

**As Reported by the House Judiciary Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 134**

**Representatives Grossman, Curtin**

**Cosponsors: Representatives Becker, Antonio, Fedor, Lepore-Hagan, Blessing,  
Hambley, Sheehy, Schuring, Dever, McColley**

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**A BILL**

To amend sections 323.47, 1901.18, 2303.26, 1  
2329.01, 2329.02, 2329.20, 2329.21, 2329.23, 2  
2329.26, 2329.30, 2329.31, 2329.33, 2329.52, and 3  
2909.07 and to enact sections 2308.01 to 4  
2308.04, 2329.211, and 2329.311 of the Revised 5  
Code to establish summary actions to foreclose 6  
mortgages on vacant and abandoned residential 7  
properties and to make other changes relative to 8  
residential foreclosure actions. 9

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

**Section 1.** That sections 323.47, 1901.18, 2303.26, 10  
2329.01, 2329.02, 2329.20, 2329.21, 2329.23, 2329.26, 2329.30, 11  
2329.31, 2329.33, 2329.52, and 2909.07 be amended and sections 12  
2308.01, 2308.02, 2308.03, 2308.04, 2329.211, and 2329.311 of 13  
the Revised Code be enacted to read as follows: 14

**Sec. 323.47.** (A) If land held by tenants in common is sold 15  
upon proceedings in partition, or taken by the election of any 16  
of the parties to such proceedings, or real estate is sold by 17  
administrators, executors, guardians, or trustees, the court 18

shall order that the taxes, penalties, and assessments then due 19  
and payable, and interest on those taxes, penalties, and 20  
assessments, that are or will be a lien on such land or real 21  
estate at the time the deed is transferred following the sale, 22  
be discharged out of the proceeds of such sale or election. For 23  
purposes of determining such amount, the county treasurer shall 24  
estimate the amount of taxes, assessments, interest, and 25  
penalties that will be payable at the time the deed of the 26  
property is transferred to the purchaser. If the county 27  
treasurer's estimate exceeds the amount of taxes, assessments, 28  
interest, and penalties actually payable when the deed is 29  
transferred to the purchaser, the officer who conducted the sale 30  
shall refund to the purchaser the difference between the 31  
estimate and the amount actually payable. If the amount of 32  
taxes, assessments, interest, and penalties actually payable 33  
when the deed is transferred to the purchaser exceeds the county 34  
treasurer's estimate, the officer shall certify the amount of 35  
the excess to the treasurer, who shall enter that amount on the 36  
real and public utility property tax duplicate opposite the 37  
property; the amount of the excess shall be payable at the next 38  
succeeding date prescribed for payment of taxes in section 39  
323.12 of the Revised Code. 40

(B) (1) Except as provided in division (B) (3) of this 41  
section, if real estate is sold at judicial sale, the court 42  
shall order that the total of the following amounts shall be 43  
discharged out of the proceeds of the sale but only to the 44  
extent of such proceeds: 45

(a) Taxes and assessments the lien for which attaches 46  
before the confirmation of sale but that are not yet determined, 47  
assessed, and levied for the year in which confirmation occurs, 48  
apportioned pro rata to the part of that year that precedes 49

confirmation, and any penalties and interest on those taxes and assessments; 50  
51

(b) All other taxes, assessments, penalties, and interest 52  
the lien for which attached for a prior tax year but that have 53  
not been paid on or before the date of confirmation. 54

~~(2) Upon the request of the officer who conducted the 55  
sale, the county treasurer shall estimate the amount in division 56  
(B)(1)(a) of this section. If the county treasurer's estimate 57  
exceeds that amount, the officer who conducted the sale shall 58  
refund to the purchaser the difference between the estimate and 59  
the actual amount. If the actual amount exceeds the county 60  
treasurer's estimate, the officer shall certify the amount of 61  
the excess to the treasurer, who shall enter that amount on the 62  
real and public utility property tax duplicate opposite the 63  
property; the amount of the excess shall be payable at the next 64  
succeeding date prescribed for payment of taxes in section 65  
323.12 of the Revised Code. The purchaser of real estate at a 66  
judicial sale is responsible for payment of any and all taxes 67  
and assessments, and any penalties and interest on those taxes 68  
and assessments, that attach as of the day following the date of 69  
the sale, including taxes and assessments levied for the year in 70  
which the sale occurred, apportioned pro rata after the date of 71  
the judicial sale, and any penalties and interest on those taxes 72  
and assessments. 73~~

(3) The amounts described in division (B)(1) of this 74  
section shall not be discharged out of the proceeds of a 75  
judicial sale, but shall instead be deemed to be satisfied and 76  
extinguished upon confirmation of sale, if both of the following 77  
conditions apply: 78

(a) The real estate is sold pursuant to a foreclosure 79

proceeding other than a tax foreclosure proceeding initiated by 80  
the county treasurer under section 323.25, sections 323.65 to 81  
323.79, or Chapter 5721. of the Revised Code. 82

(b) A county land reutilization corporation organized 83  
under Chapter 1724. of the Revised Code is both the purchaser of 84  
the real estate and the judgment creditor or assignee of all 85  
rights, title, and interest in the judgment arising from the 86  
foreclosure proceeding. 87

