

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**H. B. No. 390**

**Representative Merrin**

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**A BILL**

To amend sections 1923.04 and 1923.14 of the 1  
Revised Code to clarify how to calculate certain 2  
timelines under which a forcible entry and 3  
detainer action must occur. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 1923.04 and 1923.14 of the 5  
Revised Code be amended to read as follows: 6

**Sec. 1923.04.** (A) Except as provided in division (B) or 7  
(C) of this section, a party desiring to commence an action 8  
under this chapter shall notify the adverse party to leave the 9  
premises, for the possession of which the action is about to be 10  
brought, three or more days before beginning the action, by 11  
certified mail, return receipt requested, or by handing a 12  
written copy of the notice to the defendant in person, or by 13  
leaving it at the defendant's usual place of abode or at the 14  
premises from which the defendant is sought to be evicted. The 15  
three-day period shall begin on the day immediately following 16  
the day the notice is delivered and, notwithstanding section 17  
1.14 of the Revised Code, shall count all intervening days 18  
including Saturdays, Sundays, and legal holidays. 19

Every notice given under this section by a landlord to recover residential premises shall contain the following language printed or written in a conspicuous manner: "You are being asked to leave the premises. If you do not leave, an eviction action may be initiated against you. If you are in doubt regarding your legal rights and obligations as a tenant, it is recommended that you seek legal assistance."

(B) The service of notice pursuant to section 5313.06 of the Revised Code constitutes compliance with the notice requirement of division (A) of this section. The service of the notice required by division (C) of section 5321.17 of the Revised Code constitutes compliance with the notice requirement of division (A) of this section.

(C) If the adverse party in an action under this chapter is a deceased resident of a manufactured home park, the notice required by division (A) of this section shall be left at the premises from which the defendant is sought to be evicted and also shall be sent by ordinary mail to the following persons if their names and addresses are known to the park operator:

(1) If a probate court has granted letters testamentary or of administration for the estate of the adverse party in accordance with Title XXI of the Revised Code, the executor or administrator appointed by the probate court;

(2) The deceased resident's spouse and any other members of the deceased resident's immediate family.

**Sec. 1923.14.** (A) Except as otherwise provided in this section, within ten days after receiving a writ of execution described in division (A) or (B) of section 1923.13 of the Revised Code, the sheriff, police officer, constable, or bailiff

shall execute it by restoring the plaintiff to the possession of 49  
the premises, and shall levy and collect reasonable costs, not 50  
to exceed the standard motion fee, and make return, as upon 51  
other executions. The ten-day period shall begin on the day 52  
immediately following the day the writ is received by the 53  
sheriff, police officer, constable, or bailiff and, 54  
notwithstanding section 1.14 of the Revised Code, shall count 55  
all intervening days including Saturdays, Sundays, and legal 56  
holidays. 57

If an appeal from the judgment of restitution is filed and 58  
if, following the filing of the appeal, a stay of execution is 59  
obtained and any required bond is filed with the court of common 60  
pleas, municipal court, or county court, the judge of that court 61  
immediately shall issue an order to the sheriff, police officer, 62  
constable, or bailiff commanding the delay of all further 63  
proceedings upon the execution. If the premises have been 64  
restored to the plaintiff, the sheriff, police officer, 65  
constable, or bailiff shall forthwith place the defendant in 66  
possession of them, and return the writ with the sheriff's, 67  
police officer's, constable's, or bailiff's proceedings and the 68  
costs taxed on it. 69

(B) (1) After a municipal court or county court issues a 70  
writ of execution described in division (B) of section 1923.13 71  
of the Revised Code, the clerk of the court shall send by 72  
regular mail, to the last known address of each person other 73  
than the titled owner of the manufactured home, mobile home, or 74  
recreational vehicle that is the subject of the writ who is 75  
listed on the writ as having any outstanding right, title, or 76  
interest in the home, vehicle, or personal property and to the 77  
auditor and treasurer of the county in which the court is 78  
located, a written notice that the home or vehicle potentially 79

may be sold, destroyed, or have its title transferred under the 80  
circumstances described in division (B) (3) or (4) of this 81  
section. A person having any outstanding right, title, or 82  
interest in the home, vehicle, or personal property is not 83  
required to consent to the notice required under this division 84  
in order for the writ to be executed. 85

