

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 273**

**Representative Pelanda**

**Cosponsors: Representatives Rogers, Becker, Grossman, Fedor, Hackett, Young**

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**A BILL**

To amend sections 1923.12, 1923.13, and 1923.14 and 1  
to enact section 4781.56 of the Revised Code 2  
regarding the removal of abandoned or unoccupied 3  
manufactured homes, mobile homes, or 4  
recreational vehicles from manufactured home 5  
parks. 6

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

**Section 1.** That sections 1923.12, 1923.13, and 1923.14 be 7  
amended and section 4781.56 of the Revised Code be enacted to 8  
read as follows: 9

**Sec. 1923.12.** (A) If a resident or a resident's estate has 10  
been evicted from a manufactured home park pursuant to a 11  
judgment entered under section 1923.09 or 1923.11 of the Revised 12  
Code and if the resident or estate has abandoned or otherwise 13  
left unoccupied the resident's manufactured home, mobile home, 14  
or recreational vehicle on the residential premises of the 15  
manufactured home park for a period of three days following the 16  
entry of the judgment, the operator of the manufactured home 17  
park may provide to the titled owner of the home or vehicle a 18  
written notice to remove the home or vehicle from the 19

manufactured home park within fourteen days from the date of the 20  
delivery of the notice. The park operator shall deliver or cause 21  
the delivery of the notice by personal delivery to the owner or 22  
by ordinary mail sent to the last known address of the owner. 23  
Except as provided in divisions (D) and (E) of this section, if 24  
the owner of the manufactured home, mobile home, or recreational 25  
vehicle does not remove it or cause it to be removed from the 26  
manufactured home park within fourteen days from the date of the 27  
delivery of the notice, the park operator may follow the 28  
procedures of division (B) of section 1923.13 and division (B) 29  
of section 1923.14 of the Revised Code to permit the removal of 30  
the home or vehicle from the manufactured home park, and the 31  
potential sale, destruction, or transfer of ownership of the 32  
home or vehicle. 33

(B) Every notice provided to the titled owner of a 34  
manufactured home, mobile home, or recreational vehicle under 35  
this section shall contain the following language printed in a 36  
conspicuous manner: "You are being asked to remove your 37  
manufactured home, mobile home, or recreational vehicle from the 38  
residential premises of ....., a manufactured home park, in 39  
accordance with a judgment of eviction entered in ..... 40  
court on ..... against..... If the manufactured 41  
home, mobile home, or recreational vehicle is not removed from 42  
the manufactured home park within fourteen days from the date of 43  
delivery of this notice, the home or vehicle may be sold or 44  
destroyed, or its title may be transferred to ....., 45  
pursuant to division (B) of both sections 1923.13 and 1923.14 of 46  
the Revised Code. If you are in doubt regarding your legal 47  
rights, it is recommended that you seek legal assistance." 48

(C) Before requesting a writ of execution under division 49  
(B) of section 1923.13 of the Revised Code, the park operator 50

shall conduct or cause to be conducted a search of the 51  
appropriate public records that relate to the manufactured home, 52  
mobile home, or recreational vehicle, and make or cause to be 53  
made reasonably diligent inquiries, for the purpose of 54  
identifying any persons who have an outstanding right, title, or 55  
interest in the home or vehicle. If the search or inquiries 56  
reveal any person who has an outstanding right, title, or 57  
interest in the manufactured home, mobile home, or recreational 58  
vehicle, the park operator shall list the name and last known 59  
address of each person with a right, title, or interest of that 60  
nature on its request for the writ of execution. In addition, if 61  
personal property has been abandoned on the residential premises 62  
and the park operator has knowledge of any person who has an 63  
outstanding right, title, or interest in any of the personal 64  
property, the park operator shall list the item or items of 65  
personal property and the name and last known address of each 66  
person with the outstanding right, title, or interest on the 67  
request for the writ of execution. The park operator also shall 68  
certify on the request that the park operator provided the 69  
written notice required by this section. The clerk of the 70  
municipal court, county court, or court of common pleas may 71  
~~require~~ do either of the following: 72

