

As Reported by the House Ways and Means Committee

133rd General Assembly

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Sub. H. B. No. 602

Representatives Rogers, Lipps

**Cosponsors: Representatives Blair, Crossman, Lepore-Hagan, Lightbody, Miller,
J., Miranda, Seitz, Merrin**

A BILL

To amend sections 323.25, 323.69, 5721.14, and 1
5721.18 of the Revised Code to modify the manner 2
in which property tax foreclosure notices may be 3
published. 4

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

Section 1. That sections 323.25, 323.69, 5721.14, and 5
5721.18 of the Revised Code be amended to read as follows: 6

Sec. 323.25. (A) When taxes charged against an entry on 7
the tax duplicate, or any part of those taxes, are not paid 8
within sixty days after delivery of the delinquent land 9
duplicate to the county treasurer as prescribed by section 10
5721.011 of the Revised Code, the county treasurer shall enforce 11
the lien for the taxes by civil action in the treasurer's 12
official capacity as treasurer, for the sale of such premises in 13
the same way mortgage liens are enforced or for the transfer of 14
such premises to an electing subdivision pursuant to section 15
323.28 or 323.78 of the Revised Code, in the court of common 16
pleas of the county, in a municipal court with jurisdiction, or 17
in the county board of revision with jurisdiction pursuant to 18

section 323.66 of the Revised Code. Nothing in this section 19
prohibits the treasurer from instituting such an action before 20
the delinquent tax list or delinquent vacant land tax list that 21
includes the premises has been published pursuant to division 22
(B) of section 5721.03 of the Revised Code if the list is not 23
published within the time prescribed by that division. 24

(B) After the civil action has been instituted, but before 25
the expiration of the applicable redemption period, any person 26
entitled to redeem the land may do so by tendering to the county 27
treasurer an amount sufficient, as determined by the court or 28
board of revision, to pay the taxes, assessments, penalties, 29
interest, and charges then due and unpaid, and the costs 30
incurred in the civil action, and by demonstrating that the 31
property is in compliance with all applicable zoning 32
regulations, land use restrictions, and building, health, and 33
safety codes. 34

(C) If the delinquent land duplicate lists minerals or 35
rights to minerals listed pursuant to sections 5713.04, 5713.05, 36
and 5713.06 of the Revised Code, the county treasurer may 37
enforce the lien for taxes against such minerals or rights to 38
minerals by civil action, in the treasurer's official capacity 39
as treasurer, in the manner prescribed by this section, or 40
proceed as provided under section 5721.46 of the Revised Code. 41

(D) If service by publication is necessary, instead of as 42
provided by the Rules of Civil Procedure, such publication shall 43
either be made (1) once a week for three consecutive weeks 44
~~instead of as provided by the Rules of Civil Procedure, and the~~ 45
~~service in a newspaper of general circulation in the county or~~ 46
(2) once in a newspaper of general circulation in the county 47
and, beginning one week thereafter, on a web site of the county 48

or of the court, as agreed upon by all county officials involved 49
with the proceedings of the enforcement action, including the 50
county treasurer, the prosecuting attorney, the clerk, and the 51
sheriff. If those officials cannot agree upon a web site, 52
publication shall instead be made on a web site of the county or 53
court selected by the administrative judge of the court in which 54
the action is filed. Publication on the web site shall continue 55
until one year after the date a finding is entered under section 56
323.28 of the Revised Code with respect to such property. Any 57
notices published on a web site shall identify the date the 58
notice is first published on the web site. If proceeding under 59
division (D)(1) of this section, the second and third 60
publication of the notice may be abbreviated as authorized under 61
section 7.16 of the Revised Code. 62

Service shall be complete, if proceeding under division 63
(D)(1) of this section, at the expiration of three weeks after 64
the date of the first publication or, if proceeding under 65
division (D)(2) of this section, the date that is two weeks 66
after the clerk causes the notice to be published on the 67
selected web site. If the prosecuting attorney determines that 68
service upon a defendant may be obtained ultimately only by 69
publication, the prosecuting attorney may cause service to be 70
made simultaneously by certified mail, return receipt requested, 71
ordinary mail, and publication. ~~The~~ 72

(E) The county treasurer shall not enforce the lien for 73
taxes against real property to which any of the following 74
applies: 75

~~(A)~~(1) The real property is the subject of an application 76
for exemption from taxation under section 5715.27 of the Revised 77
Code and does not appear on the delinquent land duplicate; 78

~~(B)~~ (2) The real property is the subject of a valid 79
delinquent tax contract under section 323.31 of the Revised Code 80
for which the county treasurer has not made certification to the 81
county auditor that the delinquent tax contract has become void 82
in accordance with that section; 83

