be applied as follows:



(a) To the payment of legacies with which the real property of the deceased was charged, if the action is to sell real property to pay legacies;

(b) To discharge the claims and debts of the estate in the order provided by law.

(2) Whether the executor or administrator was appointed in this state or elsewhere, the surplus of the proceeds of sale shall be considered for all purposes as real property, and be disposed of accordingly.