(1) Require the park operator to pay an advance deposit 73  
sufficient to secure payment of the appraisal of the 74  
manufactured home, mobile home, or recreational vehicle and the 75  
advertisement of the sale of the home or vehicle; 76

(2) Require the sworn testimony of the park operator by 77  
notarized affidavit submitted to the court stating that the 78  
manufactured home, mobile home, or recreational vehicle is 79  
abandoned and worth less than three thousand dollars. 80

(D) When a deceased resident or a resident's estate has  
been evicted from a manufactured home park pursuant to a  
judgment entered under section 1923.09 or 1923.11 of the Revised  
Code, the removal from the park and potential sale, destruction,  
or transfer of ownership of the resident's manufactured home,  
mobile home, or recreational vehicle and any personal property  
abandoned on the residential premises shall be conducted in the  
manner prescribed by the probate court in which letters  
testamentary or of administration have been granted for the  
estate in accordance with Title XXI of the Revised Code. The  
park operator may store the resident's manufactured home, mobile  
home, or recreational vehicle at a storage facility or at  
another location within the manufactured home park during the  
administration of the estate. The park operator shall notify the  
executor or administrator of the resident's estate where the  
manufactured home, mobile home, or recreational vehicle will be  
stored during the administration of the estate. The costs for  
the removal and storage of the manufactured home, mobile home,  
or recreational vehicle shall be a claim against the resident's  
estate without further presentation of the claim to the executor  
or administrator.

(E) (1) When the resident who has been evicted from a  
manufactured home park pursuant to a judgment entered under  
section 1923.09 or 1923.11 of the Revised Code is the titled  
owner of a manufactured home, mobile home, or recreational  
vehicle and is or becomes deceased prior to the removal of the  
home or vehicle from the manufactured home park, and no probate  
court has granted ~~letters testamentary or of administration~~ with  
respect to the resident's estate within ninety days of the  
deceased's death, the park operator may store the home or  
vehicle at a storage facility or at another location within the

manufactured home park before and after a probate court grants 112  
letters testamentary or of administration with respect to the 113  
resident's estate pursuant to Title XXI of the Revised Code. 114

(2) If no probate court grants ~~letters testamentary or of~~ 115  
~~administration with respect to the resident's estate within one~~ 116  
~~year~~ ninety days of the date of the eviction of the resident 117  
from the manufactured home park pursuant to a judgment entered 118  
under section 1923.09 or 1923.11 of the Revised Code, the park 119  
operator may follow the procedures of division (B) of section 120  
1923.13 and division (B) of section 1923.14 of the Revised Code 121  
to permit the removal of the manufactured home, mobile home, or 122  
recreational vehicle from the park and potential sale, 123  
destruction, or transfer of ownership of the home or vehicle. 124

~~(3) If a probate court grants letters testamentary or of~~ 125  
~~administration with respect to the resident's estate within one~~ 126  
~~year of the date of the eviction of the resident from the park,~~ 127  
~~the removal of the manufactured home, mobile home, or~~ 128  
~~recreational vehicle from the park and potential sale,~~ 129  
~~destruction, or transfer of ownership of the home or vehicle~~ 130  
~~shall be conducted pursuant to division (D) of this section.~~ 131

If no estate in probate has been filed within ninety days, 132  
the park operator may conduct or cause to be conducted a search 133  
of the appropriate public records that relate to the 134  
manufactured home, mobile home, or recreational vehicle, and 135  
make or cause to be made reasonably diligent inquiries, for the 136  
purpose of identifying any persons who have an outstanding 137  
right, title, or interest in the home or vehicle. 138