~~(C)~~ (3) A tax certificate respecting that property has 84
been sold under section 5721.32 or 5721.33 of the Revised Code; 85
provided, however, that nothing in this division shall prohibit 86
the county treasurer or the county prosecuting attorney from 87
enforcing the lien of the state and its political subdivisions 88
for taxes against a certificate parcel with respect to any or 89
all of such taxes that at the time of enforcement of such lien 90
are not the subject of a tax certificate. 91

(F) Upon application of the plaintiff, the court shall 92
advance such cause on the docket, so that it may be first heard. 93

The court may order that the proceeding be transferred to 94
the county board of revision if so authorized under section 95
323.691 of the Revised Code. 96

Sec. 323.69. (A) Upon the completion of the title search 97
required by section 323.68 of the Revised Code, the prosecuting 98
attorney, representing the county treasurer, the county land 99
reutilization corporation, or the certificate holder may file 100
with the clerk of court a complaint for the foreclosure of each 101
parcel of abandoned land appearing on the abandoned land list, 102
and for the equity of redemption on each parcel. The complaint 103
shall name all parties having any interest of record in the 104
abandoned land that was discovered in the title search. The 105
prosecuting attorney, county land reutilization corporation, or 106
certificate holder may file such a complaint regardless of 107
whether the parcel has appeared on a delinquent tax list or 108

delinquent vacant land tax list published pursuant to division 109
(B) of section 5721.03 of the Revised Code. 110

(B)(1) In accordance with Civil Rule 4, the clerk of court 111
promptly shall serve notice of the summons and the complaint 112
filed under division (A) of this section to the last known 113
address of the record owner of the abandoned land and to the 114
last known address of each lienholder or other person having a 115
legal or equitable ownership interest or security interest of 116
record identified by the title search. The notice shall inform 117
the addressee that delinquent taxes stand charged against the 118
abandoned land; that the land will be sold at public auction or 119
otherwise disposed of if not redeemed by the owner or other 120
addressee; that the sale or transfer will occur at a date, time, 121
and place, and in the manner prescribed in sections 323.65 to 122
323.79 of the Revised Code; that the owner or other addressee 123
may redeem the land by paying the total of the impositions 124
against the land at any time before confirmation of sale or 125
transfer of the parcel as prescribed in sections 323.65 to 126
323.79 of the Revised Code or before the expiration of the 127
alternative redemption period, as may be applicable to the 128
proceeding; that the case is being prosecuted by the prosecuting 129
attorney of the county in the name of the county treasurer for 130
the county in which the abandoned land is located or by a 131
certificate holder, whichever is applicable; of the name, 132
address, and telephone number of the county board of revision 133
before which the action is pending; of the board case number for 134
the action, which shall be maintained in the official file and 135
docket of the clerk of court; and that all subsequent pleadings, 136
petitions, and papers associated with the case and filed by any 137
interested party must be filed with the clerk of court and will 138
become part of the case file for the board of revision. 139

(2) The notice required by division (B)(1) of this section 140
also shall inform the addressee that any owner of record may, at 141
any time on or before the fourteenth day after service of 142
process is perfected, file a pleading with the clerk of court 143
requesting that the board transfer the case to a court of 144
competent jurisdiction to be conducted in accordance with the 145
applicable laws. 146

(C) Subject to division (D) of this section, subsequent 147
pleadings, motions, or papers associated with the case and filed 148
with the clerk of court shall be served upon all parties of 149
record in accordance with Civil Rules 4 and 5, except that 150
service by publication in any case requiring such service shall 151
require that any such publication shall be advertised in the 152
manner, and for the time periods and frequency, prescribed in 153
section 5721.18 of the Revised Code. Any inadvertent 154
noncompliance with those rules does not serve to defeat or 155
terminate the case, or subject the case to dismissal, as long as 156
actual notice or service of filed papers is shown by a 157
preponderance of the evidence or is acknowledged by the party 158
charged with notice or service, including by having made an 159
appearance or filing in relation to the case. The county board 160
of revision may conduct evidentiary hearings on the sufficiency 161
of process, service of process, or sufficiency of service of 162
papers in any proceeding arising from a complaint filed under 163
this section. Other than the notice and service provisions 164
contained in Civil Rules 4 and 5, the Rules of Civil Procedure 165
shall not be applicable to the proceedings of the board. The 166
board of revision may utilize procedures contained in the Rules 167
of Civil Procedure to the extent that such use facilitates the 168
needs of the proceedings, such as vacating orders, correcting 169
clerical mistakes, and providing notice to parties. To the 170

extent not otherwise provided in sections 323.65 to 323.79 of 171
the Revised Code, the board may apply the procedures prescribed 172
by sections 323.25 to 323.28 or Chapters 5721., 5722., and 5723. 173
of the Revised Code. Board practice shall be in accordance with 174
the practice and rules, if any, of the board that are 175
promulgated by the board under section 323.66 of the Revised 176
Code and are not inconsistent with sections 323.65 to 323.79 of 177
the Revised Code. 178