(2) Except as otherwise provided in this division, after 86  
causing the defendant to be removed from the residential 87  
premises of the manufactured home park, if necessary, by writ of 88  
restitution, and receiving a writ of execution described in 89  
division (B) of section 1923.13 of the Revised Code, in 90  
accordance with the writ, the sheriff, police officer, 91  
constable, or bailiff may cause the manufactured home, mobile 92  
home, or recreational vehicle that is the subject of the writ, 93  
and all personal property on the residential premises, to be 94  
retained at their current location on the residential premises, 95  
until they are claimed by the defendant or they are disposed of 96  
in a manner authorized by division (B) (3), (4), or (6) of this 97  
section or by another section of the Revised Code. 98

The park operator shall not be liable for any damage 99  
caused by the park operator's removal of the manufactured home, 100  
mobile home, or recreational vehicle or the removal of the 101  
personal property from the residential premises, or for any 102  
damage to the home, vehicle, or personal property during the 103  
time the home, vehicle, or property remains abandoned or stored 104  
in the manufactured home park, unless the damage is the result 105  
of acts that the park operator or the park operator's agents or 106  
employees performed with malicious purpose, in bad faith, or in 107  
a wanton or reckless manner. The reasonable costs for a removal 108  
of the manufactured home, mobile home, or recreational vehicle 109  
and personal property and, as applicable, the reasonable costs 110

for its storage shall constitute a lien upon the home or vehicle 111  
payable by the titled owner of the home or vehicle or payable 112  
pursuant to division (B) (3) of this section to the park 113  
operator. 114

The sheriff, police officer, constable, or bailiff shall 115  
not be liable for any damage caused by the park operator's 116  
removal of the manufactured home, mobile home, or recreational 117  
vehicle or the removal of the personal property from the 118  
residential premises, or for any damage to the home, vehicle, or 119  
personal property during the time the home, vehicle, or property 120  
remains abandoned or stored in the manufactured home park. 121

(3) Except as provided in divisions (B) (4), (5), and (6) 122  
of this section and division (D) of section 1923.12 of the 123  
Revised Code, within sixty days after receiving a writ of 124  
execution described in division (B) of section 1923.13 of the 125  
Revised Code for a manufactured home, mobile home, or 126  
recreational vehicle, determined to have a value of more than 127  
three thousand dollars, the sheriff, police officer, constable, 128  
or bailiff shall commence proceedings for the sale of the 129  
manufactured home, mobile home, or recreational vehicle that is 130  
the subject of the writ, and the abandoned personal property on 131  
the residential premises, if the home or vehicle is determined 132  
to be abandoned in accordance with the procedures for the sale 133  
of goods on execution under Chapter 2329. of the Revised Code. 134  
In addition to all notices required to be given under section 135  
2329.13 of the Revised Code, the sheriff, police officer, 136  
constable, or bailiff shall serve at their respective last known 137  
addresses a written notice of the date, time, and place of the 138  
sale upon all persons who are listed on the writ of execution as 139  
having any outstanding right, title, or interest in the 140  
abandoned manufactured home, mobile home, or recreational 141

vehicle and the personal property and shall provide written 142  
notice to the auditor and the treasurer of the county in which 143  
the court issuing the writ is located. 144

Unless the proceedings are governed by division (D) of 145  
section 1923.12 of the Revised Code, notwithstanding any 146  
statutory provision to the contrary, including, but not limited 147  
to, section 2329.66 of the Revised Code, there shall be no stay 148  
of execution or exemption from levy or sale on execution 149  
available to the titled owner of the abandoned manufactured 150  
home, mobile home, or recreational vehicle in relation to a sale 151  
under this division. Except as otherwise provided in sections 152  
2113.031, 2117.25, and 5162.21 of the Revised Code in a case 153  
involving a deceased resident or resident's estate, the sheriff, 154  
police officer, constable, or bailiff shall distribute the 155  
proceeds from the sale of an abandoned manufactured home, mobile 156  
home, or recreational vehicle and any personal property under 157  
this division in the following manner: 158

