

As Reported by the Senate Judiciary--Civil Justice Committee

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Representatives Foley, Blessing

Cosponsors: Representatives Domenick, Skindell, Hagan, R., McGregor, J., Ujvagi, Budish, Lundy, Stebelton, Raussen, Yuko, DeGeeter, Collier, Combs, Letson, Luckie, Harwood, Strahorn, Stewart, D., Driehaus, White, Garrison, Miller, Bolon, Brady, Boyd, Seitz, Bacon, Beatty, Celeste, Chandler, DeBose, Dyer, Evans, Fende, Goyal, Healy, Heard, Hite, Huffman, Hughes, Koziura, Mallory, Okey, Otterman, Peterson, Schneider, Setzer, Szollosi, Uecker,

Webster, Williams, B., Yates

Senators Faber, Goodman, Seitz, Buehrer, Fedor

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A B I L L

To amend sections 323.25, 323.28, 323.47, 2303.11, 1
2323.07, 2327.01, 2327.02, 2329.17, 2329.18, 2
2329.19, 2329.23, 2329.26, 2329.27, 2329.30, 3
2329.31, 2329.36, 2703.26, 5309.64, 5721.18, 4
5721.19, and 5723.01 and to enact sections 5
2323.06, 2329.191, 2329.271, 2329.272, and 6
2703.141 of the Revised Code to require purchasers 7
of real property at a judicial sale to provide 8
certain identifying information, to require 9
purchasers to pay the balance due on the purchase 10
price within thirty days of the confirmation of 11
the sale, to allow municipal corporations to 12
conduct inspections of property subject to a writ 13
of execution, to require judicial sales to be 14
confirmed within thirty days of sale, to require 15
officers who sell real property at a judicial sale 16

to file a deed within fourteen days of payment of 17
the balance due on the purchase price, to 18
authorize courts and county boards of revision to 19
transfer certain tax delinquent lands subject to 20
judicial foreclosure without appraisal or sale, to 21
permit a summary property description to be read 22
at a judicial sale, to allow the courts to perform 23
mediation in an action for the foreclosure of a 24
mortgage, and to offer property that did not sell 25
at a judicial sale to a political subdivision 26
before forfeiture to the state. 27
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 323.25, 323.28, 323.47, 2303.11, 29
2323.07, 2327.01, 2327.02, 2329.17, 2329.18, 2329.19, 2329.23, 30
2329.26, 2329.27, 2329.30, 2329.31, 2329.36, 2703.26, 5309.64, 31
5721.18, 5721.19, and 5723.01 be amended and sections 2323.06, 32
2329.191, 2329.271, 2329.272, and 2703.141 of the Revised Code be 33
enacted to read as follows: 34

Sec. 323.25. When taxes charged against an entry on the tax 35
duplicate, or any part of ~~such~~ those taxes, are not paid within 36
sixty days after delivery of the delinquent land duplicate to the 37
county treasurer as prescribed by section 5721.011 of the Revised 38
Code, the county treasurer shall enforce the lien for ~~such~~ the 39
taxes by civil action in the treasurer's official capacity as 40
treasurer, for the sale of such premises in the same way mortgage 41
liens are enforced or for the transfer of such premises to an 42
electing subdivision pursuant to section 323.28 of the Revised 43
Code, in the court of common pleas of the county ~~in the same way~~ 44
~~mortgage liens are enforced~~, in a municipal court with 45

jurisdiction, or in the county board of revision with jurisdiction 46
pursuant to section 323.66 of the Revised Code. After the civil 47
action has been instituted, but before the filing of an entry of 48
confirmation of sale or transfer pursuant to the action, any 49
person entitled to redeem the land may do so by tendering to the 50
county treasurer an amount sufficient, as determined by the court 51
or board of revision, to pay the taxes, assessments, penalties, 52
interest, and charges then due and unpaid, and the costs incurred 53
in the civil action, and by demonstrating that the property is in 54
compliance with all applicable zoning regulations, land use 55
restrictions, and building, health, and safety codes. 56

If the delinquent land duplicate lists minerals or rights to 57
minerals listed pursuant to sections 5713.04, 5713.05, and 5713.06 58
of the Revised Code, the county treasurer may enforce the lien for 59
taxes against such minerals or rights to minerals by civil action, 60
in the treasurer's official capacity as treasurer, in the manner 61
prescribed by this section, or proceed as provided under section 62
5721.46 of the Revised Code. 63

If service by publication is necessary, such publication 64
shall be made once a week for three consecutive weeks instead of 65
as provided by the Rules of Civil Procedure, and the service shall 66
be complete at the expiration of three weeks after the date of the 67
first publication. 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 made 70
simultaneously by certified mail, return receipt requested, 71
ordinary mail, and publication. The county treasurer shall not 72
enforce the lien for taxes against real property to which any of 73
the following applies: 74

(A) The real property is the subject of an application for 75
exemption from taxation under section 5715.27 of the Revised Code 76
and does not appear on the delinquent land duplicate; 77

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

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

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

Sec. 323.28. (A) A finding shall be entered in a proceeding under section 323.25 of the Revised Code for taxes, assessments, penalties, interest, and charges due and payable at the time the deed of real property sold or transferred under this section is transferred to the purchaser or transferee, plus the cost of the proceeding. For purposes of determining such amount, the county treasurer may estimate the amount of taxes, assessments, interest, penalties, and costs that will be payable at the time the deed of the property is transferred to the purchaser or transferee.

The court of common pleas, a municipal court with jurisdiction, or the county board of revision with jurisdiction pursuant to section 323.66 of the Revised Code shall order such premises to be transferred pursuant to division (E) of this section or shall order such premises to be sold for payment of the finding, but for not less than either of the following, unless the county treasurer applies for an appraisal:

(1) The total amount of such finding;	109
(2) The fair market value of the premises, as determined by the county auditor, plus the cost of the proceeding.	110 111
If the county treasurer applies for an appraisal, the premises shall be appraised in the manner provided by section 2329.17 of the Revised Code, and shall be sold for at least two-thirds of the appraised value.	112 113 114 115
Notwithstanding the minimum sales price provisions of divisions (A)(1) and (2) of this section to the contrary, a parcel sold pursuant to this section shall not be sold for less than the amount described in division (A)(1) of this section if the highest bidder is the owner of record of the parcel immediately prior to the judgment of foreclosure or a member of the following class of parties connected to that owner: a member of that owner's immediate family, a person with a power of attorney appointed by that owner who subsequently transfers the parcel to the owner, a sole proprietorship owned by that owner or a member of his <u>the</u> <u>owner's</u> immediate family, or partnership, trust, business trust, corporation, or association in which the owner or a member of his <u>the owner's</u> immediate family owns or controls directly or indirectly more than fifty per cent. If a parcel sells for less than the amount described in division (A)(1) of this section, the officer conducting the sale shall require the buyer to complete an affidavit stating that the buyer is not the owner of record immediately prior to the judgment of foreclosure or a member of the specified class of parties connected to that owner, and the affidavit shall become part of the court records of the proceeding. If the county auditor discovers within three years after the date of the sale that a parcel was sold to that owner or a member of the specified class of parties connected to that owner for a price less than the amount so described, and if the parcel is still owned by that owner or a member of the specified class of	116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140

parties connected to that owner, the auditor within thirty days 141
after such discovery shall add the difference between that amount 142
and the sale price to the amount of taxes that then stand charged 143
against the parcel and is payable at the next succeeding date for 144
payment of real property taxes. As used in this paragraph, 145
"immediate family" means a spouse who resides in the same 146
household and children. 147

(B) From the proceeds of the sale the costs shall be first 148
paid, next the amount found due for taxes, then the amount of any 149
taxes accruing after the entry of the finding and before the deed 150
of the property is transferred to the purchaser following the 151
sale, all of which taxes shall be deemed satisfied, though the 152
amount applicable to them is deficient, and any balance shall be 153
distributed according to section 5721.20 of the Revised Code. No 154
statute of limitations shall apply to such action. Upon sale, all 155
liens for taxes due at the time the deed of the property is 156
transferred to the purchaser following the sale, and liens 157
subordinate to liens for taxes, shall be deemed satisfied and 158
discharged unless otherwise provided by the order of sale. 159