(D) (1) A party shall be deemed to be in default of the 179
proceedings in an action brought under sections 323.65 to 323.79 180
of the Revised Code if either of the following occurs: 181

(a) The party fails to appear at any hearing after being 182
served with notice of the summons and complaint by certified or 183
ordinary mail. 184

(b) For a party upon whom notice of summons and complaint 185
is required by publication as provided under section 5721.18 of 186
the Revised Code and has been considered ~~served~~complete 187
pursuant to that section, the party fails to appear, move, or 188
plead to the complaint within twenty-eight days after service by 189
publication is ~~completed~~considered complete. 190

(2) If a party is deemed to be in default pursuant to 191
division (D) (1) of this section, no further service of any 192
subsequent pleadings, papers, or proceedings is required on the 193
party by the court or any other party. 194

(E) At any time after a foreclosure action is filed under 195
this section, the county board of revision may, upon its own 196
motion, transfer the case to a court pursuant to section 323.691 197
of the Revised Code if it determines that, given the complexity 198
of the case or other circumstances, a court would be a more 199

appropriate forum for the action. 200

Sec. 5721.14. Subject to division (A) (2) of this section, 201
on receipt of a delinquent vacant land tax certificate or a 202
master list of delinquent vacant tracts, a county prosecuting 203
attorney shall institute a foreclosure proceeding under section 204
323.25, sections 323.65 to 323.79, or section 5721.18 of the 205
Revised Code, or a foreclosure and forfeiture proceeding under 206
this section. If the delinquent vacant land tax certificate or a 207
master list of delinquent vacant tracts lists minerals or rights 208
to minerals listed pursuant to sections 5713.04, 5713.05, and 209
5713.06 of the Revised Code, the county prosecuting attorney may 210
institute a foreclosure proceeding under section 323.25, 211
sections 323.65 to 323.79, or section 5721.18 of the Revised 212
Code or a foreclosure and forfeiture proceeding under this 213
section against such minerals or rights to minerals. 214

(A) (1) The prosecuting attorney shall institute a 215
proceeding under this section by filing, in the name of the 216
county treasurer and with the clerk of a court with 217
jurisdiction, a complaint that requests that the lien of the 218
state on the property identified in the certificate or master 219
list be foreclosed and that the property be forfeited to the 220
state. The prosecuting attorney shall prosecute the proceeding 221
to final judgment and satisfaction. 222

(2) If the delinquent taxes, assessments, charges, 223
penalties, and interest are paid prior to the time a complaint 224
is filed, the prosecuting attorney shall not institute a 225
proceeding under this section. If there is a copy of a written 226
delinquent tax contract attached to the certificate or an 227
asterisk next to an entry on the master list, or if a copy of a 228
delinquent tax contract is received from the county auditor 229

prior to the commencement of the proceeding under this section, 230
the prosecuting attorney shall not institute the proceeding 231
under this section unless the prosecuting attorney receives a 232
certification of the county treasurer that the delinquent tax 233
contract has become void. 234

(B) Foreclosure and forfeiture proceedings instituted 235
under this section constitute an action in rem. Prior to filing 236
such an action in rem, the county prosecuting attorney shall 237
cause a title search to be conducted for the purpose of 238
identifying any lienholders or other persons with interests in 239
the property that is subject to foreclosure and forfeiture. 240
Following the title search, the action in rem shall be 241
instituted by filing in the office of the clerk of a court with 242
jurisdiction a complaint bearing a caption substantially in the 243
form set forth in division (A) of section 5721.15 of the Revised 244
Code. 245

Any number of parcels may be joined in one action. Each 246
separate parcel included in a complaint shall be given a serial 247
number and shall be separately indexed and docketed by the clerk 248
of the court in a book kept by the clerk for such purpose. A 249
complaint shall contain the permanent parcel number of each 250
parcel included in it, the full street address of the parcel 251
when available, a description of the parcel as set forth in the 252
certificate or master list, the name and address of the last 253
known owner of the parcel if they appear on the general tax 254
list, the name and address of each lienholder and other person 255
with an interest in the parcel identified in the title search 256
relating to the parcel that is required by this division, and 257
the amount of taxes, assessments, charges, penalties, and 258
interest due and unpaid with respect to the parcel. It is 259
sufficient for the county treasurer to allege in the complaint 260

that the certificate or master list has been duly filed by the 261
county auditor with respect to each parcel listed, that the 262
amount of money with respect to each parcel appearing to be due 263
and unpaid is due and unpaid, and that there is a lien against 264
each parcel, without setting forth any other or special matters. 265
The prayer of the complaint shall be that the court issue an 266
order that the lien of the state on each of the parcels included 267
in the complaint be foreclosed, that the property be forfeited 268
to the state, and that the land be offered for sale in the 269
manner provided in section 5723.06 of the Revised Code. 270