(a) If the search or inquiries reveal any person who has 139  
an outstanding right, title, or interest in the manufactured 140  
home, mobile home, or recreational vehicle, the park operator 141

may provide to the person a written notice to remove the home or 142  
vehicle from the manufactured home park or arrange for the sale 143  
of the home or vehicle within fourteen days from the date of the 144  
delivery of the notice. The notice shall be in the form 145  
described in division (B) of this section. The park operator 146  
shall deliver or cause the delivery of the notice by personal 147  
delivery to the person or by ordinary mail sent to the last 148  
known address of the person. If a sale of the home or vehicle is 149  
arranged, the person shall pay any rent due to the park operator 150  
during the pendency of the sale. If the person does not remove 151  
the home or vehicle or arrange for its sale within fourteen days 152  
from the date of the delivery of the notice, the park operator 153  
may follow the procedures of division (B) of section 1923.13 and 154  
division (B) of section 1923.14 of the Revised Code to permit 155  
the removal of the home or vehicle from the manufactured home 156  
park, and the potential sale, destruction, or transfer of 157  
ownership of the home or vehicle. 158

(b) If the search or inquiries reveal no person who has an 159  
outstanding right, title, or interest in the manufactured home, 160  
mobile home, or recreational vehicle, the park operator may 161  
publish notice of a petition for a writ of execution in a 162  
newspaper of general circulation in the county where the home or 163  
vehicle has been abandoned. The publication shall contain the 164  
name of the deceased and the last known address of the home or 165  
vehicle and shall run for three consecutive weeks. The park 166  
operator shall provide to the clerk of the court written 167  
certification by the newspaper of the dates of the publication 168  
and an affidavit signed by the operator attesting to the 169  
publication. The park operator may then follow the procedures of 170  
division (B) of section 1923.13 and division (B) of section 171  
1923.14 of the Revised Code to permit the removal of the home or 172

vehicle from the manufactured home park, and the potential sale, 173  
destruction, or transfer of ownership of the home or vehicle. 174

**Sec. 1923.13.** (A) When a judgment of restitution is 175  
entered by a court in an action under this chapter, unless the 176  
plaintiff or the plaintiff's agent or attorney proceeds under 177  
division (B) of this section, at the request of the plaintiff or 178  
the plaintiff's agent or attorney, that court shall issue a writ 179  
of execution on the judgment, in the following form, as near as 180  
practicable: 181

"The state of Ohio, ..... county: To 182  
any constable or police officer of ..... township, 183  
city, or village; or To the sheriff 184  
of ..... county; or To any authorized 185  
bailiff of the ..... (name of court): 186

Whereas, in a certain action for the forcible entry and 187  
detention (or the forcible detention, as the case may be), of 188  
the following described premises, to wit: ....., lately 189  
tried before this court, wherein ..... was plaintiff, 190  
and ..... was defendant, ..... judgment was 191  
rendered on the ..... day of ....., ....., that 192  
the plaintiff have restitution of those premises; and also that 193  
the plaintiff recover costs in the sum of ....., You 194  
therefore are hereby commanded to cause the defendant to be 195  
forthwith removed from those premises, and the plaintiff to have 196  
restitution of them; also, that you levy of the goods and 197  
chattels of the defendant, and make the costs previously 198  
mentioned and all accruing costs, and of this writ make legal 199  
service and due return. 200

Witness my hand, this ..... day 201  
of ....., ..... Judge, ..... 202

(Name of court)" 203

(B) When a judgment of restitution is entered by a court 204  
in any action under this chapter against a manufactured home 205  
park resident or the estate of a manufactured home park 206  
resident, at the request of the plaintiff or the plaintiff's 207  
agent or attorney, that court shall issue a writ of execution on 208  
the judgment, in the following form, as near as practicable: 209

"The state of Ohio, ..... county; To any constable or 210  
police officer of ..... township, city, or village; or To 211  
the sheriff of ..... county; or To any authorized bailiff 212  
of the ..... (name of court): 213

Whereas, in a certain action for eviction of a resident or 214  
a resident's estate from the following described residential 215  
premises of a manufactured home park on which the following 216  
described manufactured home, mobile home, or recreational 217  
vehicle is located, to wit: ....., lately tried before this 218  
court, wherein ..... was plaintiff, and ..... was 219  
defendant, ..... judgment was rendered on the ..... 220  
day of ....., ....., that the plaintiff have 221  
restitution of the premises and also that the plaintiff recover 222  
costs in the sum of ....., You therefore are hereby 223  
authorized to cause the defendant to be removed from the 224  
residential premises, if necessary. Also, you are to levy of the 225  
goods and chattels of the defendant, and make the costs 226  
previously mentioned and all accruing costs, and of this writ 227  
make legal service and due return. 228