(C) If the county treasurer's estimate of the amount of the 160
finding under division (A) of this section exceeds the amount of 161
taxes, assessments, interest, penalties, and costs actually 162
payable when the deed is transferred to the purchaser, the officer 163
who conducted the sale shall refund to the purchaser the 164
difference between the estimate and the amount actually payable. 165
If the amount of taxes, assessments, interest, penalties, and 166
costs actually payable when the deed is transferred to the 167
purchaser exceeds the county treasurer's estimate, the officer 168
shall certify the amount of the excess to the treasurer, who shall 169
enter that amount on the real and public utility property tax 170
duplicate opposite the property; the amount of the excess shall be 171
payable at the next succeeding date prescribed for payment of 172

taxes in section 323.12 of the Revised Code. 173

(D) Premises ordered to be sold under this section but 174
remaining unsold for want of bidders after being offered for sale 175
on two separate occasions, not less than two weeks apart, shall be 176
forfeited to the state or to a political subdivision pursuant to 177
section 5723.01 of the Revised Code and shall be disposed of 178
pursuant to Chapter 5723. of the Revised Code. 179

(E) Notwithstanding section 5722.03 of the Revised Code, if 180
the complaint alleges that the property is delinquent vacant land 181
as defined in section 5721.01 of the Revised Code, abandoned lands 182
as defined in section 323.65 of the Revised Code, or lands 183
described in division (E) of section 5722.01 of the Revised Code, 184
and the value of the taxes, assessments, penalties, interest, and 185
all other charges and costs of the action exceed the auditor's 186
fair market value of the parcel, then the court or board of 187
revision having jurisdiction over the matter on motion of the 188
plaintiff, or on the court's or board's own motion, shall, upon 189
any adjudication of foreclosure, order, without appraisal and 190
without sale, the fee simple title of the property to be 191
transferred to and vested in an electing subdivision as defined in 192
division (A) of section 5722.01 of the Revised Code. For purposes 193
of determining whether the taxes, assessments, penalties, 194
interest, and all other charges and costs of the action exceed the 195
actual fair market value of the parcel, the auditor's most current 196
valuation shall be rebuttably presumed to be, and constitute 197
prima-facie evidence of, the fair market value of the parcel. In 198
such case, the filing for journalization of a decree of 199
foreclosure ordering that direct transfer without appraisal or 200
sale shall constitute confirmation of the transfer and thereby 201
terminate any further statutory or common law right of redemption. 202

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(F) Whenever the officer charged to conduct the sale offers 204

any parcel for sale, the officer first shall read aloud a complete 205
legal description of the parcel, or in the alternative, may read 206
aloud only a summary description and a parcel number if the county 207
has adopted a permanent parcel number system and if the 208
advertising notice published prior to the sale includes a complete 209
legal description or indicates where the complete legal 210
description may be obtained. 211

Sec. 323.47. (A) If land held by tenants in common is sold 212
upon proceedings in partition, or taken by the election of any of 213
the parties to such proceedings, or real estate is sold ~~at~~ 214
~~judicial sale, or~~ by administrators, executors, guardians, or 215
trustees, the court shall order that the taxes, penalties, and 216
assessments then due and payable, and interest ~~thereon~~ on those 217
taxes, penalties, and assessments, that are or will be a lien on 218
such land or real estate at the time the deed is transferred 219
following the sale, be discharged out of the proceeds of such sale 220
or election. For purposes of determining such amount, the county 221
treasurer ~~may~~ shall estimate the amount of taxes, assessments, 222
interest, and penalties that will be payable at the time the deed 223
of the property is transferred to the purchaser. If the county 224
treasurer's estimate exceeds the amount of taxes, assessments, 225
interest, and penalties actually payable when the deed is 226
transferred to the purchaser, the officer who conducted the sale 227
shall refund to the purchaser the difference between the estimate 228
and the amount actually payable. If the amount of taxes, 229
assessments, interest, and penalties actually payable when the 230
deed is transferred to the purchaser exceeds the county 231
treasurer's estimate, the officer shall certify the amount of the 232
excess to the treasurer, who shall enter that amount on the real 233
and public utility property tax duplicate opposite the property; 234
the amount of the excess shall be payable at the next succeeding 235
date prescribed for payment of taxes in section 323.12 of the 236

Revised Code. 237

(B)(1) If real estate is sold at judicial sale, the court 238
shall order that the total of the following amounts shall be 239
discharged out of the proceeds of the sale: 240

(a) Taxes and assessments the lien for which attaches before 241
the confirmation of sale but that are not yet determined, 242
assessed, and levied for the year in which confirmation occurs, 243
apportioned pro rata to the part of that year that precedes 244
confirmation, and any penalties and interest on those taxes and 245
assessments; 246

(b) All other taxes, assessments, penalties, and interest the 247
lien for which attached for a prior tax year but that have not 248
been paid on or before the date of confirmation. 249

(2) Upon the request of the officer who conducted the sale, 250
the county treasurer shall estimate the amount in division 251
(B)(1)(a) of this section. If the county treasurer's estimate 252
exceeds that amount, the officer who conducted the sale shall 253
refund to the purchaser the difference between the estimate and 254
the actual amount. If the actual amount exceeds the county 255
treasurer's estimate, the officer shall certify the amount of the 256
excess to the treasurer, who shall enter that amount on the real 257
and public utility property tax duplicate opposite the property; 258
the amount of the excess shall be payable at the next succeeding 259
date prescribed for payment of taxes in section 323.12 of the 260
Revised Code. 261

Sec. 2303.11. All writs and orders for provisional remedies, 262
and process of every kind, shall be issued by the clerk of the 263
court of common pleas, or directly by an order or local rule of a 264
court, or by a county board of revision with jurisdiction pursuant 265
to section 323.66 of the Revised Code; but before they are issued 266
a praecipe shall be filed with the clerk demanding the same. 267

Sec. 2323.06. In an action for the foreclosure of a mortgage, 268
the court may at any stage in the action require the mortgagor and 269
the mortgagee to participate in mediation as the court considers 270
appropriate and may include a stipulation that requires the 271
mortgagor and the mortgagee to appear at the mediation in person. 272

Sec. 2323.07. When a mortgage is foreclosed or a specific 273
lien enforced, a sale of the property, or a transfer of property 274
pursuant to sections 323.28, 323.65 to 323.78, and 5721.19 of the 275
Revised Code, shall be ordered by the court having jurisdiction or 276
the county board of revision with jurisdiction pursuant to section 277
323.66 of the Revised Code. 278

When the real property to be sold is in one or more tracts, 279
the court may order the officer who makes the sale to subdivide, 280
appraise, and sell them in parcels, or sell any one of the tracts 281
as a whole. 282

When the mortgaged property is situated in more than one 283
county, the court may order the sheriff or master of each county 284
to make sale of the property in ~~his~~ the sheriff's or master's 285
county, or may direct one officer to sell the whole. When it 286
consists of a single tract, the court may direct that it be sold 287
as one tract or in separate parcels, and shall direct whether 288
appraisers shall be selected for each county or one set for all; 289
and whether publication of the sale shall be made in all the 290
counties, or in one county only. 291

Sec. 2327.01. An execution is a process of a court, issued by 292
its clerk, the court itself, or the county board of revision with 293
jurisdiction pursuant to section 323.66 of the Revised Code, and 294
directed to the sheriff of the county. Executions may be issued to 295
the sheriffs of different counties at the same time. 296

Sec. 2327.02. (A) Executions are of three kinds:	297
(A)(1) Against the property of the judgment debtor, including orders of sale <u>or orders to transfer property pursuant to sections 323.28, 323.65 to 323.78, and 5721.19 of the Revised Code;</u>	298 299 300
(B)(2) Against the person of the judgment debtor;	301
(C)(3) For the delivery of the possession of real property, including real property sold under orders of sale <u>or transferred under orders to transfer property pursuant to sections 323.28, 323.65 to 323.78, and 5721.19 of the Revised Code.</u>	302 303 304 305
(B) The writ must <u>shall</u> contain a specific description of the property, and a command to the sheriff to deliver it to the person entitled thereto <u>to the property</u> . It also may require such <u>the</u> sheriff to make the damages recovered for withholding the possession and costs, or costs alone, out of the property of the person who so withholds it.	306 307 308 309 310 311
(C) <u>In the case of foreclosures of real property, including foreclosures for taxes, mortgages, judgment liens, and other valid liens, the description of the property, the order of sale, order to transfer, and any deed or deed forms may be prepared, adopted, and otherwise approved in advance by the court having jurisdiction or the county board of revision with jurisdiction pursuant to section 323.66 of the Revised Code, directly commanding the sheriff to sell, convey, or deliver possession of the property as commanded in that order. In those cases, the clerk shall journalize the order and deliver that writ or order to the sheriff for execution. If the property is sold under an order of sale or transferred under an order to transfer, the officer who conducted the sale or made the transfer of the property shall collect the recording fee and any associated costs to cover the recording from the purchaser or transferee at the time of the sale or transfer and, following confirmation of the sale or transfer and the</u>	312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327

payment of the balance due on the purchase price of the property, 328
shall execute and record the deed conveying title to the property 329
to the purchaser or transferee. For purposes of recording that 330
deed, by placement of a bid or making a statement of interest by 331
any party ultimately awarded the property, the purchaser or 332
transferee thereby appoints the officer who makes the sale or is 333
charged with executing and delivering the deed as agent for that 334
purchaser or transferee for the sole purpose of accepting delivery 335
of the deed. 336