(C) Within thirty days after the filing of a complaint, 271
the clerk of the court in which the complaint was filed shall 272
cause a notice of foreclosure and forfeiture substantially in 273
the form of the notice set forth in division (B) of section 274
5721.15 of the Revised Code to be published either (1) once a 275
week for three consecutive weeks in a newspaper of general 276
circulation in the county or (2) once in a newspaper of general 277
circulation in the county and, beginning one week thereafter, on 278
a web site of the county or of the court, as agreed upon by all 279
county officials involved with the foreclosure proceedings, 280
including the county treasurer, the prosecuting attorney, the 281
clerk, and the sheriff. If those officials cannot agree upon a 282
web site, publication shall instead be made on a web site of the 283
county or court selected by the administrative judge of the 284
court in which the proceeding is filed. Publication on the web 285
site shall continue until one year after the date a judgment is 286
rendered under section 5721.16 of the Revised Code with respect 287
to such property. Any notice published on a web site shall 288
identify the date the notice is first published on the web site. 289
In lieu of the form prescribed in division (B) of section 290
5721.15 of the Revised Code, the second and third publication of 291

the notice, if proceeding under division (C) (1) of this section, 292
may be abbreviated as authorized under section 7.16 of the 293
Revised Code. In any county that has adopted a permanent parcel 294
number system, the parcel may be described in the notice by 295
parcel number only, instead of also with a complete legal 296
description, if the county prosecuting attorney determines that 297
the publication of the complete legal description is not 298
necessary to provide reasonable notice of the foreclosure and 299
forfeiture proceeding to the interested parties. If the complete 300
legal description is not published, the notice shall indicate 301
where the complete legal description may be obtained. 302

After the ~~third~~ final newspaper publication, the publisher 303
shall file with the clerk of the court an affidavit stating the 304
fact of the publication and including a copy of the notice of 305
foreclosure and forfeiture as published. Two weeks after the 306
clerk causes the notice to be published on the selected web 307
site, if proceeding under division (C) (2) of this section, the 308
prosecuting attorney shall file with the clerk an affidavit 309
stating the fact of the publication and including a copy of the 310
notice of foreclosure and forfeiture as published. Service of 311
process for purposes of the action in rem shall be considered as 312
complete on the date of the ~~last third newspaper~~ publication or 313
the date that is two weeks after the clerk causes the notice to 314
be published on the selected web site, as applicable. 315

Within thirty days after the filing of a complaint and 316
before the date ~~of the final publication of the notice of~~ 317
~~foreclosure and forfeiture~~ service of process is considered 318
complete under this division, the clerk of the court also shall 319
cause a copy of a notice substantially in the form of the notice 320
set forth in division (C) of section 5721.15 of the Revised Code 321
to be mailed by ordinary mail, with postage prepaid, to each 322

person named in the complaint as being the last known owner of a 323
parcel included in it, or as being a lienholder or other person 324
with an interest in a parcel included in it. The notice shall be 325
sent to the address of each such person, as set forth in the 326
complaint, and the clerk shall enter the fact of such mailing 327
upon the appearance docket. If the name and address of the last 328
known owner of a parcel included in a complaint is not set forth 329
in it, the county auditor shall file an affidavit with the clerk 330
stating that the name and address of the last known owner does 331
not appear on the general tax list. 332

(D) (1) An answer may be filed in a foreclosure and 333
forfeiture proceeding by any person owning or claiming any 334
right, title, or interest in, or lien upon, any parcel described 335
in the complaint. The answer shall contain the caption and 336
number of the action and the serial number of the parcel 337
concerned. The answer shall set forth the nature and amount of 338
interest claimed in the parcel and any defense or objection to 339
the foreclosure of the lien of the state for delinquent taxes, 340
assessments, charges, penalties, and interest, as shown in the 341
complaint. The answer shall be filed in the office of the clerk 342
of the court, and a copy of the answer shall be served on the 343
county prosecuting attorney not later than twenty-eight days 344
after the date ~~of final publication of the notice of foreclosure-~~ 345
~~and forfeiture~~service of process is considered complete under 346
division (C) of this section. If an answer is not filed within 347
such time, a default judgment may be taken as to any parcel 348
included in a complaint as to which no answer has been filed. A 349
default judgment is valid and effective with respect to all 350
persons owning or claiming any right, title, or interest in, or 351
lien upon, any such parcel, notwithstanding that one or more of 352
such persons are minors, incompetents, absentees or nonresidents 353

of the state, or convicts in confinement. 354

(2) (a) A receiver appointed pursuant to divisions (C) (2) 355
and (3) of section 3767.41 of the Revised Code may file an 356
answer pursuant to division (D) (1) of this section, but is not 357
required to do so as a condition of receiving proceeds in a 358
distribution under division (B) (2) of section 5721.17 of the 359
Revised Code. 360