Further, you are authorized to cause the manufactured 229  
home, mobile home, or recreational vehicle, and all personal 230  
property on the residential premises, to be, ~~at your option,~~ 231  
~~either (1) removed from the manufactured home park and, if-~~ 232

~~necessary, moved to a storage facility of your choice, or (2)~~ 233  
retained at their current location on the residential premises, 234  
until they are disposed of in a manner authorized by this writ 235  
or the law of this state. 236

If the manufactured home, mobile home, or recreational 237  
vehicle has been abandoned by the defendant and the requirements 238  
of section 1923.12 of the Revised Code have been satisfied and 239  
the home is valued at more than three thousand dollars, you are 240  
hereby authorized to cause the sale of the home or vehicle and 241  
personal property in the home or vehicle in accordance with 242  
division (B) (3) of section 1923.14 of the Revised Code. A search 243  
of appropriate public records or other reasonably diligent 244  
inquiries reveals the following persons, whose last known 245  
addresses are listed next to their names, may continue to have 246  
an outstanding right, title, or interest in the home or vehicle: 247  
..... In addition, the following persons, whose last known 248  
addresses are listed next to their names, may continue to have 249  
an outstanding right, title, or interest in certain personal 250  
property left in the home and listed next to their 251  
names: ..... If you are unable to sell the manufactured 252  
home, mobile home, or recreational vehicle due to a want of 253  
bidders, after it is offered for sale on two occasions, you are 254  
hereby commanded to cause the presentation of this writ to a 255  
clerk of ~~the this court of common pleas~~ for the issuance of a 256  
certificate of title transferring the title of the home or 257  
vehicle to the plaintiff, free and clear of all security 258  
interests, liens, and encumbrances, in accordance with division 259  
(B) (3) of section 1923.14 of the Revised Code. 260

If the manufactured home, mobile home, or recreational 261  
vehicle has been so abandoned and has a value of less than three 262  
thousand dollars and if the requirements of section 1923.12 of 263

the Revised Code have been satisfied, you are hereby authorized 264  
either to cause the sale or destruction of the home or vehicle, 265  
or to cause the presentation of this writ to a clerk of ~~the~~this 266  
court ~~of common pleas~~ for the issuance of a certificate of title 267  
transferring the title of the home or vehicle to the plaintiff, 268  
free and clear of all security interests, liens, and 269  
encumbrances, in accordance with division (B) (4) of section 270  
1923.14 of the Revised Code. 271

Upon this writ's presentation by the levying officer to a 272  
clerk of ~~the~~this court ~~of common pleas~~ under the circumstances 273  
described in either of the two preceding paragraphs and in 274  
accordance with division (B) (3) or (4) of section 1923.14 of the 275  
Revised Code, as applicable, the clerk is hereby commanded to 276  
issue a certificate of title transferring the title of the 277  
manufactured home, mobile home, or recreational vehicle to the 278  
plaintiff, free and clear of all security interests, liens, and 279  
encumbrances, in the manner prescribed in section 4505.10 of the 280  
Revised Code. 281

Witness my hand, this ..... day 282  
of ....., ....., ..... Judge, ..... (Name 283  
of court). " 284

**Sec. 1923.14.** (A) Except as otherwise provided in this 285  
section, within ten days after receiving a writ of execution 286  
described in division (A) or (B) of section 1923.13 of the 287  
Revised Code, the sheriff, police officer, constable, or bailiff 288  
shall execute it by restoring the plaintiff to the possession of 289  
the premises, and shall levy and collect ~~the~~reasonable costs 290  
and make return, as upon other executions. If an appeal from the 291  
judgment of restitution is filed and if, following the filing of 292  
the appeal, a stay of execution is obtained and any required 293

bond is filed with the court of common pleas, municipal court, 294  
or county court, the judge of that court immediately shall issue 295  
an order to the sheriff, police officer, constable, or bailiff 296  
commanding the delay of all further proceedings upon the 297  
execution. If the premises have been restored to the plaintiff, 298  
the sheriff, police officer, constable, or bailiff shall 299  
forthwith place the defendant in possession of them, and return 300  
the writ with the sheriff's, police officer's, constable's, or 301  
bailiff's proceedings and the costs taxed on it. 302