Sec. 2329.17. (A) When execution is levied upon lands and 337
tenements, the officer who makes the levy shall call an inquest of 338
three disinterested freeholders, residents of the county where the 339
lands taken in execution are situated, and administer to them an 340
oath impartially to appraise the property so levied upon, upon 341
actual view. They forthwith shall return to such officer, under 342
their hands, an estimate of the real value of the property in 343
money. 344

(B) The municipal corporation or township in which the real 345
property is situated may inspect prior to the judicial sale any 346
structures located on lands subject to a writ of execution. 347

Sec. 2329.18. When an officer receives the return provided 348
for in division (A) of section 2329.17 of the Revised Code, ~~he~~ the 349
officer forthwith shall deposit a copy of it with the clerk of the 350
court from which the writ issued, and immediately advertise and 351
sell such real estate in conformity with sections 2329.01 to 352
2329.61, ~~inclusive,~~ of the Revised Code. 353

Sec. 2329.19. Upon the return of the estimate provided for in 354
division (A) of section 2329.17 of the Revised Code, if it appears 355
by the inquisition that two thirds of the appraised value of the 356
lands and tenements levied upon is sufficient to satisfy the 357

execution, with costs, the judgment on which the execution issued 358
shall not operate as a lien on the residue of the debtor's estate 359
to the prejudice of any other judgment creditor. 360

Sec. 2329.191. (A) As used in this section, "title insurance 361
company" has the same meaning as in section 3953.01 of the Revised 362
Code. 363

(B) In every action demanding the judicial sale of 364
residential real estate consisting of one to four single-family 365
units, the party seeking that judicial sale shall file with the 366
clerk of the court of common pleas within fourteen days after 367
filing the pleadings requesting relief a preliminary judicial 368
report on a form that is approved by the department of insurance 369
that is prepared and issued by a duly licensed title insurance 370
agent on behalf of a licensed title insurance company or by a 371
title insurance company that is authorized by the department of 372
insurance to transact business in this state. The preliminary 373
judicial report shall be effective within thirty days prior to the 374
filing of the complaint or other pleading requesting a judicial 375
sale and shall include at least all of the following: 376

(1) A legal description of each parcel of real estate to be 377
sold at the judicial sale; 378

(2) The street address of the real estate or, if there is no 379
street address, the name of the street or road upon which the real 380
estate fronts together with the names of the streets or roads 381
immediately to the north and south or east and west of the real 382
estate; 383

(3) The county treasurer's permanent parcel number or other 384
tax identification number of the real estate; 385

(4) The name of the owners of record of the real estate to be 386
sold; 387

(5) A reference to the volume and page or instrument number of the recording by which the owners acquired title to the real estate; 388
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(6) A description of the record title to the real estate; however, easements, restrictions, setback lines, declarations, conditions, covenants, reservations, and rights-of-way that were filed for record prior to the lien being foreclosed are not required to be included; 391
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(7) The name and address of each lienholder and the name and address of each lienholder's attorney, if any, as shown on the recorded lien of the lienholder. 396
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Prior to submitting any order or judgment entry to a court that would order the sale of the residential real estate, the party submitting the order or judgment entry shall file with the clerk of the court of common pleas a final judicial report that updates the state of the record title to that real estate from the effective date of the preliminary judicial report through the date of lis pendens and includes a copy of the court's docket for the case. The cost of the title examination necessary for the preparation of both the preliminary judicial report and the final judicial report together with the premiums for those reports computed as required by the department of insurance, based on the fair market value of the real estate, or in the case of a foreclosure, the principal balance of the mortgage or other lien being foreclosed on or any other additional amount as may be ordered by the court shall be taxed as costs in the case. 399
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(C) In every action demanding the judicial sale of residential real estate consisting of more than four single-family units or of commercial real estate, the party seeking that judicial sale shall file with the clerk of the court of common pleas within fourteen days after filing the pleadings requesting relief either a preliminary judicial report or a commitment for an 414
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owner's fee policy of title insurance on the form approved by the 420
department of insurance that is prepared and issued by a duly 421
licensed title insurance agent on behalf of a licensed title 422
insurance company. Division (B) of this section applies if the 423
party seeking the judicial sale files a preliminary judicial 424
report. If the party seeking the judicial sale files a commitment 425
for an owner's fee policy of title insurance, the commitment shall 426
have an effective date within fourteen days prior to the filing of 427
the complaint or other pleading requesting a judicial sale and 428
shall contain at least all of the information required in 429
divisions (B)(1) to (7) of this section. The commitment shall 430
cover each parcel of real estate to be sold, shall include the 431
amount of the successful bid at the judicial sale, shall show the 432
purchaser at the judicial sale as the proposed insured, and shall 433
not expire until thirty days after the recordation of the deed by 434
the officer who makes the sale to that purchaser. After the 435
officer's return of the order of sale and prior to the 436
confirmation of the sale, the party requesting the order of sale 437
shall cause an invoice for the cost of the title insurance policy, 438
commitment cost related expenses, and cancellation fees, if any, 439
to be filed with the clerk of the court of common pleas. The 440
amount of the invoice shall be taxed as costs in the case. The 441
purchaser at the judicial sale may, by paying the premium for the 442
title insurance policy, obtain the issuance of title insurance in 443
accordance with the commitment. 444

Sec. 2329.23. All notices and advertisements for the sale of 445
lands and tenements located in a municipal corporation, made by 446
virtue of the proceedings in a court of record ~~therein~~, in 447
addition to a description of ~~such~~ the lands and tenements, shall 448
contain the street number of the buildings erected on the lands, 449
or the street number of the lots offered for sale. If no such 450
number exists, then the notice or advertisement ~~must~~ shall contain 451

the name of the street or road upon which ~~such~~ the lands and 452
tenements are located, together with the names of the streets or 453
roads immediately north and south or east and west of ~~such~~ the 454
lands and tenements that cross or intersect the street or road 455
upon which they are located. The notice or advertisement shall, if 456
applicable, include the web site address of the officer who makes 457
the sale that allows a person to obtain a complete legal 458
description of the lands and tenements. 459

Sec. 2329.26. (A) Lands and tenements taken in execution 460
shall not be sold until ~~both~~ all of the following occur: 461

(1)(a) Except as otherwise provided in division (A)(1)(b) of 462
this section, the judgment creditor who seeks the sale of the 463
lands and tenements or the judgment creditor's attorney does both 464
of the following: 465

(i) Causes a written notice of the date, time, and place of 466
the sale to be served in accordance with divisions (A) and (B) of 467
Civil Rule 5 upon the judgment debtor and upon each other party to 468
the action in which the judgment giving rise to the execution was 469
rendered; 470

(ii) At least seven calendar days prior to the date of the 471
sale, files with the clerk of the court that rendered the judgment 472
giving rise to the execution a copy of the written notice 473
described in division (A)(1)(a)(i) of this section with proof of 474
service endorsed on the copy in the form described in division (D) 475
of Civil Rule 5. 476

(b) Service of the written notice described in division 477
(A)(1)(a)(i) of this section is not required to be made upon any 478
party who is in default for failure to appear in the action in 479
which the judgment giving rise to the execution was rendered. 480

(2) The officer taking the lands and tenements gives public 481

notice of the date, time, and place of the sale for at least 482
~~thirty days~~ three weeks before the day of sale by advertisement in 483
a newspaper published in and of general circulation in the county. 484
The court ordering the sale may designate in the order of sale the 485
newspaper in which this public notice shall be published, and this 486
public notice is subject to division (A) of section 2329.27 of the 487
Revised Code. 488