(b) When a receivership under section 3767.41 of the 361
Revised Code is associated with a parcel, the notice of 362
foreclosure and forfeiture set forth in division (B) of section 363
5721.15 of the Revised Code and the notice set forth in division 364
(C) of that section shall be modified to reflect the provisions 365
of division (D) (2) (a) of this section. 366

(E) At the trial of a foreclosure and forfeiture 367
proceeding, the delinquent vacant land tax certificate or master 368
list of delinquent vacant tracts filed by the county auditor 369
with the county prosecuting attorney shall be prima-facie 370
evidence of the amount and validity of the taxes, assessments, 371
charges, penalties, and interest appearing due and unpaid on the 372
parcel to which the certificate or master list relates and their 373
nonpayment. If an answer is properly filed, the court may, in 374
its discretion, and shall, at the request of the person filing 375
the answer, grant a severance of the proceedings as to any 376
parcel described in such answer for purposes of trial or appeal. 377

(F) The conveyance by the owner of any parcel against 378
which a complaint has been filed pursuant to this section at any 379
time after the date of publication of the parcel on the 380
delinquent vacant land tax list but before the date of a 381
judgment of foreclosure and forfeiture pursuant to section 382
5721.16 of the Revised Code shall not nullify the right of the 383

county to proceed with the foreclosure and forfeiture. 384

Sec. 5721.18. The county prosecuting attorney, upon the 385
delivery to the prosecuting attorney by the county auditor of a 386
delinquent land or delinquent vacant land tax certificate, or of 387
a master list of delinquent or delinquent vacant tracts, shall 388
institute a foreclosure proceeding under this section in the 389
name of the county treasurer to foreclose the lien of the state, 390
in any court with jurisdiction or in the county board of 391
revision with jurisdiction pursuant to section 323.66 of the 392
Revised Code, unless the taxes, assessments, charges, penalties, 393
and interest are paid prior to the time a complaint is filed, or 394
unless a foreclosure or foreclosure and forfeiture action has 395
been or will be instituted under section 323.25, sections 323.65 396
to 323.79, or section 5721.14 of the Revised Code. If the 397
delinquent land or delinquent vacant land tax certificate or the 398
master list of delinquent or delinquent vacant tracts lists 399
minerals or rights to minerals listed pursuant to sections 400
5713.04, 5713.05, and 5713.06 of the Revised Code, the county 401
prosecuting attorney may institute a foreclosure proceeding in 402
the name of the county treasurer, in any court with 403
jurisdiction, to foreclose the lien of the state against such 404
minerals or rights to minerals, unless the taxes, assessments, 405
charges, penalties, and interest are paid prior to the time the 406
complaint is filed, or unless a foreclosure or foreclosure and 407
forfeiture action has been or will be instituted under section 408
323.25, sections 323.65 to 323.79, or section 5721.14 of the 409
Revised Code. 410

Nothing in this section or section 5721.03 of the Revised 411
Code prohibits the prosecuting attorney from instituting a 412
proceeding under this section before the delinquent tax list or 413
delinquent vacant land tax list that includes the parcel is 414

published pursuant to division (B) of section 5721.03 of the Revised Code if the list is not published within the time prescribed by that division. The prosecuting attorney shall prosecute the proceeding to final judgment and satisfaction. Within ten days after obtaining a judgment, the prosecuting attorney shall notify the treasurer in writing that judgment has been rendered. If there is a copy of a written delinquent tax contract attached to the certificate or an asterisk next to an entry on the master list, or if a copy of a delinquent tax contract is received from the auditor prior to the commencement of the proceeding under this section, the prosecuting attorney shall not institute the proceeding under this section, unless the prosecuting attorney receives a certification of the treasurer that the delinquent tax contract has become void.