**Sec. 1901.18.** (A) Except as otherwise provided in this 88  
division or section 1901.181 of the Revised Code, subject to the 89  
monetary jurisdiction of municipal courts as set forth in 90  
section 1901.17 of the Revised Code, a municipal court has 91  
original jurisdiction within its territory in all of the 92  
following actions or proceedings and to perform all of the 93  
following functions: 94

(1) In any civil action, of whatever nature or remedy, of 95  
which judges of county courts have jurisdiction; 96

(2) In any action or proceeding at law for the recovery of 97  
money or personal property of which the court of common pleas 98  
has jurisdiction; 99

(3) In any action at law based on contract, to determine, 100  
preserve, and enforce all legal and equitable rights involved in 101  
the contract, to decree an accounting, reformation, or 102  
cancellation of the contract, and to hear and determine all 103  
legal and equitable remedies necessary or proper for a complete 104  
determination of the rights of the parties to the contract; 105

(4) In any action or proceeding for the sale of personal 106  
property under chattel mortgage, lien, encumbrance, or other 107  
charge, for the foreclosure and marshalling of liens on personal 108

property of that nature, and for the rendering of personal	109
judgment in the action or proceeding;	110
(5) In any action or proceeding to enforce the collection	111
of its own judgments or the judgments rendered by any court	112
within the territory to which the municipal court has succeeded,	113
and to subject the interest of a judgment debtor in personal	114
property to satisfy judgments enforceable by the municipal	115
court;	116
(6) In any action or proceeding in the nature of	117
interpleader;	118
(7) In any action of replevin;	119
(8) In any action of forcible entry and detainer;	120
(9) In any action concerning the issuance and enforcement	121
of temporary protection orders pursuant to section 2919.26 of	122
the Revised Code or protection orders pursuant to section	123
2903.213 of the Revised Code or the enforcement of protection	124
orders issued by courts of another state, as defined in section	125
2919.27 of the Revised Code;	126
(10) If the municipal court has a housing or environmental	127
division, in any action over which the division is given	128
jurisdiction by section 1901.181 of the Revised Code, provided	129
that, except as specified in division (B) of that section, no	130
judge of the court other than the judge of the division shall	131
hear or determine any action over which the division has	132
jurisdiction;	133
(11) In any action brought pursuant to division (I) of	134
section 4781.40 of the Revised Code, if the residential premises	135
that are the subject of the action are located within the	136
territorial jurisdiction of the court;	137

(12) In any civil action as described in division (B) (1) 138  
of section 3767.41 of the Revised Code that relates to a public 139  
nuisance, and, to the extent any provision of this chapter 140  
conflicts or is inconsistent with a provision of that section, 141  
the provision of that section shall control in the civil action; 142

(13) In a proceeding brought pursuant to section 955.222 143  
of the Revised Code by the owner of a dog that has been 144  
designated as a nuisance dog, dangerous dog, or vicious dog. 145

(B) The Cleveland and Toledo municipal ~~court~~ courts also 146  
shall have jurisdiction within ~~its~~ their territory in all of the 147  
following actions or proceedings and to perform all of the 148  
following functions: 149

(1) In all actions and proceedings for the sale of real 150  
property under lien of a judgment of the municipal court or a 151  
lien for machinery, material, or fuel furnished or labor 152  
performed, irrespective of amount, and, in those actions and 153  
proceedings, the court may proceed to foreclose and marshal all 154  
liens and all vested or contingent rights, to appoint a 155  
receiver, and to render personal judgment irrespective of amount 156  
in favor of any party. 157

(2) In all actions for the foreclosure of a mortgage on 158  
real property given to secure the payment of money or the 159  
enforcement of a specific lien for money or other encumbrance or 160  
charge on real property, when the amount claimed by the 161  
plaintiff does not exceed fifteen thousand dollars and the real 162  
property is situated within the territory, and, in those 163  
actions, the court may proceed to foreclose all liens and all 164  
vested and contingent rights and may proceed to render judgments 165  
and make findings and orders between the parties in the same 166  
manner and to the same extent as in similar actions in the court 167

of common pleas. 168

(3) In all actions for the recovery of real property 169  
situated within the territory to the same extent as courts of 170  
common pleas have jurisdiction; 171

(4) In all actions for injunction to prevent or terminate 172  
violations of the ordinances and regulations of the city of 173  
Cleveland or Toledo enacted or promulgated under the police 174  
power of the city of Cleveland or Toledo, pursuant to Section 3 175  
of Article XVIII, Ohio Constitution, over which the court of 176  
common pleas has or may have jurisdiction, and, in those 177  
actions, the court may proceed to render judgments and make 178  
findings and orders in the same manner and to the same extent as 179  
in similar actions in the court of common pleas. 180

**Sec. 2303.26.** The clerk of the court of common pleas shall 181  
exercise the powers conferred and perform the duties enjoined 182  
upon ~~him~~ the clerk by statute and by the common law; and in the 183  
performance of ~~his~~ official duties ~~he~~ the clerk shall be under 184  
the direction of ~~his~~ such court. The clerk shall not restrict, 185  
prohibit, or otherwise modify the rights of parties to seek 186  
service on party defendants allowed by the Rules of Civil 187  
Procedure, either singularly or concurrently. 188