(3) The officer taking the lands and tenements shall collect 489
the purchaser's information required by section 2329.271 of the 490
Revised Code. 491

(B) A sale of lands and tenements taken in execution may be 492
set aside in accordance with division (B) of section 2329.27 of 493
the Revised Code. 494

Sec. 2329.27. (A) When the public notice required by division 495
(A)(2) of section 2329.26 of the Revised Code is made in a 496
newspaper published weekly, it is sufficient to insert it for 497
three consecutive weeks. If both a daily and weekly edition of the 498
paper are published and the circulation of the daily in the county 499
exceeds that of the weekly in the county, or if the lands and 500
tenements taken in execution are situated in a city, both a daily 501
and weekly edition of the paper are published, and the circulation 502
of the daily in that city exceeds the circulation of the weekly in 503
that city, it is sufficient to publish the public notice in the 504
daily once a week for three consecutive weeks before the day of 505
sale, each insertion to be on the same day of the week. The 506
expense of that publication in a daily shall not exceed the cost 507
of publishing it in a weekly. 508

(B)(1) Subject to divisions (B)(2) and (3) of this section, 509
all sales of lands and tenements taken in execution that are made 510
without compliance with the written notice requirements of 511
division (A)(1)(a) of section 2329.26 of the Revised Code ~~and~~ the 512

public notice requirements of division (A)(2) of that section, the 513
purchaser information requirements of section 2329.271 of the 514
Revised Code, and division (A) of this section shall be set aside, 515
on motion by any interested party, by the court to which the 516
execution is returnable. 517

(2) Proof of service endorsed upon a copy of the written 518
notice required by division (A)(1)(a) of section 2329.26 of the 519
Revised Code shall be conclusive evidence of the service of the 520
written notice in compliance with the requirements of that 521
division, unless a party files a motion to set aside the sale of 522
the lands and tenements pursuant to division (B)(1) of this 523
section and establishes by a preponderance of the evidence that 524
the proof of service is fraudulent. 525

(3) If the court to which the execution is returnable enters 526
its order confirming the sale of the lands and tenements, the 527
order shall have both of the following effects: 528

(a) The order shall be deemed to constitute a judicial 529
finding as follows: 530

(i) That the sale of the lands and tenements complied with 531
the written notice requirements of division (A)(1)(a) of section 532
2329.26 of the Revised Code and the public notice requirements of 533
division (A)(2) of that section and division (A) of this section, 534
or that compliance of that nature did not occur but the failure to 535
give a written notice to a party entitled to notice under division 536
(A)(1)(a) of section 2329.26 of the Revised Code has not 537
prejudiced that party; 538

(ii) That all parties entitled to notice under division 539
(A)(1)(a) of section 2329.26 of the Revised Code received adequate 540
notice of the date, time, and place of the sale of the lands and 541
tenements; 542

(iii) That the purchaser has submitted the contact 543

<u>information required by section 2329.271 of the Revised Code.</u>	544
(b) The order bars the filing of any further motions to set aside the sale of the lands and tenements.	545 546
<u>Sec. 2329.271. (A)(1) Subject to division (A)(2) of this section, the purchaser of lands and tenements taken in execution shall submit to the officer who makes the sale the following information:</u>	547 548 549 550
<u>(a) The name, address, and telephone number of the purchaser;</u>	551
<u>(b) If the lands and tenements taken in execution are residential rental property and the residential rental property is purchased by a trust, business trust, estate, partnership, limited partnership, limited liability company, association, corporation, or any other business entity, the name, address, and telephone number of the following with the provision that the purchaser be readily accessible through the identified contact person:</u>	552 553 554 555 556 557 558
<u>(i) A trustee, in the case of a trust or business trust;</u>	559
<u>(ii) The executor or administrator, in the case of an estate;</u>	560
<u>(iii) A general partner, in the case of a partnership or a limited partnership;</u>	561 562
<u>(iv) A member, manager, or officer, in the case of a limited liability company;</u>	563 564
<u>(v) An associate, in the case of an association;</u>	565
<u>(vi) An officer, in the case of a corporation;</u>	566
<u>(vii) A member, manager, or officer, in the case of any other business entity.</u>	567 568
<u>(c) A statement indicating whether the purchaser will occupy the lands and tenements.</u>	569 570
<u>(2) If the lands and tenements taken in execution are not</u>	571

residential rental property and the purchaser of those lands and 572
tenements is a corporation, partnership, association, estate, 573
trust, or other business organization the only place of business 574
of which is in the county in which the real property is located, 575
the information required by divisions (A)(1)(a) and (c) of this 576
section shall be the contact information for the office of an 577
employee of the purchasing entity that is located in that county 578
and that the purchasing entity has designated to receive notices 579
or inquiries about the property. If the purchasing entity has a 580
place of business outside the county in which the real property is 581
located and the purchasing entity's principal place of business is 582
located in this state, the information required by divisions 583
(A)(1)(a) and (c) of this section shall be the contact information 584
for the office of an employee of the purchasing entity that is 585
located in this state and that the purchasing entity has 586
designated to receive notices or inquiries about the property. If 587
the purchasing entity's principal place of business is not located 588
in this state, the information required by divisions (A)(1)(a) and 589
(c) of this section shall be the contact information for a natural 590
person who is employed by the purchasing entity at the purchasing 591
entity's principal place of business outside of this state and 592
whom the purchasing entity has designated to receive notices or 593
inquiries about the property. 594

(B) The information required by division (A) of this section 595
shall be part of the sheriff's record of proceedings and shall be 596
part of the record of the court of common pleas. The information 597
is a public record and open to public inspection. 598

Sec. 2329.272. (A) The officer who will make the sale of 599
lands and tenements that are delinquent vacant tenements or 600
premises or abandoned tenements or premises may hold an open house 601
of the delinquent vacant tenements or premises or abandoned 602
tenements or premises to allow any person to view the delinquent 603

vacant tenements or premises or abandoned tenements or premises 604
prior to the sale. The officer may include a notice of the open 605
house in the public notice of the date, time, and place of the 606
sale pursuant to section 2329.26 of the Revised Code. The officer 607
is not required to give those persons who view the delinquent 608
vacant tenements or premises or abandoned tenements or premises 609
any advice regarding the tenements or premises. 610

(B) The officer who makes the sale of lands and tenements 611
shall deduct any costs associated with holding the open house from 612
the proceeds of the sale of the lands and tenements. 613

(C) The officer who holds the open house is not liable as 614
provided in Chapter 2744. of the Revised Code for injury, death, 615
or loss to person or property that occurs at the open house. 616

Sec. 2329.30. The court from which an execution or order of 617
sale issues, upon notice and motion of the officer who makes the 618
sale, or of an interested party, ~~shall~~ may punish as for contempt 619
any purchaser of ~~real property~~ lands and tenements who fails to 620
pay within thirty days of the confirmation of the sale the 621
~~purchase money therefor~~ balance due on the purchase price of the 622
lands and tenements by forfeiting the sale of the lands and 623
tenements and returning any deposit paid in connection with the 624
sale of the lands and tenements, by forfeiting any deposit paid in 625
connection with the sale of the lands and tenements, as for 626
contempt, or in any other manner the court considers appropriate. 627

Sec. 2329.31. (A) Upon the return of any writ of execution 628
for the satisfaction of which lands and tenements have been sold, 629
on careful examination of the proceedings of the officer making 630
the sale, if the court of common pleas finds that the sale was 631
made, in all respects, in conformity with sections 2329.01 to 632
2329.61, ~~inclusive,~~ of the Revised Code, it shall, within thirty 633

days of the return of the writ, direct the clerk of the court of 634
common pleas to make an entry on the journal that the court is 635
satisfied of the legality of such sale, and that the officer 636
attorney who filed the writ of execution make to the purchaser a 637
deed for the lands and tenements. Nothing in this section prevents 638
the court of common pleas from staying the confirmation of the 639
sale to permit a property owner time to redeem the property or for 640
any other reason that it determines is appropriate. In those 641
instances, the sale shall be confirmed within thirty days after 642
the termination of any stay of confirmation. 643