(A) This division applies to all foreclosure proceedings not instituted and prosecuted under section 323.25 of the Revised Code or division (B) or (C) of this section. The foreclosure proceedings shall be instituted and prosecuted in the same manner as is provided by law for the foreclosure of mortgages on land, except that, if service by publication is necessary, such publication, instead of as provided by the Rules of Civil Procedure, shall either be made (1) once a week for three consecutive weeks ~~instead of as provided by the Rules of Civil Procedure,~~ and the service in a newspaper of general circulation in the county or (2) once in a newspaper of general circulation in the county and, beginning one week thereafter, on a web site of the county or of the court, as agreed upon by all county officials involved with the foreclosure proceedings, including the county treasurer, the prosecuting attorney, the clerk, and the sheriff. If those officials cannot agree upon a web site, publication shall instead be made on a web site of the

county or court selected by the administrative judge of the 446
court in which the proceeding is filed. Publication on the web 447
site shall continue until one year after the date a judgment is 448
rendered under section 5721.19 of the Revised Code with respect 449
to such property. Any notices published on a web site shall 450
identify the date the notice is first published on the web site. 451
If proceeding under division (A) (1) of this section, the second 452
and third publication of the notice may be abbreviated as 453
authorized under section 7.16 of the Revised Code. 454

Service shall be complete, if proceeding under division 455
(A) (1) of this section, at the expiration of three weeks after 456
the date of the first publication or, if proceeding under 457
division (A) (2) of this section, the date that is two weeks 458
after the clerk causes the notice to be published on the 459
selected web site. In any proceeding prosecuted under this 460
section, if the prosecuting attorney determines that service 461
upon a defendant may be obtained ultimately only by publication, 462
the prosecuting attorney may cause service to be made 463
simultaneously by certified mail, return receipt requested, 464
ordinary mail, and publication. 465

In any county that has adopted a permanent parcel number 466
system, the parcel may be described in the notice by parcel 467
number only, instead of also with a complete legal description, 468
if the prosecuting attorney determines that the publication of 469
the complete legal description is not necessary to provide 470
reasonable notice of the foreclosure proceeding to the 471
interested parties. If the complete legal description is not 472
published, the notice shall indicate where the complete legal 473
description may be obtained. 474

It is sufficient, having been made a proper party to the 475

foreclosure proceeding, for the treasurer to allege in the 476
treasurer's complaint that the certificate or master list has 477
been duly filed by the auditor, that the amount of money 478
appearing to be due and unpaid is due and unpaid, and that there 479
is a lien against the property described in the certificate or 480
master list, without setting forth in the complaint any other or 481
special matter relating to the foreclosure proceeding. The 482
prayer of the complaint shall be that the court or the county 483
board of revision with jurisdiction pursuant to section 323.66 484
of the Revised Code issue an order that the property be sold or 485
conveyed by the sheriff or otherwise be disposed of, and the 486
equity of redemption be extinguished, according to the 487
alternative redemption procedures prescribed in sections 323.65 488
to 323.79 of the Revised Code, or if the action is in the 489
municipal court by the bailiff, in the manner provided in 490
section 5721.19 of the Revised Code. 491

In the foreclosure proceeding, the treasurer may join in 492
one action any number of lots or lands, but the decree shall be 493
rendered separately, and any proceedings may be severed, in the 494
discretion of the court or board of revision, for the purpose of 495
trial or appeal, and the court or board of revision shall make 496
such order for the payment of costs as is considered proper. The 497
certificate or master list filed by the auditor with the 498
prosecuting attorney is prima-facie evidence at the trial of the 499
foreclosure action of the amount and validity of the taxes, 500
assessments, charges, penalties, and interest appearing due and 501
unpaid and of their nonpayment. 502

(B) Foreclosure proceedings constituting an action in rem 503
may be commenced by the filing of a complaint after the end of 504
the second year from the date on which the delinquency was first 505
certified by the auditor. Prior to filing such an action in rem, 506

the prosecuting attorney shall cause a title search to be 507
conducted for the purpose of identifying any lienholders or 508
other persons with interests in the property subject to 509
foreclosure. Following the title search, the action in rem shall 510
be instituted by filing in the office of the clerk of a court 511
with jurisdiction a complaint bearing a caption substantially in 512
the form set forth in division (A) of section 5721.181 of the 513
Revised Code. 514

Any number of parcels may be joined in one action. Each 515
separate parcel included in a complaint shall be given a serial 516
number and shall be separately indexed and docketed by the clerk 517
of the court in a book kept by the clerk for such purpose. A 518
complaint shall contain the permanent parcel number of each 519
parcel included in it, the full street address of the parcel 520
when available, a description of the parcel as set forth in the 521
certificate or master list, the name and address of the last 522
known owner of the parcel if they appear on the general tax 523
list, the name and address of each lienholder and other person 524
with an interest in the parcel identified in the title search 525
relating to the parcel that is required by this division, and 526
the amount of taxes, assessments, charges, penalties, and 527
interest due and unpaid with respect to the parcel. It is 528
sufficient for the treasurer to allege in the complaint that the 529
certificate or master list has been duly filed by the auditor 530
with respect to each parcel listed, that the amount of money 531
with respect to each parcel appearing to be due and unpaid is 532
due and unpaid, and that there is a lien against each parcel, 533
without setting forth any other or special matters. The prayer 534
of the complaint shall be that the court issue an order that the 535
land described in the complaint be sold in the manner provided 536
in section 5721.19 of the Revised Code. 537