**Sec. 2308.01.** As used in this chapter: 189

(A) "Manufactured home" has the same meaning as in section 190  
3781.06 of the Revised Code. 191

(B) "Mobile home" has the same meaning as in section 192  
4501.01 of the Revised Code. 193

(C) "Residential condominium unit" means a "residential 194  
unit" as defined in section 5311.01 of the Revised Code. 195

(D) "Residential mortgage loan" means a loan or agreement 196  
to extend credit, including the renewal, refinancing, or 197  
modification of such a loan or agreement, that is made to a 198  
person and that is primarily secured by a mortgage, deed of 199  
trust, or other lien upon any interest in residential property 200  
or any certification of stock or other evidence of ownership in, 201  
and a proprietary lease from, a corporation or partnership 202  
formed for the purpose of cooperative ownership of residential 203  
property. 204

(E) "Residential property" means real property located 205  
within this state consisting of land and a structure on that 206  
land containing four or fewer dwelling units, each of which is 207  
intended for occupancy by a separate household. "Residential 208  
property" includes a residential condominium unit owned by an 209  
individual, notwithstanding the number of units in the 210  
structure, but includes a manufactured or mobile home only if it 211  
is taxed as real property. 212

**Sec. 2308.02.** (A) A mortgagee who files a foreclosure 213  
action on a residential property may file a motion with the 214  
court to proceed in an expedited manner under this section on 215  
the basis that the property is vacant and abandoned. In order to 216  
proceed in an expedited manner, upon commencement of the 217  
foreclosure action, the mortgagee must be a person entitled to 218  
enforce the instrument secured by the mortgage under division 219  
(A) (1) or (2) of section 1303.31 of the Revised Code or a person 220  
with the right to enforce the obligation secured by the mortgage 221  
pursuant to law outside of Chapter 1303. of the Revised Code. 222

(B) If a motion to proceed in an expedited manner is filed 223  
before the last answer period has expired, the court shall 224  
decide the motion not later than twenty-one days, or within the 225



time consistent with the local rules, after the last answer 226  
period has expired. If a motion to proceed in an expedited 227  
manner is filed after the last answer period has expired, the 228  
court shall decide the motion not later than twenty-one days, or 229  
within the time consistent with local rules, after the motion is 230  
filed. 231

(C) In deciding the motion to proceed in an expedited 232  
manner, the court shall deem the property to be vacant and 233  
abandoned if all of the following apply: 234

(1) The court finds by a preponderance of the evidence 235  
that the residential mortgage loan is in monetary default. 236

(2) The court finds by a preponderance of the evidence 237  
that the mortgagee is a person entitled to enforce the 238  
instrument secured by the mortgage under division (A) (1) or (2) 239  
of section 1303.31 of the Revised Code or a person with the 240  
right to enforce the obligation secured by the mortgage pursuant 241  
to law outside of Chapter 1303. of the Revised Code. 242

(3) The court finds by clear and convincing evidence that 243  
at least three of the following factors are true: 244

(a) Gas, electric, sewer, or water utility services to the 245  
property have been disconnected. 246

(b) Windows or entrances to the property are boarded up or 247  
closed off, or multiple window panes are broken and unrepaired. 248

(c) Doors on the property are smashed through, broken off, 249  
unhinged, or continuously unlocked. 250

(d) Junk, litter, trash, debris, or hazardous, noxious, or 251  
unhealthy substances or materials have accumulated on the 252  
property. 253

(e) Furnishings, window treatments, or personal items are 254  
absent from the structure on the land. 255

(f) The property is the object of vandalism, loitering, or 256  
criminal conduct, or there has been physical destruction or 257  
deterioration of the property. 258

(g) A mortgagor has made a written statement expressing 259  
the intention of all mortgagors to abandon the property. 260

(h) Neither an owner nor a tenant appears to be residing 261  
in the property at the time of an inspection of the property by 262  
the appropriate official of a county, municipal corporation, or 263  
township in which the property is located or by the mortgagee. 264

(i) Government employees provide written statements 265  
indicating that the structure on the land is vacant and 266  
abandoned. 267

(j) The property is sealed because, immediately prior to 268  
being sealed, it was considered by an appropriate official to be 269  
open, vacant, or vandalized. 270

(k) Other reasonable indicia of abandonment exist. 271

(4) No mortgagor or other defendant has filed an answer or 272  
objection setting forth a defense or objection that, if proven, 273  
would preclude the entry of a final judgment and decree of 274  
foreclosure. 275

(5) No mortgagor or other defendant has filed a written 276  
statement with the court indicating that the property is not 277  
vacant and abandoned. 278

(D) If the court decides that the property is vacant and 279  
abandoned and that the mortgagee who filed the motion to proceed 280  
in an expedited manner is entitled to judgment, the court shall 281

enter a final judgment and decree of foreclosure and order the 282  
property to be sold in accordance with division (E) of this 283  
section. If the court does not decide that the property is 284  
vacant and abandoned, the seventy-five-day deadline established 285  
in division (E) of this section shall not apply to the sale of 286  
the property. 287

