

59-2303. Petition to sell, lease or mortgage real estate. (a) An executor or administrator may file a petition to sell real estate of a decedent. The petition shall state the facts constituting the reasons for the application and describe the real estate to be sold. It may include all the real estate of the decedent subject to sale, or any part or parts thereof.

The petition also may state the name of a prospective purchaser and the terms of a proposed sale, and may include a request for approval of named appraisers and for confirmation of the proposed transaction. In this event, the petition also shall contain a full disclosure of any financial or blood relationship between the proposed purchaser and the fiduciary. If no such relationship exists, the petition shall so state.

(b) A conservator may file a petition to sell, lease, or mortgage real estate of a conservatee. The petition shall state the facts constituting the reasons for the application and describe the real estate to be sold, leased, or mortgaged. It may include all the real estate of the conservatee subject to sale, lease, or mortgage, or any part or parts thereof. It may apply in the alternative for authority to sell, lease, or mortgage.

The petition also may state the name of a prospective purchaser, lessee or mortgagee and the terms of a proposed sale, lease or mortgage, and may include a request for approval of named appraisers and for confirmation of the proposed transaction. In this event, the petition also shall contain a full disclosure of any financial or blood relationship between the proposed purchaser, lessee and mortgagee, and the fiduciary. If no such relationship exists, the petition shall so state.

History: L. 1939, ch. 180, § 258; L. 1965, ch. 346, § 36; L. 1975, ch. 299, § 23; L. 1976, ch. 245, § 6; July 1.