(1) Within thirty days after the filing of a complaint, 538
the clerk of the court in which the complaint was filed shall 539
cause a notice of foreclosure substantially in the form of the 540
notice set forth in division (B) of section 5721.181 of the 541
Revised Code to be published either (a) once a week for three 542
consecutive weeks in a newspaper of general circulation in the 543
county or (b) once in a newspaper of general circulation in the 544
county and, beginning one week thereafter, on a web site of the 545
county or of the court, as agreed upon by all county officials 546
involved with the foreclosure proceedings, including the county 547
treasurer, the county prosecuting attorney, the clerk, and the 548
sheriff. If those officials cannot agree upon a web site, 549
publication shall instead be made on a web site of the county or 550
court selected by the administrative judge of the court in which 551
the proceeding is filed. Publication on the web site shall 552
continue until one year after the date a judgment is rendered 553
under section 5721.19 of the Revised Code with respect to such 554
property. The newspaper shall meet the requirements of section 555
7.12 of the Revised Code. Any notice published on a web site 556
shall identify the date the notice is first published on that 557
web site. In lieu of the form prescribed in division (B) of 558
section 5721.181 of the Revised Code, the second and third 559
publication of the notice, if proceeding under division (B) (1) 560
(a) of this section, may be abbreviated as authorized under 561
section 7.16 of the Revised Code. In any county that has adopted 562
a permanent parcel number system, the parcel may be described in 563
the notice by parcel number only, instead of also with a 564
complete legal description, if the prosecuting attorney 565
determines that the publication of the complete legal 566
description is not necessary to provide reasonable notice of the 567
foreclosure proceeding to the interested parties. If the 568
complete legal description is not published, the notice shall 569

indicate where the complete legal description may be obtained. 570

After the ~~third~~ final newspaper publication, the publisher 571
shall file with the clerk of the court an affidavit stating the 572
fact of the publication and including a copy of the notice of 573
foreclosure as published. Two weeks after the clerk causes the 574
notice to be published on the selected web site, if proceeding 575
under division (B) (1) (b) of this section, the prosecuting 576
attorney shall file with the clerk an affidavit stating the fact 577
of the publication and including a copy of the notice of 578
foreclosure and forfeiture as published. Service of process for 579
purposes of the action in rem shall be considered as complete on 580
the date of the ~~last~~ third newspaper publication or the date 581
that is two weeks after the clerk causes the notice to be 582
published on the selected web site, as applicable. 583

Within thirty days after the filing of a complaint and 584
before the ~~final date of publication of the notice of~~ 585
~~foreclosure~~ service of process is considered complete under this 586
division, the clerk of the court also shall cause a copy of a 587
notice substantially in the form of the notice set forth in 588
division (C) of section 5721.181 of the Revised Code to be 589
mailed by certified mail, with postage prepaid, to each person 590
named in the complaint as being the last known owner of a parcel 591
included in it, or as being a lienholder or other person with an 592
interest in a parcel included in it. The notice shall be sent to 593
the address of each such person, as set forth in the complaint, 594
and the clerk shall enter the fact of such mailing upon the 595
appearance docket. If the name and address of the last known 596
owner of a parcel included in a complaint is not set forth in 597
it, the auditor shall file an affidavit with the clerk stating 598
that the name and address of the last known owner does not 599
appear on the general tax list. 600

(2) (a) An answer may be filed in an action in rem under 601
this division by any person owning or claiming any right, title, 602
or interest in, or lien upon, any parcel described in the 603
complaint. The answer shall contain the caption and number of 604
the action and the serial number of the parcel concerned. The 605
answer shall set forth the nature and amount of interest claimed 606
in the parcel and any defense or objection to the foreclosure of 607
the lien of the state for delinquent taxes, assessments, 608
charges, penalties, and interest as shown in the complaint. The 609
answer shall be filed in the office of the clerk of the court, 610
and a copy of the answer shall be served on the prosecuting 611
attorney, not later than twenty-eight days after the date ~~of~~ 612
final publication of the notice of foreclosure service of process 613
is considered complete under division (B)(1) of this section. If 614
an answer is not filed within such time, a default judgment may 615
be taken as to any parcel included in a complaint as to which no 616
answer has been filed. A default judgment is valid and effective 617
with respect to all persons owning or claiming any right, title, 618
or interest in, or lien upon, any such parcel, notwithstanding 619
that one or more of such persons are minors, incompetents, 620
absentees or nonresidents of the state, or convicts in 621
confinement. 622