(E) If the court decides that the property is vacant and 288  
abandoned and enters a final judgment and decree of foreclosure 289  
under division (D) of this section, the property shall be 290  
offered for sale not later than seventy-five days after the 291  
issuance of the order of sale. The sale of the property shall be 292  
conducted in accordance with the requirements in Chapter 2329. 293  
of the Revised Code. 294

(F) Nothing in this section shall supersede or limit other 295  
procedures adopted by the court to resolve the residential 296  
mortgage loan foreclosure action, including foreclosure 297  
mediation. 298

**Sec. 2308.03.** (A) Except as otherwise provided in division 299  
(B) of this section, if a residential property is found to be 300  
vacant and abandoned under section 2308.02 of the Revised Code, 301  
a mortgagee of the residential property may enter that property 302  
to secure and protect it from damage. 303

(B) A mortgagee that has not filed a residential mortgage 304  
loan foreclosure action on a property for which the mortgagee 305  
holds a mortgage may enter and secure that property only if the 306  
mortgage contract or other documents provide for such an entry. 307

(C) The equitable and statutory rights to redemption of a 308  
mortgage on a property found to be vacant and abandoned pursuant 309  
to section 2308.02 of the Revised Code expire upon the 310

confirmation of sale of the property. 311

**Sec. 2308.04.** A person who is an owner of residential 312  
property who knowingly causes physical harm to that property 313  
after the person has been personally served with a summons and 314  
complaint in a residential mortgage loan foreclosure action 315  
relating to that property is guilty of criminal mischief in 316  
violation of section 2909.07 of the Revised Code. This section 317  
shall not apply to a person who is an owner of a residential 318  
property who is making a good faith effort to improve or 319  
maintain the value of the property. 320

**Sec. 2329.01.** (A) Lands and tenements, including vested 321  
legal interests therein, permanent leasehold estates renewable 322  
forever, and goods and chattels, not exempt by law, shall be 323  
subject to the payment of debts, and liable to be taken on 324  
execution and sold as provided in sections 2329.02 to 2329.61, 325  
~~inclusive,~~ of the Revised Code. 326

(B) As used in sections 2329.02 to 2329.61 of the Revised 327  
Code, "residential mortgage loan" and "residential property" 328  
have the same meanings as in section 2308.01 of the Revised 329  
Code. 330

**Sec. 2329.02.** (A) Any judgment or decree rendered by any 331  
court of general jurisdiction, including district courts of the 332  
United States, within this state shall be a lien upon lands and 333  
tenements of each judgment debtor within any county of this 334  
state from the time there is filed in the office of the clerk of 335  
the court of common pleas of such county a certificate of such 336  
judgment, setting forth the court in which the same was 337  
rendered, the title and number of the action, the names of the 338  
judgment creditors and judgment debtors, the amount of the 339  
judgment and costs, the rate of interest, if the judgment 340

provides for interest, and the date from which such interest 341  
accrues, the date of rendition of the judgment, and the volume 342  
and page of the journal entry thereof. 343

(B) No such judgment or decree shall be a lien upon any 344  
lands, whether or not situated within the county in which such 345  
judgment is rendered, registered under sections 5309.02 to 346  
5309.98, ~~inclusive,~~ and 5310.01 to 5310.21, ~~inclusive,~~ of the 347  
Revised Code, until a certificate under the hand and official 348  
seal of the clerk of the court in which the same is entered or 349  
of record, stating the date and purport of the judgment, giving 350  
the number of the case, the full names of the parties, plaintiff 351  
and defendant, and the volume and page of the journal or record 352  
in which it is entered, or a certified copy of such judgment, 353  
stating such facts, is filed and noted in the office of the 354  
county recorder of the county in which the land is situated, and 355  
a memorial of the same is entered upon the register of the last 356  
certificate of title to the land to be affected. 357

Such certificate shall be made by the clerk of the court 358  
in which the judgment was rendered, under the seal of said 359  
court, upon the order of any person in whose favor such judgment 360  
was rendered or upon the order of any person claiming under ~~him~~ 361  
a person in whose favor such judgment was rendered, and shall be 362  
delivered to the party so ordering the same; and the fee 363  
therefor shall be taxed in the costs of the action. 364

(C) When any such certificate is delivered to the clerk of 365  
the court of common pleas of any county in this state, the same 366  
shall be filed by such clerk, and ~~he~~ the clerk shall docket and 367  
index it under the names of the judgment creditors and the 368  
judgment debtors in a judgment docket, which shall show as to 369  
each judgment all of the matters set forth in such certificate 370

as required by this section. The fee for such filing, docketing, 371  
and indexing shall be taxed as increased costs of such judgment 372  
upon such judgment docket and shall be included in the lien of 373  
the judgment. 374

(D) When the clerk of any court, other than that rendering 375  
the judgment, in whose office any such certificate is filed, has 376  
docketed and indexed the same, ~~he the clerk~~ shall indorse upon 377  
such certificate the fact of such filing with the date thereof 378  
and the volume and page of the docket entry of such certificate 379  
and shall return the same so indorsed to the clerk of the court 380  
in which the judgment was rendered, who shall note upon the 381  
original docket the fact of the filing of said certificate, 382  
showing the county in which the same was filed and the date of 383  
such filing. When such certificate is filed, docketed, and 384  
indexed in the office of the clerk of the court which rendered 385  
the judgment, such clerk shall likewise indorse the certificate 386  
and make like notation upon the original docket. 387