(B) (1) After a court of common pleas, municipal court, or 303  
county court issues a writ of execution described in division 304  
(B) of section 1923.13 of the Revised Code, the clerk of the 305  
court shall send by regular mail, to the last known address of 306  
each person other than the titled owner of the manufactured 307  
home, mobile home, or recreational vehicle that is the subject 308  
of the writ ~~and to the last known address of each other person~~ 309  
who is listed on the writ as having any outstanding right, 310  
title, or interest in the home, vehicle, or personal property 311  
and to the auditor and treasurer of the county in which the 312  
court is located, a written notice that the home or vehicle 313  
potentially may be sold, destroyed, or have its title 314  
transferred under the circumstances described in division (B) (3) 315  
or (4) of this section. A person having any outstanding right, 316  
title, or interest in the home, vehicle, or personal property is 317  
not required to consent to the notice required under this 318  
division in order for the writ to be executed. 319

(2) Except as otherwise provided in this division, after 320  
receiving a writ of execution described in division (B) of 321  
section 1923.13 of the Revised Code, and after causing the 322  
defendant to be removed from the residential premises of the 323  
manufactured home park, if necessary, in accordance with the 324

writ, the sheriff, police officer, constable, or bailiff may 325  
cause the manufactured home, mobile home, or recreational 326  
vehicle that is the subject of the writ, and all personal 327  
property on the residential premises, at the sheriff's, police 328  
officer's, constable's, or bailiff's option, ~~either to be~~ 329  
~~removed from the manufactured home park and, if necessary, moved~~ 330  
~~to a storage facility of the sheriff's, police officer's,~~ 331  
~~constable's, or bailiff's choice, or to be retained at their~~ 332  
current location on the residential premises, until they are 333  
claimed by the defendant or they are disposed of in a manner 334  
authorized by division (B) (3), (4), or (6) of this section or by 335  
another section of the Revised Code. ~~The sheriff, police~~ 336  
~~officer, constable, or bailiff shall not cause the manufactured~~ 337  
~~home, mobile home, or recreational vehicle that is the subject~~ 338  
~~of the writ, or the personal property, to be removed from the~~ 339  
~~manufactured home park or moved to a storage facility if the~~ 340  
~~holder of any outstanding lien, right, title, or interest in the~~ 341  
~~home or vehicle, other than the titled owner of the home or~~ 342  
~~vehicle, meets the conditions set forth in division (B) (6) or~~ 343  
~~(7) of this section.~~ 344

~~The sheriff, police officer, constable, or bailiff who~~ 345  
~~removes the manufactured home, mobile home, or recreational~~ 346  
~~vehicle, or the abandoned personal property, from the~~ 347  
~~residential premises shall be immune from civil liability~~ 348  
~~pursuant to section 2744.03 of the Revised Code for any damage~~ 349  
~~caused to the home, vehicle, or any personal property during the~~ 350  
~~removal.~~ 351

The park operator shall not be liable for any damage 352  
caused by the park operator's removal of the manufactured home, 353  
mobile home, or recreational vehicle or the removal of the 354  
personal property from the residential premises, or for any 355

damage to the home, vehicle, or personal property during the 356  
time the home, vehicle, or property remains abandoned or stored 357  
in the manufactured home park, unless the damage is the result 358  
of acts that the park operator or the park operator's agents or 359  
employees performed with malicious purpose, in bad faith, or in 360  
a wanton or reckless manner. The reasonable costs for a removal 361  
of the manufactured home, mobile home, or recreational vehicle 362  
and personal property and, as applicable, the reasonable costs 363  
for its storage shall constitute a lien upon the home or vehicle 364  
payable by the titled owner of the home or vehicle or payable 365  
pursuant to division (B) (3) of this section to the park 366  
operator. 367