(a) The sheriff, police officer, constable, or bailiff 159  
shall first pay the costs for any moving of and any storage 160  
outside the manufactured home park of the home or vehicle and 161  
any personal property pursuant to division (B)(2) of this 162  
section, the costs of the sale, any advertising expenses paid by 163  
the park operator for the sale of the manufactured home, mobile 164  
home, or recreational vehicle under division (B)(3) of this 165  
section, and any unpaid court costs assessed against the 166  
defendant in the underlying action. 167

(b) Following the payment required by division (B)(3)(a) 168  
of this section, the sheriff, police officer, constable, or 169  
bailiff shall pay all outstanding tax liens on the home or 170  
vehicle. 171

(c) Following the payment required by division (B) (3) (b) 172  
of this section, the sheriff, police officer, constable, or 173  
bailiff shall pay all other outstanding security interests, 174  
liens, or encumbrances on the home or vehicle by priority of 175  
filing or other priority. 176

(d) Following the payment required by division (B) (3) (c) 177  
of this section, the sheriff, police officer, constable, or 178  
bailiff shall pay any outstanding monetary judgment rendered 179  
under section 1923.09 or 1923.11 of the Revised Code in favor of 180  
the plaintiff and any costs associated with retaining the home 181  
or vehicle prior to the sale at its location on the residential 182  
premises within the manufactured home park pursuant to division 183  
(B) (2) of this section. 184

(e) After complying with divisions (B) (3) (a) to (d) of 185  
this section, the sheriff, police officer, constable, or bailiff 186  
shall report any remaining money as unclaimed funds pursuant to 187  
Chapter 169. of the Revised Code. 188

Upon the return of any writ of execution for the 189  
satisfaction of which an abandoned manufactured home, mobile 190  
home, or recreational vehicle has been sold under this division, 191  
on careful examination of the proceedings of the sheriff, police 192  
officer, constable, or bailiff conducting the sale, if the court 193  
that issued the writ finds that the sale was made, in all 194  
respects, in conformity with this division, the court shall 195  
direct the clerk of the court to make an entry on the journal 196  
that the court is satisfied with the legality of the sale and 197  
order the clerk of the court of common pleas title division to 198  
issue a certificate of title, free and clear of all security 199  
interests, liens, and encumbrances, to the purchaser of the home 200  
or vehicle. If the manufactured home, mobile home, or 201

recreational vehicle sold under this division is located in a 202  
manufactured home park, the purchaser of the home or vehicle 203  
shall have no right to maintain the home or vehicle in the 204  
manufactured home park without the park operator's consent and 205  
the sheriff, police officer, constable, or bailiff conducting 206  
the sale shall notify all prospective purchasers of this fact 207  
prior to the commencement of the sale. 208

If, after it is offered for sale on two occasions under 209  
this division, the abandoned manufactured home, mobile home, or 210  
recreational vehicle cannot be sold due to a want of bidders, 211  
the sheriff, police officer, constable, or bailiff shall present 212  
the writ of execution unsatisfied to the clerk of the court of 213  
common pleas title division, of the county in which the writ was 214  
issued for the issuance by the clerk in the manner prescribed in 215  
section 4505.10 of the Revised Code of a certificate of title 216  
transferring the title of the home or vehicle to the plaintiff, 217  
free and clear of all security interests, liens, and 218  
encumbrances. If any taxes are owed on the home or vehicle at 219  
this time, the county auditor shall remove the delinquent taxes 220  
from the manufactured home tax list and the delinquent 221  
manufactured home tax list and remit any penalties for late 222  
payment of manufactured home taxes. Acceptance of the 223  
certificate of title by the plaintiff terminates all further 224  
proceedings under this section. In accordance with division (E) 225  
(3) of section 4503.061 of the Revised Code, the plaintiff shall 226  
notify the county auditor of the transfer of title. Pursuant to 227  
section 4503.061 of the Revised Code, if the manufactured home, 228  
mobile home, or recreational vehicle is destroyed or removed, 229  
the plaintiff shall provide the county auditor with notice of 230  
removal or destruction of the manufactured home, mobile home, or 231  
recreational vehicle. 232