Each such judgment shall be deemed to have been rendered 388  
in the county in which is kept the journal of the court 389  
rendering the same, in which journal such judgment is entered. 390

(E) Certificates or certified copies of judgments or 391  
decrees of any courts of general jurisdiction, including 392  
district courts of the United States, within this state, may be 393  
filed, registered, noted, and memorials thereof entered, in the 394  
office of the recorder of any county in which is situated land 395  
registered under sections 5309.02 to 5309.98, ~~inclusive,~~ and 396  
5310.01 to 5310.21, ~~inclusive,~~ of the Revised Code, for the 397  
purpose of making such judgments liens upon such registered 398  
land. 399

(F) Notwithstanding any other provision of the Revised 400

Code, any judgment issued in a court of record may be 401  
transferred to any other court of record. Any proceedings for 402  
collection may be had on such judgment the same as if it had 403  
been issued by the transferee court. 404

(G) When a clerk files a judgment of foreclosure in a 405  
residential mortgage loan foreclosure action, the clerk shall 406  
provide notice of that filing to the judgment debtor, the 407  
judgment creditor, and any lienholder who has appeared in the 408  
action. 409

**Sec. 2329.20.** ~~No~~ Except as otherwise provided in this 410  
section or sections 2329.51 and 2329.52 of the Revised Code, no 411  
tract of land shall be sold for less than two-thirds of the 412  
value returned in the inquest required by section 2329.17 of the 413  
Revised Code; ~~except that in~~. In all cases where in which a 414  
junior mortgage or other junior lien is sought to be enforced 415  
against real estate by an order, judgment, or decree of court, 416  
subject to a prior lien thereon, and such prior lien, and the 417  
claims or obligations secured thereby, are unaffected by such 418  
order, judgment, or decree, the court making such order, 419  
judgment, or decree, may determine the minimum amount for which 420  
such real estate may be sold, such minimum amount to be not less 421  
than two-thirds of the difference between the value of the real 422  
estate appraised as provided in such section, and the amount 423  
remaining unpaid on the claims or obligations secured by such 424  
prior lien. The price at which a foreclosed residential property 425  
sells at a sheriff's auction shall not be used as a basis for 426  
establishing the market value of any other property. 427

**Sec. 2329.21.** If the sum bid by the purchaser for the real 428  
estate sold under section 2329.20 of the Revised Code relating 429  
to the enforcement of junior liens is insufficient to pay the 430

costs and allowance which the court has determined prior to such 431  
sale should be paid out of the proceeds thereof, pursuant to the 432  
terms of the mortgage or lien sought to be enforced, then the 433  
purchaser, in addition to the amount of ~~his~~ the purchaser's bid, 434  
must pay a sum which with the amount so bid will be sufficient 435  
to pay the costs and allowances. The court may fix the amount 436  
remaining unpaid on such claims or obligations for the purpose 437  
of the sale, and to that end require the parties to the suit to 438  
furnish to it satisfactory evidence of such unpaid amount. The 439  
advertisement for the sale of real estate sold under section 440  
2329.20 of the Revised Code shall state that the purchaser shall 441  
be responsible for those costs and allowances that the proceeds 442  
of the sale are insufficient to cover. 443

Sec. 2329.211. A successful purchaser at a sale of lands 444  
and tenements taken in execution shall make a deposit in the 445  
amount of five per cent of the appraised value of the property, 446  
but not less than five thousand dollars or more than ten 447  
thousand dollars, to the officer conducting the sale. The 448  
deposit is due at the time of sale, unless the purchaser is the 449  
plaintiff in the action or the judgment creditor. In that case, 450  
the deposit shall be tendered to the officer by the close of 451  
business the day of the sale. Failure of the purchaser to timely 452  
make its deposit shall invalidate the sale. 453

Sec. 2329.23. All notices and advertisements for the sale 454  
of lands and tenements located in a municipal corporation, made 455  
by virtue of the proceedings in a court of record, in addition 456  
to a description of the lands and tenements, shall contain the 457  
street number of the buildings erected on the lands, or the 458  
street number of the lots offered for sale. If no such number 459  
exists, then the notice or advertisement shall contain the name 460  
of the street or road upon which the lands and tenements are 461



located together with the names of the streets or roads 462  
immediately north and south or east and west of the lands and 463  
tenements that cross or intersect the street or road upon which 464  
they are located. The notice or advertisement shall, if 465  
applicable, include the web site address of the officer who 466  
makes the sale that allows a person to obtain a complete legal 467  
description of the lands and tenements. 468

All notices and advertisements for the sale of residential 469  
property located in a municipal corporation, made by virtue of 470  
the proceeding in a court of record pursuant to a mortgage loan 471  
foreclosure action, shall include the provisional date for a 472  
second sale of the property, should the property not sell for 473  
the minimum bid established pursuant to section 2329.20 of the 474  
Revised Code. 475

**Sec. 2329.26.** (A) Lands and tenements taken in execution 476  
shall not be sold until all of the following occur: 477