(3) Except as provided in divisions (B) (4), (5), and (6) 368  
of this section and division (D) of section 1923.12 of the 369  
Revised Code, within sixty days after receiving a writ of 370  
execution described in division (B) of section 1923.13 of the 371  
Revised Code for a manufactured home, mobile home, or 372  
recreational vehicle, determined to have a value of three 373  
thousand dollars or more, the sheriff, police officer, 374  
constable, or bailiff shall commence proceedings for the sale of 375  
the manufactured home, mobile home, or recreational vehicle that 376  
is the subject of the writ, and the abandoned personal property 377  
on the residential premises, if the home or vehicle is 378  
determined to be abandoned in accordance with the procedures for 379  
the sale of goods on execution under Chapter 2329. of the 380  
Revised Code. In addition to all notices required to be given 381  
under section 2329.13 of the Revised Code, the sheriff, police 382  
officer, constable, or bailiff shall serve at their respective 383  
last known addresses a written notice of the date, time, and 384  
place of the sale upon all persons who are listed on the writ of 385  
execution as having any outstanding right, title, or interest in 386

the abandoned manufactured home, mobile home, or recreational 387  
vehicle and the personal property and shall provide written 388  
notice to the auditor and the treasurer of the county in which 389  
the court issuing the writ is located. 390

Unless the proceedings are governed by division (D) of 391  
section 1923.12 of the Revised Code, notwithstanding any 392  
statutory provision to the contrary, including, but not limited 393  
to, section 2329.66 of the Revised Code, there shall be no stay 394  
of execution or exemption from levy or sale on execution 395  
available to the titled owner of the abandoned manufactured 396  
home, mobile home, or recreational vehicle in relation to a sale 397  
under this division. Except as otherwise provided in sections 398  
2113.031, 2117.25, and 5162.21 of the Revised Code in a case 399  
involving a deceased resident or resident's estate, the sheriff, 400  
police officer, constable, or bailiff shall distribute the 401  
proceeds from the sale of an abandoned manufactured home, mobile 402  
home, or recreational vehicle and any personal property under 403  
this division in the following manner: 404

(a) The sheriff, police officer, constable, or bailiff 405  
shall first pay the costs for any moving of and any storage 406  
outside the manufactured home park of the home or vehicle and 407  
any personal property pursuant to division (B)(2) of this 408  
section, the costs of the sale, including reimbursing the park 409  
operator for the deposit that the park operator paid to the 410  
clerk of court under division (C) of section 1923.12 of the 411  
Revised Code and any advertising expenses paid by the park 412  
operator for the sale of the manufactured home, mobile home, or 413  
recreational vehicle under division (B)(3) of this section, and 414  
any unpaid court costs assessed against the defendant in the 415  
underlying action. 416

(b) Following the payment required by division (B) (3) (a) 417  
of this section, the sheriff, police officer, constable, or 418  
bailiff shall pay all outstanding tax liens on the home or 419  
vehicle. 420

(c) Following the payment required by division (B) (3) (b) 421  
of this section, the sheriff, police officer, constable, or 422  
bailiff shall pay all other outstanding security interests, 423  
liens, or encumbrances on the home or vehicle by priority of 424  
filing or other priority. 425

(d) Following the payment required by division (B) (3) (c) 426  
of this section, the sheriff, police officer, constable, or 427  
bailiff shall pay any outstanding monetary judgment rendered 428  
under section 1923.09 or 1923.11 of the Revised Code in favor of 429  
the plaintiff and any costs associated with retaining the home 430  
or vehicle prior to the sale at its location on the residential 431  
premises within the manufactured home park pursuant to division 432  
(B) (2) of this section. 433

(e) After complying with divisions (B) (3) (a) to (d) of 434  
this section, the sheriff, police officer, constable, or bailiff 435  
shall report any remaining money as unclaimed funds pursuant to 436  
Chapter 169. of the Revised Code. 437