(4) Except as provided in division (B) (5) or (6) of this 233  
section and division (D) of section 1923.12 of the Revised Code, 234  
within thirty days after receiving a writ of execution described 235  
in division (B) of section 1923.13 of the Revised Code, if the 236  
manufactured home, mobile home, or recreational vehicle is 237  
determined to be abandoned and to have a value of three thousand 238  
dollars or less, the sheriff, police officer, constable, or 239  
bailiff shall present the writ of execution to the clerk of the 240  
court of common pleas title division, of the county in which the 241  
writ was issued for the issuance by the clerk in the manner 242  
prescribed in section 4505.10 of the Revised Code of a 243  
certificate of title transferring the title of the home or 244  
vehicle to the plaintiff, free and clear of all security 245  
interests, liens, and encumbrances. If any taxes are owed on the 246  
home or vehicle at this time, the county auditor shall remove 247  
the delinquent taxes from the manufactured home tax list and the 248  
delinquent manufactured home tax list and remit any penalties 249  
for late payment of manufactured home taxes. Acceptance of the 250  
certificate of title by the plaintiff terminates all further 251  
proceedings under this section. In accordance with division (E) 252  
(3) of section 4503.061 of the Revised Code, the plaintiff shall 253  
notify the county auditor of the transfer of title. Pursuant to 254  
section 4503.0611 of the Revised Code, if the manufactured home, 255  
mobile home, or recreational vehicle is destroyed or removed, 256  
the plaintiff shall provide the county auditor with notice of 257  
removal or destruction of the manufactured home, mobile home, or 258  
recreational vehicle. 259

(5) At any time prior to the issuance of the writ of 260  
execution described in division (B) of section 1923.13 of the 261  
Revised Code, the titled owner of the manufactured home, mobile 262  
home, or recreational vehicle that would be the subject of the 263

writ may remove the abandoned home or vehicle from the 264  
manufactured home park upon payment to the county auditor of all 265  
outstanding tax liens on the home or vehicle and, unless the 266  
owner is indigent, payment to the clerk of court of all unpaid 267  
court costs assessed against the defendant in the underlying 268  
action. After the issuance of the writ of execution, the titled 269  
owner of the home or vehicle may remove the abandoned home or 270  
vehicle from the manufactured home park at any time up to the 271  
day before the scheduled sale, destruction, or transfer of the 272  
home or vehicle pursuant to division (B) (3) or (4) of this 273  
section upon payment of all of the following: 274

(a) All costs incurred by the sheriff, police officer, 275  
constable, or bailiff; 276

(b) All outstanding tax liens on the home or vehicle; 277

(c) Unless the owner is indigent, all unpaid court costs 278  
assessed against the defendant in the underlying action. 279

(6) At any time after the issuance of the writ of 280  
execution described in division (B) of section 1923.13 of the 281  
Revised Code, the holder of any outstanding lien, right, title, 282  
or interest in the manufactured home, mobile home, or 283  
recreational vehicle, other than the titled owner of the home or 284  
vehicle, may stop the sheriff, police officer, constable, or 285  
bailiff from proceeding with the sale under this division by 286  
doing both of the following: 287

(a) Commencing a proceeding to repossess the home or 288  
vehicle pursuant to Chapters 1309. and 1317. of the Revised 289  
Code; 290

(b) Paying to the park operator all monthly rental 291  
payments for the lot on which the home or vehicle is located 292

from the time of the issuance of the writ of execution until the 293  
time that the home or vehicle is sold pursuant to Chapters 1309. 294  
and 1317. of the Revised Code. 295

(7) (a) At any time prior to the day before the scheduled 296  
sale of the property pursuant to division (B) (3) of this 297  
section, the defendant may remove any personal property of the 298  
defendant from the abandoned home or vehicle or other place of 299  
storage. 300

(b) If personal property owned by a person other than the 301  
defendant is abandoned on the residential premises and has not 302  
previously been removed, the owner of the personal property may 303  
remove the personal property from the abandoned home or vehicle 304  
or other place of storage up to the day before the scheduled 305  
sale of the property pursuant to division (B) (3) of this section 306  
upon presentation of proof of ownership of the property that is 307  
satisfactory to the sheriff, police officer, constable, or 308  
bailiff conducting the sale. 309

**Section 2.** That existing sections 1923.04 and 1923.14 of 310  
the Revised Code are hereby repealed. 311