(1) (a) Except as otherwise provided in division (A) (1) (b) 478  
of this section, the judgment creditor who seeks the sale of the 479  
lands and tenements or the judgment creditor's attorney does 480  
both of the following: 481

(i) Causes a written notice of the date, time, and place 482  
of the sale, and of the provisional second sale described in 483  
division (B) of section 2329.52 of the Revised Code, if 484  
applicable, to be served in accordance with divisions (A) and 485  
(B) of Civil Rule 5 upon the judgment debtor and upon each other 486  
party to the action in which the judgment giving rise to the 487  
execution was rendered; 488

(ii) At least seven calendar days prior to the date of the 489  
sale, files with the clerk of the court that rendered the 490

judgment giving rise to the execution a copy of the written 491  
notice described in division (A) (1) (a) (i) of this section with 492  
proof of service endorsed on the copy in the form described in 493  
division (D) of Civil Rule 5. 494

(b) Service of the written notice described in division 495  
(A) (1) (a) (i) of this section is not required to be made upon any 496  
party who is in default for failure to appear in the action in 497  
which the judgment giving rise to the execution was rendered. 498

(2) The officer taking the lands and tenements gives 499  
public notice of the date, time, and place of the sale, and of 500  
the provisional second sale described in division (B) of section 501  
2329.52 of the Revised Code, if applicable, once a week for at 502  
least three consecutive weeks before the day of sale by 503  
advertisement in a newspaper of general circulation in the 504  
county. The newspaper shall meet the requirements of section 505  
7.12 of the Revised Code. The court ordering the sale may 506  
designate in the order of sale the newspaper in which this 507  
public notice shall be published. 508

(3) The officer taking the lands and tenements shall 509  
collect the purchaser's information required by section 2329.271 510  
of the Revised Code. 511

(B) A sale of lands and tenements taken in execution may 512  
be set aside in accordance with division (A) or (B) of section 513  
2329.27 of the Revised Code. 514

**Sec. 2329.30.** The court from which an execution or order 515  
of sale issues, upon notice and motion of the officer who makes 516  
the sale or of an interested party, may punish any purchaser of 517  
lands and tenements who fails to pay within thirty days of the 518  
confirmation of the sale the balance due on the purchase price 519

of the lands and tenements by forfeiting the sale of the lands 520  
and tenements and returning any deposit paid in connection with 521  
the sale of the lands and tenements, by forfeiting any deposit 522  
paid in connection with the sale of the lands and tenements, as 523  
for contempt, or in any other manner the court considers 524  
appropriate. Upon motion, the court shall order the return of 525  
any remaining portion of the deposit of the purchaser, less the 526  
costs of a subsequent sale and any other remedy the court 527  
considers appropriate. The effect of an order for contempt for 528  
failure of the purchaser to pay shall be considered an order to 529  
void the confirmation of sale and transfer. 530

**Sec. 2329.31.** (A) Upon the return of any writ of execution 531  
for the satisfaction of which lands and tenements have been 532  
sold, on careful examination of the proceedings of the officer 533  
making the sale, if the court of common pleas finds that the 534  
sale was made, in all respects, in conformity with sections 535  
2329.01 to 2329.61 of the Revised Code, it shall, within thirty 536  
days of the return of the writ, direct the clerk of the court of 537  
common pleas to make an entry on the journal that the court is 538  
satisfied of the legality of such sale ~~and that the attorney who~~ 539  
~~filed the writ of execution make to the purchaser a deed for the~~ 540  
~~lands and tenements.~~ Nothing in this section prevents the court 541  
of common pleas from staying the confirmation of the sale to 542  
permit a property owner time to redeem the property or for any 543  
other reason that it determines is appropriate. In those 544  
instances, the sale shall be confirmed within thirty days after 545  
the termination of any stay of confirmation. 546

(B) The officer making the sale shall require the 547  
purchaser, including a lienholder, to pay within thirty days of 548  
the confirmation of the sale the balance due on the purchase 549  
price of the lands and tenements. 550

(C) (1) The officer making the sale shall record the 551  
prepared deed required by section 2329.36 of the Revised Code 552  
within fourteen days after the confirmation of sale and payment 553  
of the balance due. 554

(2) (a) If the deed is not prepared and recorded within the 555  
fourteen-day period, the purchaser may file a motion with the 556  
court to proceed with the recording of the confirmation of sale. 557

If the court finds that payment was made of the balance 558  
due, it shall enter an order ordering the plaintiff to present a 559  
certified copy of the order of confirmation of sale to the 560  
county recorder for recording, and ordering the county recorder 561  
to record the order of confirmation of sale in the record of 562  
deeds. The order of confirmation of sale, when filed with the 563  
county recorder, shall have the same effect as a deed prepared 564  
pursuant to section 2329.36 of the Revised Code. 565

(b) Upon the issuance of the court order described in 566  
division (C) (2) (a) of this section, the plaintiff, or the 567  
plaintiff's attorney, shall present a certified copy of the 568  
order of confirmation of sale to be recorded in the office of 569  
the county recorder. The county recorder shall record the order 570  
in the record of deeds. 571