(B) The officer making the sale shall require the purchaser, 644
including a lienholder, to pay within thirty days of the 645
confirmation of the sale the balance due on the purchase price of 646
the lands and tenements. 647
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Sec. 2329.36. ~~An officer, including a master commissioner and~~ 649
~~a special master, who sells real property, on confirmation of the~~ 650
~~sale, must~~ (A) The attorney who files the writ of execution shall, 651
not later than seven days after the filing of the order of 652
confirmation of sale pursuant to section 2329.31 of the Revised 653
Code, make to the purchaser a deed, containing the names of the 654
parties to the judgment, the names of the owners of the property 655
sold, a reference to the volume and page of the recording of the 656
next preceding recorded instrument by or through which the owners 657
claim title, the date and amount of the judgment, the substance of 658
the execution or order on which the property was sold, the 659
substance of the officer's return thereon, and the order of 660
confirmation and deliver the deed to the officer who sold the real 661
property. The deed shall be executed, acknowledged, and recorded 662
as other deeds. The officer or the officer's legal representative 663
may review and approve or reject the deed for form and substance. 664

(B) By placing a bid at a sale conducted pursuant to this chapter, the purchaser appoints the officer who makes the sale as agent of the purchaser for the sole purpose of accepting delivery of the deed described in division (A) of this section. 665
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(C) The officer who sells the real property shall record the deed, or for registered land file the documents required by section 5309.64 of the Revised Code, with the county recorder within fourteen business days of the date the purchaser pays the balance due on the purchase price of the lands and tenements. The officer shall charge the purchaser a fee to cover the actual costs of recording the deed or filing the documents. 669
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Sec. 2703.141. (A) If service by publication is necessary in an action to foreclose a mortgage or to enforce a lien or other encumbrance or charge on real property, the party seeking service by publication shall cause the publication to be made once a week for three consecutive weeks instead of as provided by Civil Rule 4.4. 676
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(B) In any county that has adopted a permanent parcel system, the parcel may be described in the notice described in division (A) of this section by listing the complete street address and the parcel number, instead of also with a complete legal description, or the parcel may be described in the notice by listing the complete street address of the parcel and by indicating that the complete legal description of the parcel may be obtained from the county auditor. 682
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Sec. 2703.26. ~~When summons has been served or publication made~~ a complaint is filed, the action is pending so as to charge a third person with notice of its pendency. While pending, no interest can be acquired by third persons in the subject of the action, as against the plaintiff's title. 690
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Sec. 5309.64. (A) Whenever registered land is sold to satisfy 695
any judgment, decree, or order of a court, or the title is 696
transferred or affected by a decree or judgment of a court, the 697
purchaser, or the person in whose favor such decree was rendered, 698
on filing with the county recorder a certificate that the terms of 699
sale have been complied with and a certified copy of the order of 700
sale and return thereof and confirmation, or a certified copy of 701
the decree of the court transferring or affecting the title, as 702
the case may be, is entitled to have the property transferred to 703
~~him~~ the purchaser or person in whose favor the decree was rendered 704
and ~~his~~ the title registered accordingly and a new certificate of 705
title issued therefor. 706

(B) When registered land is sold by the sheriff under order 707
of a court, the sheriff shall file with the county recorder a 708
certificate that the terms of sale have been complied with and a 709
certified copy of the order of sale and return thereof and 710
confirmation. The purchaser is thereafter entitled to have the 711
property transferred to the purchaser and the title registered 712
accordingly and a new certificate of title issued therefor. 713

Sec. 5721.18. The county prosecuting attorney, upon the 714
delivery to the prosecuting attorney by the county auditor of a 715
delinquent land or delinquent vacant land tax certificate, or of a 716
master list of delinquent or delinquent vacant tracts, shall 717
institute a foreclosure proceeding under this section in the name 718
of the county treasurer to foreclose the lien of the state, in any 719
court with jurisdiction or in the county board of revision with 720
jurisdiction pursuant to section 323.66 of the Revised Code, 721
unless the taxes, assessments, charges, penalties, and interest 722
are paid prior to the time a complaint is filed, or unless a 723
foreclosure or foreclosure and forfeiture action has been or will 724
be instituted under section 323.25 or 5721.14 of the Revised Code. 725

If the delinquent land or delinquent vacant land tax certificate 726
or the master list of delinquent or delinquent vacant tracts lists 727
minerals or rights to minerals listed pursuant to sections 728
5713.04, 5713.05, and 5713.06 of the Revised Code, the county 729
prosecuting attorney may institute a foreclosure proceeding in the 730
name of the county treasurer, in any court with jurisdiction, to 731
foreclose the lien of the state against such minerals or rights to 732
minerals, unless the taxes, assessments, charges, penalties, and 733
interest are paid prior to the time the complaint is filed, or 734
unless a foreclosure or foreclosure and forfeiture action has been 735
or will be instituted under section 323.25 or 5721.14 of the 736
Revised Code. 737

The prosecuting attorney shall prosecute the proceeding to 738
final judgment and satisfaction. Within ten days after obtaining a 739
judgment, the prosecuting attorney shall notify the treasurer in 740
writing that judgment has been rendered. If there is a copy of a 741
written delinquent tax contract attached to the certificate or an 742
asterisk next to an entry on the master list, or if a copy of a 743
delinquent tax contract is received from the auditor prior to the 744
commencement of the proceeding under this section, the prosecuting 745
attorney shall not institute the proceeding under this section, 746
unless the prosecuting attorney receives a certification of the 747
treasurer that the delinquent tax contract has become void. 748

(A) This division applies to all foreclosure proceedings not 749
instituted and prosecuted under section 323.25 of the Revised Code 750
or division (B) or (C) of this section. The foreclosure 751
proceedings shall be instituted and prosecuted in the same manner 752
as is provided by law for the foreclosure of mortgages on land, 753
except that, if service by publication is necessary, such 754
publication shall be made once a week for three consecutive weeks 755
instead of as provided by the Rules of Civil Procedure, and the 756
service shall be complete at the expiration of three weeks after 757

the date of the first publication. In any proceeding prosecuted 758
under this section, if the prosecuting attorney determines that 759
service upon a defendant may be obtained ultimately only by 760
publication, the prosecuting attorney may cause service to be made 761
simultaneously by certified mail, return receipt requested, 762
ordinary mail, and publication. 763

In any county that has adopted a permanent parcel number 764
system, the parcel may be described in the notice by parcel number 765
only, instead of also with a complete legal description, if the 766
prosecuting attorney determines that the publication of the 767
complete legal description is not necessary to provide reasonable 768
notice of the foreclosure proceeding to the interested parties. If 769
the complete legal description is not published, the notice shall 770
indicate where the complete legal description may be obtained. 771

It is sufficient, having been made a proper party to the 772
foreclosure proceeding, for the treasurer to allege in the 773
treasurer's complaint that the certificate or master list has been 774
duly filed by the auditor, that the amount of money appearing to 775
be due and unpaid is due and unpaid, and that there is a lien 776
against the property described in the certificate or master list, 777
without setting forth in the complaint any other or special matter 778
relating to the foreclosure proceeding. The prayer of the 779
complaint shall be that the court or the county board of revision 780
with jurisdiction pursuant to section 323.66 of the Revised Code 781
issue an order that the property be sold or conveyed by the 782
sheriff, or if the action is in the municipal court by the 783
bailiff, in the manner provided in section 5721.19 of the Revised 784
Code. 785

In the foreclosure proceeding, the treasurer may join in one 786
action any number of lots or lands, but the decree shall be 787
rendered separately, and any proceedings may be severed, in the 788
discretion of the court or board of revision, for the purpose of 789

trial or appeal, and the court or board of revision shall make 790
such order for the payment of costs as is considered proper. The 791
certificate or master list filed by the auditor with the 792
prosecuting attorney is prima-facie evidence at the trial of the 793
foreclosure action of the amount and validity of the taxes, 794
assessments, charges, penalties, and interest appearing due and 795
unpaid and of their nonpayment. 796

(B) Foreclosure proceedings constituting an action in rem may 797
be commenced by the filing of a complaint after the end of the 798
second year from the date on which the delinquency was first 799
certified by the auditor. Prior to filing such an action in rem, 800
the prosecuting attorney shall cause a title search to be 801
conducted for the purpose of identifying any lienholders or other 802
persons with interests in the property subject to foreclosure. 803
Following the title search, the action in rem shall be instituted 804
by filing in the office of the clerk of a court with jurisdiction 805
a complaint bearing a caption substantially in the form set forth 806
in division (A) of section 5721.181 of the Revised Code. 807