Upon the return of any writ of execution for the 438  
satisfaction of which an abandoned manufactured home, mobile 439  
home, or recreational vehicle has been sold under this division, 440  
on careful examination of the proceedings of the sheriff, police 441  
officer, constable, or bailiff conducting the sale, if the court 442  
that issued the writ finds that the sale was made, in all 443  
respects, in conformity with ~~the relevant provisions of Chapter~~ 444  
~~2329. of the Revised Code and with this division,~~ it shall 445  
direct the clerk of the court to make an entry on the journal 446

that the court is satisfied with the legality of the sale and 447  
~~the court shall direct the clerk of the court of common pleas of~~ 448  
~~the county in which the writ was issued to issue a certificate~~ 449  
of title, free and clear of all security interests, liens, and 450  
encumbrances, to the purchaser of the home or vehicle. ~~The clerk~~ 451  
~~of the court of common pleas shall issue the new certificate of~~ 452  
~~title to the purchaser of the home or vehicle regardless of~~ 453  
~~whether the writ was issued by the court of common pleas or~~ 454  
~~another court duly authorized to issue the writ.~~ If the 455  
manufactured home, mobile home, or recreational vehicle sold 456  
under this division is located in a manufactured home park, the 457  
purchaser of the home or vehicle shall have no right to maintain 458  
the home or vehicle in the manufactured home park without the 459  
park operator's consent and the sheriff, police officer, 460  
constable, or bailiff conducting the sale shall notify all 461  
prospective purchasers of this fact prior to the commencement of 462  
the sale. 463

If, after it is offered for sale on two occasions under 464  
this division, the abandoned manufactured home, mobile home, or 465  
recreational vehicle cannot be sold due to a want of bidders, 466  
the sheriff, police officer, constable, or bailiff shall present 467  
the writ of execution unsatisfied to the clerk of the court ~~of~~ 468  
~~common pleas of the county in which that issued the writ was~~ 469  
~~issued~~ for the issuance by the clerk in the manner prescribed in 470  
section 4505.10 of the Revised Code of a certificate of title 471  
transferring the title of the home or vehicle to the plaintiff, 472  
free and clear of all security interests, liens, and 473  
encumbrances. ~~The clerk of the court of common pleas shall issue~~ 474  
~~the new certificate of title transferring the title of the~~ 475  
~~manufactured home, mobile home, or recreational vehicle to the~~ 476  
~~plaintiff regardless of whether the writ was issued by the court~~ 477

~~of common pleas or another court duly authorized to issue the writ.~~ If any taxes are owed on the home or vehicle at this time, the county auditor shall remove the delinquent taxes from the manufactured home tax list and the delinquent manufactured home tax list and remit any penalties for late payment of manufactured home taxes. Acceptance of the certificate of title by the plaintiff terminates all further proceedings under this section.

(4) Except as provided in division (B) (5) or (6) of this section and division (D) of section 1923.12 of the Revised Code, within ~~sixty~~ thirty days after receiving a writ of execution described in division (B) of section 1923.13 of the Revised Code, if the manufactured home, mobile home, or recreational vehicle is determined to be abandoned and to have a value of less than three thousand dollars, ~~the sheriff, police officer, constable, or bailiff shall serve at their respective last known addresses a written notice of potential action as described in this division upon all persons who are listed on the writ as having any outstanding right, title, or interest in the home or vehicle. This notice shall be in addition to all notices required to be given under section 2329.13 of the Revised Code. Subject to the fulfillment of these notice requirements, the~~ sheriff, police officer, constable, or bailiff shall take one of the following actions with respect to the abandoned manufactured home, mobile home, or recreational vehicle with the consent of the park:

(a) Cause its destruction if there is no person having an outstanding right, title, or interest in the home or vehicle, other than the titled owner of the home or vehicle;