(c) The clerk shall issue a copy of the court order 572  
described in division (C) (2) (a) of this section to the county 573  
auditor to transfer record ownership of the lands and tenements 574  
for the purpose of real estate taxes. Real estate taxes coming 575  
due after the date of the sale shall not prohibit the auditor 576  
from transferring ownership of the lands and tenements on its 577  
records or cause the recorder to deny recording. The real estate 578  
taxes shall become the responsibility of the new title holder of 579  
the lands and tenements beginning on the date of the 580

confirmation of sale. The sheriff shall not require the 581  
confirmation of sale to be amended for taxes not due and payable 582  
as of the date of the sale. 583

**Sec. 2329.311.** In sales of residential properties taken in 584  
execution or order of sale that are sold at an auction with no 585  
set minimum bid pursuant to division (B) of section 2329.52 of 586  
the Revised Code, the judgment creditor and the first lienholder 587  
each have the right to redeem the property within fourteen days 588  
after the sale by paying the purchase price. The redeeming party 589  
shall pay the purchase price to the clerk of the court in which 590  
the judgment was rendered or the order of sale was made. Upon 591  
timely payment, the court shall proceed as described in section 592  
2329.31 of the Revised Code, with the redeeming party considered 593  
the successful purchaser at sale. 594

**Sec. 2329.33.** In ~~Except as provided in division (C) of~~ 595  
section 2308.03 or any other section of the Revised Code, in 596  
sales of real estate on execution or order of sale, at any time 597  
before the confirmation thereof, the debtor may redeem it from 598  
sale by depositing in the hands of the clerk of the court of 599  
common pleas to which such execution or order is returnable, the 600  
amount of the judgment or decree upon which such lands were 601  
sold, with all costs, including poundage, and interest at the 602  
rate of eight per cent per annum on the purchase money from the 603  
day of sale to the time of such deposit, except where the 604  
judgment creditor is the purchaser, the interest at such rate on 605  
the excess above ~~his~~ the judgment creditor's claim. The 606  
Redemption of the debtor is a satisfaction of the judgment 607  
against the debtor only and shall not serve to discharge the 608  
judgment debtor of the judgment creditor's advancements for real 609  
estate taxes, insurance premium, and property protection if such 610  
a requirement was included in the judgment. Upon successful 611

redemption, the judgment debtor may petition the court to 612  
require the judgment creditor to provide an itemization of those 613  
advances within a reasonable amount of time for payment by the 614  
judgment debtor. Should the judgment debtor pay all sums 615  
required by this section, the court of common pleas thereupon 616  
shall make an order setting aside such sale, and apply the 617  
deposit to the payment of such judgment or decree and costs, and 618  
award such interest to the purchaser, who shall receive from the 619  
officer making the sale the purchase money paid by ~~him~~ the 620  
purchaser, and the interest from the clerk. This section does 621  
not take away the power of the court to set aside such sale for 622  
any reason for which it might have been set aside prior to April 623  
16, 1888. 624

**Sec. 2329.52.** ~~When~~ (A) Except as otherwise provided in 625  
division (B) of this section, when premises are ordered to be 626  
sold, if said premises, or a part thereof, remain unsold for 627  
want of bidders after having been once appraised, advertised, 628  
and offered for sale, the court from which the order of sale 629  
issued may, on motion of the plaintiff or defendant and from 630  
time to time until said premises are disposed of, order a new 631  
appraisement and sale or direct the amount for which said 632  
premises, or a part thereof, may be sold. 633

The court may order that the premises be sold as follows: 634  
One third cash in hand, one third in nine months from the day of 635  
sale, and the remaining one third in eighteen months from the 636  
day of sale, the deferred payments to draw interest at six per 637  
cent and be secured by a mortgage on the premises. 638

(B) When a residential property is ordered to be sold 639  
pursuant to a residential mortgage loan foreclosure action, if 640  
the property remains unsold after the first auction with a 641

minimum bid of two-thirds of the appraised value as established 642  
pursuant to section 2329.17 of the Revised Code, a second 643  
auction shall be held with no set minimum bid, and the 644  
residential property shall be sold to the highest bidder. This 645  
second auction shall be held not earlier than seven days and not 646  
later than thirty days after the first auction. As a condition 647  
of the second auction, the purchaser shall pay, in addition to 648  
the amount bid, a deposit to the sheriff to be used to pay the 649  
costs and allowances of the sale. This deposit shall be not less 650  
than five thousand dollars and not more than ten thousand 651  
dollars, as determined by the sheriff. The sheriff shall return 652  
the deposit, less the amount used for costs and allowances, to 653  
the purchaser within fourteen days after the transfer of sale. A 654  
residential property that remains unsold after two auctions may 655  
be subsequently offered for sale from time to time with no set 656  
minimum bid or disposed of in any other manner pursuant to this 657  
chapter or any other provision of the Revised Code. 658

**Sec. 2909.07.** (A) No person shall: 659

(1) Without privilege to do so, knowingly move, deface, 660  
damage, destroy, or otherwise improperly tamper with the 661  
property of another or one's own property, except when making a 662  
good faith effort to improve or maintain the value of one's own 663  
property, after a foreclosure complaint is filed against that 664  
property; 665

(2) With purpose to interfere with the use or enjoyment of 666  
property of another, employ a tear gas device, stink bomb, smoke 667  
generator, or other device releasing a substance that is harmful 668  
or offensive to persons exposed or that tends to cause public 669  
alarm; 670