Any number of parcels may be joined in one action. Each 808
separate parcel included in a complaint shall be given a serial 809
number and shall be separately indexed and docketed by the clerk 810
of the court in a book kept by the clerk for such purpose. A 811
complaint shall contain the permanent parcel number of each parcel 812
included in it, the full street address of the parcel when 813
available, a description of the parcel as set forth in the 814
certificate or master list, the name and address of the last known 815
owner of the parcel if they appear on the general tax list, the 816
name and address of each lienholder and other person with an 817
interest in the parcel identified in the title search relating to 818
the parcel that is required by this division, and the amount of 819
taxes, assessments, charges, penalties, and interest due and 820
unpaid with respect to the parcel. It is sufficient for the 821

treasurer to allege in the complaint that the certificate or 822
master list has been duly filed by the auditor with respect to 823
each parcel listed, that the amount of money with respect to each 824
parcel appearing to be due and unpaid is due and unpaid, and that 825
there is a lien against each parcel, without setting forth any 826
other or special matters. The prayer of the complaint shall be 827
that the court issue an order that the land described in the 828
complaint be sold in the manner provided in section 5721.19 of the 829
Revised Code. 830

(1) Within thirty days after the filing of a complaint, the 831
clerk of the court in which the complaint was filed shall cause a 832
notice of foreclosure substantially in the form of the notice set 833
forth in division (B) of section 5721.181 of the Revised Code to 834
be published once a week for three consecutive weeks in a 835
newspaper of general circulation in the county. In any county that 836
has adopted a permanent parcel number system, the parcel may be 837
described in the notice by parcel number only, instead of also 838
with a complete legal description, if the prosecuting attorney 839
determines that the publication of the complete legal description 840
is not necessary to provide reasonable notice of the foreclosure 841
proceeding to the interested parties. If the complete legal 842
description is not published, the notice shall indicate where the 843
complete legal description may be obtained. 844

After the third publication, the publisher shall file with 845
the clerk of the court an affidavit stating the fact of the 846
publication and including a copy of the notice of foreclosure as 847
published. Service of process for purposes of the action in rem 848
shall be considered as complete on the date of the last 849
publication. 850

Within thirty days after the filing of a complaint and before 851
the final date of publication of the notice of foreclosure, the 852
clerk of the court also shall cause a copy of a notice 853

substantially in the form of the notice set forth in division (C) 854
of section 5721.181 of the Revised Code to be mailed by certified 855
mail, with postage prepaid, to each person named in the complaint 856
as being the last known owner of a parcel included in it, or as 857
being a lienholder or other person with an interest in a parcel 858
included in it. The notice shall be sent to the address of each 859
such person, as set forth in the complaint, and the clerk shall 860
enter the fact of such mailing upon the appearance docket. If the 861
name and address of the last known owner of a parcel included in a 862
complaint is not set forth in it, the auditor shall file an 863
affidavit with the clerk stating that the name and address of the 864
last known owner does not appear on the general tax list. 865

(2)(a) An answer may be filed in an action in rem under this 866
division by any person owning or claiming any right, title, or 867
interest in, or lien upon, any parcel described in the complaint. 868
The answer shall contain the caption and number of the action and 869
the serial number of the parcel concerned. The answer shall set 870
forth the nature and amount of interest claimed in the parcel and 871
any defense or objection to the foreclosure of the lien of the 872
state for delinquent taxes, assessments, charges, penalties, and 873
interest as shown in the complaint. The answer shall be filed in 874
the office of the clerk of the court, and a copy of the answer 875
shall be served on the prosecuting attorney, not later than 876
twenty-eight days after the date of final publication of the 877
notice of foreclosure. If an answer is not filed within such time, 878
a default judgment may be taken as to any parcel included in a 879
complaint as to which no answer has been filed. A default judgment 880
is valid and effective with respect to all persons owning or 881
claiming any right, title, or interest in, or lien upon, any such 882
parcel, notwithstanding that one or more of such persons are 883
minors, incompetents, absentees or nonresidents of the state, or 884
convicts in confinement. 885

(b)(i) A receiver appointed pursuant to divisions (C)(2) and 886
(3) of section 3767.41 of the Revised Code may file an answer 887
pursuant to division (B)(2)(a) of this section, but is not 888
required to do so as a condition of receiving proceeds in a 889
distribution under division (B)(1) of section 5721.17 of the 890
Revised Code. 891

(ii) When a receivership under section 3767.41 of the Revised 892
Code is associated with a parcel, the notice of foreclosure set 893
forth in division (B) of section 5721.181 of the Revised Code and 894
the notice set forth in division (C) of that section shall be 895
modified to reflect the provisions of division (B)(2)(b)(i) of 896
this section. 897

(3) At the trial of an action in rem under this division, the 898
certificate or master list filed by the auditor with the 899
prosecuting attorney shall be prima-facie evidence of the amount 900
and validity of the taxes, assessments, charges, penalties, and 901
interest appearing due and unpaid on the parcel to which the 902
certificate or master list relates and their nonpayment. If an 903
answer is properly filed, the court may, in its discretion, and 904
shall, at the request of the person filing the answer, grant a 905
severance of the proceedings as to any parcel described in such 906
answer for purposes of trial or appeal. 907

(C) In addition to the actions in rem authorized under 908
division (B) of this section and section 5721.14 of the Revised 909
Code, an action in rem may be commenced under this division. An 910
action commenced under this division shall conform to all of the 911
requirements of division (B) of this section except as follows: 912

(1) The prosecuting attorney shall not cause a title search 913
to be conducted for the purpose of identifying any lienholders or 914
other persons with interests in the property subject to 915
foreclosure, except that the prosecuting attorney shall cause a 916
title search to be conducted to identify any receiver's lien. 917

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

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

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

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

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

(4) As used in this division, a "receiver's lien" means the
lien of a receiver appointed pursuant to divisions (C)(2) and (3)
of section 3767.41 of the Revised Code that is acquired pursuant
to division (H)(2)(b) of that section for any unreimbursed
expenses and other amounts paid in accordance with division (F) of
that section by the receiver and for the fees of the receiver
approved pursuant to division (H)(1) of that section.

(D) If the prosecuting attorney determines that an action in
rem under division (B) or (C) of this section is precluded by law,
then foreclosure proceedings shall be filed pursuant to division
(A) of this section, and the complaint in the action in personam
shall set forth the grounds upon which the action in rem is
precluded.

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

Sec. 5721.19. (A) In its judgment of foreclosure rendered
with respect to actions filed pursuant to section 5721.18 of the
Revised Code, the court or the county board of revision with
jurisdiction pursuant to section 323.66 of the Revised Code shall
enter a finding with respect to each parcel of the amount of the
taxes, assessments, charges, penalties, and interest, and the
costs incurred in the foreclosure proceeding instituted against
it, ~~which~~ that are due and unpaid. The court or the county board
of revision shall order such premises to be transferred pursuant
to division (I) of this section or may order each parcel to be
sold, without appraisal, for not less than either of the
following:

(1) The fair market value of the parcel, as determined by the county auditor, plus the costs incurred in the foreclosure proceeding;

(2) The total amount of the finding entered by the court, or the county board of revision, including all taxes, assessments, charges, penalties, and interest payable subsequent to the delivery to the county prosecuting attorney of the delinquent land tax certificate or master list of delinquent tracts and prior to the transfer of the deed of the parcel to the purchaser following confirmation of sale, plus the costs incurred in the foreclosure proceeding. For purposes of determining such amount, the county treasurer may estimate the amount of taxes, assessments, interest, penalties, and costs that will be payable at the time the deed of the property is transferred to the purchaser.