(b) (i) A receiver appointed pursuant to divisions (C) (2) 623
and (3) of section 3767.41 of the Revised Code may file an 624
answer pursuant to division (B) (2) (a) of this section, but is 625
not required to do so as a condition of receiving proceeds in a 626
distribution under division (B) (1) of section 5721.17 of the 627
Revised Code. 628

(ii) When a receivership under section 3767.41 of the 629
Revised Code is associated with a parcel, the notice of 630
foreclosure set forth in division (B) of section 5721.181 of the 631

Revised Code and the notice set forth in division (C) of that 632
section shall be modified to reflect the provisions of division 633
(B) (2) (b) (i) of this section. 634

(3) At the trial of an action in rem under this division, 635
the certificate or master list filed by the auditor with the 636
prosecuting attorney shall be prima-facie evidence of the amount 637
and validity of the taxes, assessments, charges, penalties, and 638
interest appearing due and unpaid on the parcel to which the 639
certificate or master list relates and their nonpayment. If an 640
answer is properly filed, the court may, in its discretion, and 641
shall, at the request of the person filing the answer, grant a 642
severance of the proceedings as to any parcel described in such 643
answer for purposes of trial or appeal. 644

(C) In addition to the actions in rem authorized under 645
division (B) of this section and section 5721.14 of the Revised 646
Code, an action in rem may be commenced under this division. An 647
action commenced under this division shall conform to all of the 648
requirements of division (B) of this section except as follows: 649

(1) The prosecuting attorney shall not cause a title 650
search to be conducted for the purpose of identifying any 651
lienholders or other persons with interests in the property 652
subject to foreclosure, except that the prosecuting attorney 653
shall cause a title search to be conducted to identify any 654
receiver's lien. 655

(2) The names and addresses of lienholders and persons 656
with an interest in the parcel shall not be contained in the 657
complaint, and notice shall not be mailed to lienholders and 658
persons with an interest as provided in division (B) (1) of this 659
section, except that the name and address of a receiver under 660
section 3767.41 of the Revised Code shall be contained in the 661

complaint and notice shall be mailed to the receiver. 662

(3) With respect to the forms applicable to actions 663
commenced under division (B) of this section and contained in 664
section 5721.181 of the Revised Code: 665

(a) The notice of foreclosure prescribed by division (B) 666
of section 5721.181 of the Revised Code shall be revised to 667
exclude any reference to the inclusion of the name and address 668
of each lienholder and other person with an interest in the 669
parcel identified in a statutorily required title search 670
relating to the parcel, and to exclude any such names and 671
addresses from the published notice, except that the revised 672
notice shall refer to the inclusion of the name and address of a 673
receiver under section 3767.41 of the Revised Code and the 674
published notice shall include the receiver's name and address. 675
The notice of foreclosure also shall include the following in 676
boldface type: 677

"If pursuant to the action the parcel is sold, the sale 678
shall not affect or extinguish any lien or encumbrance with 679
respect to the parcel other than a receiver's lien and other 680
than the lien for land taxes, assessments, charges, interest, 681
and penalties for which the lien is foreclosed and in 682
satisfaction of which the property is sold. All other liens and 683
encumbrances with respect to the parcel shall survive the sale." 684

(b) The notice to the owner, lienholders, and other 685
persons with an interest in a parcel shall be a notice only to 686
the owner and to any receiver under section 3767.41 of the 687
Revised Code, and the last two sentences of the notice shall be 688
omitted. 689

(4) As used in this division, a "receiver's lien" means 690

the lien of a receiver appointed pursuant to divisions (C) (2) 691
and (3) of section 3767.41 of the Revised Code that is acquired 692
pursuant to division (H) (2) (b) of that section for any 693
unreimbursed expenses and other amounts paid in accordance with 694
division (F) of that section by the receiver and for the fees of 695
the receiver approved pursuant to division (H) (1) of that 696
section. 697

(D) The conveyance by the owner of any parcel against 698
which a complaint has been filed pursuant to this section at any 699
time after the date of publication of the parcel on the 700
delinquent tax list but before the date of a judgment of 701
foreclosure pursuant to section 5721.19 of the Revised Code 702
shall not nullify the right of the county to proceed with the 703
foreclosure. 704

Section 2. That existing sections 323.25, 323.69, 5721.14, 705
and 5721.18 of the Revised Code are hereby repealed. 706