(3) Without privilege to do so, knowingly move, deface, 671

damage, destroy, or otherwise improperly tamper with a bench 672  
mark, triangulation station, boundary marker, or other survey 673  
station, monument, or marker; 674

(4) Without privilege to do so, knowingly move, deface, 675  
damage, destroy, or otherwise improperly tamper with any safety 676  
device, the property of another, or the property of the offender 677  
when required or placed for the safety of others, so as to 678  
destroy or diminish its effectiveness or availability for its 679  
intended purpose; 680

(5) With purpose to interfere with the use or enjoyment of 681  
the property of another, set a fire on the land of another or 682  
place personal property that has been set on fire on the land of 683  
another, which fire or personal property is outside and apart 684  
from any building, other structure, or personal property that is 685  
on that land; 686

(6) Without privilege to do so, and with intent to impair 687  
the functioning of any computer, computer system, computer 688  
network, computer software, or computer program, knowingly do 689  
any of the following: 690

(a) In any manner or by any means, including, but not 691  
limited to, computer hacking, alter, damage, destroy, or modify 692  
a computer, computer system, computer network, computer 693  
software, or computer program or data contained in a computer, 694  
computer system, computer network, computer software, or 695  
computer program; 696

(b) Introduce a computer contaminant into a computer, 697  
computer system, computer network, computer software, or 698  
computer program. 699

(B) As used in this section, "safety device" means any 700



fire extinguisher, fire hose, or fire axe, or any fire escape, 701  
emergency exit, or emergency escape equipment, or any life line, 702  
life-saving ring, life preserver, or life boat or raft, or any 703  
alarm, light, flare, signal, sign, or notice intended to warn of 704  
danger or emergency, or intended for other safety purposes, or 705  
any guard railing or safety barricade, or any traffic sign or 706  
signal, or any railroad grade crossing sign, signal, or gate, or 707  
any first aid or survival equipment, or any other device, 708  
apparatus, or equipment intended for protecting or preserving 709  
the safety of persons or property. 710

(C) (1) Whoever violates this section is guilty of criminal 711  
mischief, and shall be punished as provided in division (C) (2) 712  
or (3) of this section. 713

(2) Except as otherwise provided in this division, 714  
criminal mischief committed in violation of division (A) (1), 715  
(2), (3), (4), or (5) of this section is a misdemeanor of the 716  
third degree. Except as otherwise provided in this division, if 717  
the violation of division (A) (1), (2), (3), (4), or (5) of this 718  
section creates a risk of physical harm to any person, criminal 719  
mischief committed in violation of division (A) (1), (2), (3), 720  
(4), or (5) of this section is a misdemeanor of the first 721  
degree. If the property involved in the violation of division 722  
(A) (1), (2), (3), (4), or (5) of this section is an aircraft, an 723  
aircraft engine, propeller, appliance, spare part, fuel, 724  
lubricant, hydraulic fluid, any other equipment, implement, or 725  
material used or intended to be used in the operation of an 726  
aircraft, or any cargo carried or intended to be carried in an 727  
aircraft, criminal mischief committed in violation of division 728  
(A) (1), (2), (3), (4), or (5) of this section is one of the 729  
following: 730

(a) If the violation creates a risk of physical harm to any person, except as otherwise provided in division (C) (2) (b) of this section, criminal mischief committed in violation of division (A) (1), (2), (3), (4), or (5) of this section is a felony of the fifth degree.

(b) If the violation creates a substantial risk of physical harm to any person or if the property involved in a violation of this section is an occupied aircraft, criminal mischief committed in violation of division (A) (1), (2), (3), (4), or (5) of this section is a felony of the fourth degree.

(3) Except as otherwise provided in this division, criminal mischief committed in violation of division (A) (6) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division, if the value of the computer, computer system, computer network, computer software, computer program, or data involved in the violation of division (A) (6) of this section or the loss to the victim resulting from the violation is one thousand dollars or more and less than ten thousand dollars, or if the computer, computer system, computer network, computer software, computer program, or data involved in the violation of division (A) (6) of this section is used or intended to be used in the operation of an aircraft and the violation creates a risk of physical harm to any person, criminal mischief committed in violation of division (A) (6) of this section is a felony of the fifth degree. If the value of the computer, computer system, computer network, computer software, computer program, or data involved in the violation of division (A) (6) of this section or the loss to the victim resulting from the violation is ten thousand dollars or more, or if the computer, computer system, computer network, computer software, computer program, or data involved in the violation of

division (A) (6) of this section is used or intended to be used 762  
in the operation of an aircraft and the violation creates a 763  
substantial risk of physical harm to any person or the aircraft 764  
in question is an occupied aircraft, criminal mischief committed 765  
in violation of division (A) (6) of this section is a felony of 766  
the fourth degree. 767

**Section 2.** That existing sections 323.47, 1901.18, 768  
2303.26, 2329.01, 2329.02, 2329.20, 2329.21, 2329.23, 2329.26, 769  
2329.30, 2329.31, 2329.33, 2329.52, and 2909.07 of the Revised 770  
Code are hereby repealed. 771