Notwithstanding the minimum sales price provisions of divisions (A)(1) and (2) of this section to the contrary, a parcel sold pursuant to this section shall not be sold for less than the amount described in division (A)(2) of this section if the highest bidder is the owner of record of the parcel immediately prior to the judgment of foreclosure or a member of the following class of parties connected to that owner: a member of that owner's immediate family, a person with a power of attorney appointed by that owner who subsequently transfers the parcel to the owner, a sole proprietorship owned by that owner or a member of that owner's immediate family, or a partnership, trust, business trust, corporation, or association in which the owner or a member of the owner's immediate family owns or controls directly or indirectly more than fifty per cent. If a parcel sells for less than the amount described in division (A)(2) of this section, the officer conducting the sale shall require the buyer to complete an affidavit stating that the buyer is not the owner of record immediately prior to the judgment of foreclosure or a member of

the specified class of parties connected to that owner, and the 1013
affidavit shall become part of the court records of the 1014
proceeding. If the county auditor discovers within three years 1015
after the date of the sale that a parcel was sold to that owner or 1016
a member of the specified class of parties connected to that owner 1017
for a price less than the amount so described, and if the parcel 1018
is still owned by that owner or a member of the specified class of 1019
parties connected to that owner, the auditor within thirty days 1020
after such discovery shall add the difference between that amount 1021
and the sale price to the amount of taxes that then stand charged 1022
against the parcel and is payable at the next succeeding date for 1023
payment of real property taxes. As used in this paragraph, 1024
"immediate family" means a spouse who resides in the same 1025
household and children. 1026

(B) Each parcel affected by the court's finding and order of 1027
sale shall be separately sold, unless the court orders any of such 1028
parcels to be sold together. 1029

Each parcel shall be advertised and sold by the officer to 1030
whom the order of sale is directed in the manner provided by law 1031
for the sale of real property on execution. The advertisement for 1032
sale of each parcel shall be published once a week for three 1033
consecutive weeks and shall include the date on which a second 1034
sale will be conducted if no bid is accepted at the first sale. 1035
Any number of parcels may be included in one advertisement. 1036

The notice of the advertisement shall be substantially in the 1037
form of the notice set forth in section 5721.191 of the Revised 1038
Code. In any county that has adopted a permanent parcel number 1039
system, the parcel may be described in the notice by parcel number 1040
only, instead of also with a complete legal description, if the 1041
prosecuting attorney determines that the publication of the 1042
complete legal description is not necessary to provide reasonable 1043
notice of the foreclosure sale to potential bidders. If the 1044

complete legal description is not published, the notice shall 1045
indicate where the complete legal description may be obtained. 1046

(C)(1) Whenever the officer charged to conduct the sale 1047
offers any parcel for sale the officer first shall read aloud a 1048
complete legal description of the parcel, or in the alternative, 1049
may read aloud only a summary description, including the complete 1050
street address of the parcel, if any, and a parcel number if the 1051
county has adopted a permanent parcel number system and if the 1052
advertising notice prepared pursuant to this section includes a 1053
complete legal description or indicates where the complete legal 1054
description may be obtained. Whenever the officer charged to 1055
conduct the sale offers any parcel for sale and no bids are made 1056
equal to the lesser of the amounts described in divisions (A)(1) 1057
and (2) of this section, the officer shall adjourn the sale of the 1058
parcel to the second date that was specified in the advertisement 1059
of sale. The second date shall be not less than two weeks or more 1060
than six weeks from the day on which the parcel was first offered 1061
for sale. The second sale shall be held at the same place and 1062
commence at the same time as set forth in the advertisement of 1063
sale. The officer shall offer any parcel not sold at the first 1064
sale. Upon the conclusion of any sale, or if any parcel remains 1065
unsold after being offered at two sales, the officer conducting 1066
the sale shall report the results to the court. 1067

(2)(a) If a parcel remains unsold after being offered at two 1068
sales, or if a parcel sells at any sale but the amount of the 1069
price is less than the costs incurred in the proceeding instituted 1070
against the parcel under section 5721.18 of the Revised Code, then 1071
the clerk of the court shall certify to the county auditor the 1072
amount of those costs that remains unpaid. At the next semiannual 1073
apportionment of real property taxes that occurs following any 1074
such certification, the auditor shall reduce the real property 1075
taxes that the auditor otherwise would distribute to each taxing 1076

district. In making the reductions, the auditor shall subtract 1077
from the otherwise distributable real property taxes to a taxing 1078
district an amount that shall be determined by multiplying the 1079
certified costs by a fraction the numerator of which shall be the 1080
amount of the taxes, assessments, charges, penalties, and interest 1081
on the parcel owed to that taxing district at the time the parcel 1082
first was offered for sale pursuant to this section, and the 1083
denominator of which shall be the total of the taxes, assessments, 1084
charges, penalties, and interest on the parcel owed to all the 1085
taxing districts at that time. The auditor promptly shall pay to 1086
the clerk of the court the amounts of the reductions. 1087

(b) If reductions occur pursuant to division (C)(2)(a) of 1088
this section, and if at a subsequent time a parcel is sold at a 1089
foreclosure sale or a forfeiture sale pursuant to Chapter 5723. of 1090
the Revised Code, then, notwithstanding other provisions of the 1091
Revised Code, except section 5721.17 of the Revised Code, 1092
governing the distribution of the proceeds of a foreclosure or 1093
forfeiture sale, the proceeds first shall be distributed to 1094
reimburse the taxing districts subjected to reductions in their 1095
otherwise distributable real property taxes. The distributions 1096
shall be based on the same proportions used for purposes of 1097
division (C)(2)(a) of this section. 1098

(3) The court, in its discretion, may order any parcel not 1099
sold pursuant to the original order of sale to be advertised and 1100
offered for sale at a subsequent foreclosure sale. For such 1101
purpose, the court may direct the parcel to be appraised and fix a 1102
minimum price for which it may be sold. 1103

(D) Except as otherwise provided in division (B)(1) of 1104
section 5721.17 of the Revised Code, upon the confirmation of a 1105
sale, the proceeds of the sale shall be applied as follows: 1106

(1) The costs incurred in any proceeding filed against the 1107
parcel pursuant to section 5721.18 of the Revised Code shall be 1108

paid first. 1109

(2) Following the payment required by division (D)(1) of this 1110
section, the part of the proceeds that is equal to five per cent 1111
of the taxes and assessments due shall be deposited in the 1112
delinquent tax and assessment collection fund created pursuant to 1113
section 321.261 of the Revised Code. 1114

(3) Following the payment required by division (D)(2) of this 1115
section, the amount found due for taxes, assessments, charges, 1116
penalties, and interest shall be paid, including all taxes, 1117
assessments, charges, penalties, and interest payable subsequent 1118
to the delivery to the county prosecuting attorney of the 1119
delinquent land tax certificate or master list of delinquent 1120
tracts and prior to the transfer of the deed of the parcel to the 1121
purchaser following confirmation of sale. If the proceeds 1122
available for distribution pursuant to division (D)(3) of this 1123
section are sufficient to pay the entire amount of those taxes, 1124
assessments, charges, penalties, and interest, the portion of the 1125
proceeds representing taxes, interest, and penalties shall be paid 1126
to each claimant in proportion to the amount of taxes levied by 1127
the claimant in the preceding tax year, and the amount 1128
representing assessments and other charges shall be paid to each 1129
claimant in the order in which they became due. If the proceeds 1130
are not sufficient to pay that entire amount, the proportion of 1131
the proceeds representing taxes, penalties, and interest shall be 1132
paid to each claimant in the same proportion that the amount of 1133
taxes levied by the claimant against the parcel in the preceding 1134
tax year bears to the taxes levied by all such claimants against 1135
the parcel in the preceding tax year, and the proportion of the 1136
proceeds representing items of assessments and other charges shall 1137
be credited to those items in the order in which they became due. 1138

(E) If the proceeds from the sale of a parcel are 1139
insufficient to pay in full the amount of the taxes, assessments, 1140

charges, penalties, and interest which are due and unpaid; the 1141
costs incurred in the foreclosure proceeding instituted against it 1142
which are due and unpaid; and, if division (B)(1) of section 1143
5721.17 of the Revised Code is applicable, any notes issued by a 1144
receiver pursuant to division (F) of section 3767.41 of the 1145
Revised Code and any receiver's lien as defined in division (C)(4) 1146
of section 5721.18 of the Revised Code, the court, pursuant to 1147
section 5721.192 of the Revised Code, may enter a deficiency 1148
judgment against the owner of record of the parcel for the unpaid 1149
amount. If that owner of record is a corporation, the court may 1150
enter the deficiency judgment against the stockholder holding a 1151
majority of that corporation's stock. 1152

If after distribution of proceeds from the sale of the parcel 1153
under division (D) of this section the amount of proceeds to be 1154
applied to pay the taxes, assessments, charges, penalties, 1155
interest, and costs is insufficient to pay them in full, and the 1156
court does not enter a deficiency judgment against the owner of 1157
record pursuant to this division, the taxes, assessments, charges, 1158
penalties, interest, and costs shall be deemed satisfied. 1159