(b) Proceed with its sale under division (B) (3) of this

section; 508

(c) If there is no person having an outstanding right, 509  
title, or interest in the home or vehicle other than the titled 510  
owner of the home or vehicle, ~~or if there is an outstanding~~ 511  
~~right, title, or interest in the home or vehicle and the~~ 512  
~~lienholder consents in writing,~~ present the writ of execution to 513  
the clerk of the court ~~of common pleas of the county in which~~ 514  
~~that issued the writ was issued~~ for the issuance by the clerk in 515  
the manner prescribed in section 4505.10 of the Revised Code of 516  
a certificate of title transferring the title of the home or 517  
vehicle to the plaintiff, free and clear of all security 518  
interests, liens, and encumbrances. ~~The clerk of the court of~~ 519  
~~common pleas shall issue the new certificate of title~~ 520  
~~transferring the title of the home or vehicle regardless of~~ 521  
~~whether the writ was issued by the court of common pleas or~~ 522  
~~another court duly authorized to issue the writ.~~ If any taxes 523  
are owed on the home or vehicle at this time, the county auditor 524  
shall remove the delinquent taxes from the manufactured home tax 525  
list and the delinquent manufactured home tax list and remit any 526  
penalties for late payment of manufactured home taxes. 527  
Acceptance of the certificate of title by the plaintiff 528  
terminates all further proceedings under this section. 529

(5) At any time prior to the issuance of the writ of 530  
execution described in division (B) of section 1923.13 of the 531  
Revised Code, the titled owner of the manufactured home, mobile 532  
home, or recreational vehicle that would be the subject of the 533  
writ may remove the abandoned home or vehicle from the 534  
manufactured home park ~~or other place of storage~~ upon payment to 535  
the county auditor of all outstanding tax liens on the home or 536  
vehicle and, unless the owner is indigent, payment to the clerk 537  
of court of all unpaid court costs assessed against the 538

defendant in the underlying action. After the issuance of the writ of execution, the titled owner of the home or vehicle may remove the abandoned home or vehicle from the manufactured home park ~~or other place of storage~~ at any time up to the day before the scheduled sale, destruction, or transfer of the home or vehicle pursuant to division (B) (3) or (4) of this section upon payment of all of the following:

(a) All costs ~~for moving and storage of the home or vehicle pursuant to division (B) (2) of this section and all costs~~ incurred by the sheriff, police officer, constable, or bailiff up to and including the date of the removal of the home or vehicle;

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

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

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

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

(b) Paying to the park operator all monthly rental payments for the lot on which the home or vehicle is located from the time of the issuance of the writ of execution until the

time that the home or vehicle is sold pursuant to Chapters 1309. 568  
and 1317. of the Revised Code. 569

(7) (a) At any time prior to the day before the scheduled 570  
sale of the property pursuant to division (B) (3) of this 571  
section, the defendant may remove any personal property of the 572  
defendant from the abandoned home or vehicle or other place of 573  
storage. 574

(b) If personal property owned by a person other than the 575  
defendant is abandoned on the residential premises and has not 576  
previously been removed, the owner of the personal property may 577  
remove the personal property from the abandoned home or vehicle 578  
or other place of storage up to the day before the scheduled 579  
sale of the property pursuant to division (B) (3) of this section 580  
upon presentation of proof of ownership of the property that is 581  
satisfactory to the sheriff, police officer, constable, or 582  
bailiff conducting the sale. 583

Sec. 4781.56. The manufactured homes commission may 584  
contract with the board of health of a city or general health 585  
district to permit the commission to abate and remove, in 586  
accordance with sections 3707.01 to 3707.021 of the Revised 587  
Code, any abandoned or unoccupied manufactured home, mobile 588  
home, or recreational vehicle that constitutes a nuisance and 589  
that is located in a manufactured home park within the board of 590  
health's jurisdiction. Under the contract, the commission may 591  
receive complaints of abandoned or unoccupied manufactured 592  
homes, mobile homes, or recreational vehicles that constitute a 593  
nuisance and may, by order, compel the park operator to abate 594  
and remove the nuisance. The park operator shall pay any costs 595  
for the removal. 596

**Section 2.** That existing sections 1923.12, 1923.13, and 597

1923.14 of the Revised Code are hereby repealed.

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