(F)(1) Upon confirmation of a sale, a spouse of the party 1160
charged with the delinquent taxes or assessments shall thereby be 1161
barred of the right of dower in the property sold, though such 1162
spouse was not a party to the action. No statute of limitations 1163
shall apply to such action. When the land or lots stand charged on 1164
the tax duplicate as certified delinquent, it is not necessary to 1165
make the state a party to the foreclosure proceeding, but the 1166
state shall be deemed a party to such action through and be 1167
represented by the county treasurer. 1168

(2) Except as otherwise provided in divisions (F)(3) and (G) 1169
of this section, unless such land or lots were previously redeemed 1170
pursuant to section 5721.25 of the Revised Code, upon the filing 1171
of the entry of confirmation of sale, the title to such land or 1172

lots shall be incontestable in the purchaser and shall be free and 1173
clear of all liens and encumbrances, except a federal tax lien 1174
notice of which is properly filed in accordance with section 1175
317.09 of the Revised Code prior to the date that a foreclosure 1176
proceeding is instituted pursuant to division (B) of section 1177
5721.18 of the Revised Code and the easements and covenants of 1178
record running with the land or lots that were created prior to 1179
the time the taxes or assessments, for the nonpayment of which the 1180
land or lots are sold at foreclosure, became due and payable. 1181

(3) When proceedings for foreclosure are instituted under 1182
division (C) of section 5721.18 of the Revised Code, unless the 1183
land or lots were previously redeemed pursuant to section 5721.25 1184
of the Revised Code, upon the filing of the entry of confirmation 1185
of sale, the title to such land or lots shall be incontestable in 1186
the purchaser and shall be free of any receiver's lien as defined 1187
in division (C)(4) of section 5721.18 of the Revised Code and, 1188
except as otherwise provided in division (G) of this section, the 1189
liens for land taxes, assessments, charges, interest, and 1190
penalties for which the lien was foreclosed and in satisfaction of 1191
which the property was sold. All other liens and encumbrances with 1192
respect to the land or lots shall survive the sale. 1193

(4) The title shall not be invalid because of any 1194
irregularity, informality, or omission of any proceedings under 1195
this chapter, or in any processes of taxation, if such 1196
irregularity, informality, or omission does not abrogate the 1197
provision for notice to holders of title, lien, or mortgage to, or 1198
other interests in, such foreclosed lands or lots, as prescribed 1199
in this chapter. 1200

(G) If a parcel is sold under this section for the amount 1201
described in division (A)(2) of this section, and the county 1202
treasurer's estimate exceeds the amount of taxes, assessments, 1203
interest, penalties, and costs actually payable when the deed is 1204

transferred to the purchaser, the officer who conducted the sale 1205
shall refund to the purchaser the difference between the estimate 1206
and the amount actually payable. If the amount of taxes, 1207
assessments, interest, penalties, and costs actually payable when 1208
the deed is transferred to the purchaser exceeds the county 1209
treasurer's estimate, the officer shall certify the amount of the 1210
excess to the treasurer, who shall enter that amount on the real 1211
and public utility property tax duplicate opposite the property; 1212
the amount of the excess shall be payable at the next succeeding 1213
date prescribed for payment of taxes in section 323.12 of the 1214
Revised Code. 1215

(H) If a parcel is sold or transferred under this section or 1216
sections 323.28 and 323.65 to 323.78 of the Revised Code, the 1217
officer who conducted the sale or made the transfer of the 1218
property shall collect the recording fee and any associated costs 1219
to cover the recording from the purchaser or transferee at the 1220
time of the sale or transfer and, following confirmation of the 1221
sale or transfer, shall ~~prepare~~ execute and record the deed 1222
conveying title to the parcel to the purchaser or transferee. For 1223
purposes of recording such deed, by placement of a bid or making a 1224
statement of interest by any party ultimately awarded the parcel, 1225
that purchaser or transferee thereby appoints the officer who 1226
makes the sale or is charged with executing and delivering the 1227
deed as agent for the purchaser or transferee for the sole purpose 1228
of accepting delivery of the deed. For such purposes, the 1229
confirmation of any such sale or order to transfer the parcel 1230
without appraisal or sale shall be deemed delivered upon the 1231
confirmation of such sale or transfer. 1232

(I) Notwithstanding section 5722.03 of the Revised Code, if 1233
the complaint alleges that the property is delinquent vacant land 1234
as defined in section 5721.01 of the Revised Code, abandoned lands 1235
as defined in section 323.65 of the Revised Code, or lands 1236

described in division (E) of section 5722.01 of the Revised Code, 1237
and the value of the taxes, assessments, penalties, interest, and 1238
all other charges and costs of the action exceed the auditor's 1239
fair market value of the parcel, then the court or board of 1240
revision having jurisdiction over the matter on motion of the 1241
plaintiff, or on the court's or board's own motion, shall, upon 1242
any adjudication of foreclosure, order, without appraisal and 1243
without sale, the fee simple title of the property to be 1244
transferred to and vested in an electing subdivision as defined in 1245
division (A) of section 5722.01 of the Revised Code. For purposes 1246
of determining whether the taxes, assessments, penalties, 1247
interest, and all other charges and costs of the action exceed the 1248
actual fair market value of the parcel, the auditor's most current 1249
valuation shall be rebuttably presumed to be, and constitute 1250
prima-facie evidence of, the fair market value of the parcel. In 1251
such case, the filing for journalization of a decree of 1252
foreclosure ordering that direct transfer without appraisal or 1253
sale shall constitute confirmation of the transfer and thereby 1254
terminate any further statutory or common law right of redemption. 1255

Sec. 5723.01. (A)(1) Every tract of land and town lot, which, 1257
pursuant to foreclosure proceedings under section 323.25 or 1258
5721.18 of the Revised Code, has been advertised and offered for 1259
sale on two separate occasions, not less than two weeks apart, and 1260
not sold for want of bidders, shall be forfeited to the state or 1261
to a political subdivision pursuant to division (A)(3) of this 1262
section. 1263

(2) The county prosecuting attorney shall certify to the 1264
court that such tract of land or town lot has been twice offered 1265
for sale and not sold for want of a bidder. Such forfeiture of 1266
lands and town lots shall be effective when the court by entry 1267
orders such lands and town lots forfeited to the state or to a 1268

political subdivision pursuant to division (A)(3) of this section. 1269
A copy of such entry shall be certified to the county auditor and, 1270
after the date of the certification, all the right, title, claim, 1271
and interest of the former owner is transferred to and vested in 1272
the state to be disposed of in compliance with this chapter. 1273

(3) After having been notified pursuant to division (A)(2) of 1274
this section that the tract of land or town lot has been twice 1275
offered for sale and not sold for want of bidders, the court shall 1276
notify the political subdivision in which the property is located 1277
and offer to forfeit the property to the political subdivision, or 1278
to an electing subdivision as defined in section 5722.01 of the 1279
Revised Code, upon a petition from the political subdivision. If 1280
the political subdivision does not petition the court within ten 1281
days of the notification by the court, the court shall forfeit the 1282
property to the state. If the political subdivision requests 1283
through a petition to receive the property through forfeiture, the 1284
forfeiture of land and town lots is effective when, by entry, the 1285
court orders such lands and town lots forfeited to the political 1286
subdivision. The court shall certify a copy of the entry to the 1287
county auditor and, after the date of certification, all the 1288
right, title, claim, and interest of the former owner is 1289
transferred to and vested in the political subdivision. 1290

(B) Every parcel against which a judgment of foreclosure and 1291
forfeiture is made in accordance with section 5721.16 of the 1292
Revised Code is forfeited to the state on the date the court 1293
enters a finding under that section. After that date, all the 1294
right, title, claim, and interest of the former owner is 1295
transferred to the state to be disposed of in compliance with the 1296
relevant provisions of this chapter. 1297

Section 2. That existing sections 323.25, 323.28, 323.47, 1298
2303.11, 2323.07, 2327.01, 2327.02, 2329.17, 2329.18, 2329.19, 1299
2329.23, 2329.26, 2329.27, 2329.30, 2329.31, 2329.36, 2703.26, 1300

5309.64, 5721.18, 5721.19, and 5723.01 of the Revised Code are
hereby repealed.

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