

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 463**

**Representative Dever**

**Cosponsors: Representatives Becker, Bocchieri, Hambley, Perales, Sprague**

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**A BILL**

To amend sections 323.47, 1303.16, 1303.38, 1  
2303.26, 2327.01, 2327.02, 2327.04, 2329.01, 2  
2329.151, 2329.17, 2329.18, 2329.19, 2329.20, 3  
2329.21, 2329.26, 2329.271, 2329.28, 2329.30, 4  
2329.31, 2329.33, 2329.34, 2329.39, 2329.45, 5  
2329.52, 2329.56, 2909.07, 5302.01, 5721.371, 6  
and 5721.39 and to enact sections 2308.01, 7  
2308.02, 2308.03, 2308.04, 2329.152, 2329.153, 8  
2329.154, 2329.211, 2329.311, 2329.312, 5302.31, 9  
5721.372, and 5721.373 of the Revised Code to 10  
establish expedited actions to foreclose 11  
mortgages on vacant and abandoned residential 12  
properties, to permit private selling officers 13  
to conduct judicial and execution sales of real 14  
property, to state the intent of the General 15  
Assembly regarding mortgage foreclosure actions, 16  
to revise the Commercial Paper Law relating to 17  
mortgages and lost instruments, and to make 18  
other changes relative to foreclosure actions. 19

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

**Section 1.** That sections 323.47, 1303.16, 1303.38, 20  
2303.26, 2327.01, 2327.02, 2327.04, 2329.01, 2329.151, 2329.17, 21  
2329.18, 2329.19, 2329.20, 2329.21, 2329.26, 2329.271, 2329.28, 22  
2329.30, 2329.31, 2329.33, 2329.34, 2329.39, 2329.45, 2329.52, 23  
2329.56, 2909.07, 5302.01, 5721.371, and 5721.39 be amended and 24  
sections 2308.01, 2308.02, 2308.03, 2308.04, 2329.152, 2329.153, 25  
2329.154, 2329.211, 2329.311, 2329.312, 5302.31, 5721.372, and 26  
5721.373 of the Revised Code be enacted to read as follows: 27

**Sec. 323.47.** (A) If land held by tenants in common is sold 28  
upon proceedings in partition, or taken by the election of any 29  
of the parties to such proceedings, or real estate is sold by 30  
administrators, executors, guardians, or trustees, the court 31  
shall order that the taxes, penalties, and installments of 32  
assessments then due and payable to the county treasurer, and 33  
~~interest on those taxes, penalties, and assessments, that are or~~ 34  
~~will be a lien on such land or real estate at the time the deed~~ 35  
~~is transferred following as reflected on the tax list in the~~ 36  
office of the auditor of the county in which the real estate is 37  
situated on the date of the sale or election, be discharged out 38  
of the proceeds of ~~such the~~ sale or election, but only to the 39  
extent of those proceeds. ~~For purposes of determining such~~ 40  
~~amount, the county treasurer shall estimate the amount of taxes,~~ 41  
~~assessments, interest, and penalties that will be payable at the~~ 42  
~~time the deed of the property is transferred to the purchaser.~~ 43  
~~If the county treasurer's estimate exceeds the amount of taxes,~~ 44  
~~assessments, interest, and penalties actually payable when the~~ 45  
~~deed is transferred to the purchaser, the officer who conducted~~ 46  
~~the sale shall refund to the purchaser the difference between~~ 47  
~~the estimate and the amount actually payable. If the amount of~~ 48  
~~taxes, assessments, interest, and penalties actually payable~~ 49  
~~when the deed is transferred to the purchaser exceeds the county~~ 50

~~treasurer's estimate, the officer shall certify the amount of~~ 51  
~~the excess to the treasurer, who shall enter that amount on the~~ 52  
~~real and public utility property tax duplicate opposite the~~ 53  
~~property; the amount of the excess shall be payable at~~ At the 54  
next succeeding date prescribed for payment of taxes in section 55  
323.12 of the Revised Code. ~~—, the purchaser of the real estate~~ 56  
at the sale or the electing party in the case of partition, or 57  
its successors and assigns as the owner of the real estate, 58  
shall be responsible for paying all taxes and installments of 59  
assessments, the lien for which attaches before the date of sale 60  
but that are not yet determined, assessed, and levied for the 61  
year in which the sale occurs, and any penalties and interests 62  
on those taxes and assessments; notwithstanding that such taxes, 63  
assessments, penalties, and interest relate to periods prior to 64  
the date of the sale or election. 65

(B) (1) Except as provided in division (B) (3) of this 66  
section, if real estate is sold at judicial sale, the court 67  
shall order that the ~~total of the following amounts shall~~ taxes, 68  
penalties, and installments of assessments then due and payable 69  
to the county treasurer, as reflected on the tax list in the 70  
office of the auditor of the county in which the real estate is 71  
situated on the date of the sale, be discharged out of the 72  
proceeds of the sale, ~~but only to the extent of such~~ those 73  
proceeds.† 74

~~(a) Taxes and assessments the lien for which attaches~~ 75  
~~before the confirmation of sale but that are not yet determined,~~ 76  
~~assessed, and levied for the year in which confirmation occurs,~~ 77  
~~apportioned pro rata to the part of that year that precedes~~ 78  
~~confirmation, and any penalties and interest on those taxes and~~ 79  
~~assessments;~~ 80

~~(b) All other taxes, assessments, penalties, and interest  
the lien for which attached for a prior tax year but that have  
not been paid on or before the date of confirmation.~~ 81  
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~~(2) Upon the request of the officer who conducted the  
sale, the county treasurer shall estimate the amount in division  
(B) (1) (a) of this section. If the county treasurer's estimate  
exceeds that amount, the officer who conducted the sale shall  
refund to the purchaser the difference between the estimate and  
the actual amount. If the actual amount exceeds the county  
treasurer's estimate, the officer shall certify the amount of  
the excess to the treasurer, who shall enter that amount on the  
real and public utility property tax duplicate opposite the  
property; the amount of the excess shall be payable at the next  
succeeding date prescribed for payment of taxes in section  
323.12 of the Revised Code. At the next succeeding date  
prescribed for payment of taxes in section 323.12 of the Revised  
Code, the purchaser of the real estate at the sale or the  
purchaser's successors and assigns as the owner of the real  
estate, shall be responsible for paying all taxes and  
installments of assessments, the lien for which attaches before  
the date of sale but that are not yet determined, assessed, and  
levied for the year in which the sale occurs, and any penalties  
and interests on those taxes and assessments; notwithstanding  
that such taxes, assessments, penalties, and interest relate to  
periods prior to the date of the sale.~~ 84  
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(3) The amounts described in division (B) (1) of this 106  
section shall not be discharged out of the proceeds of a 107  
judicial sale, but shall instead be deemed to be satisfied and 108  
extinguished upon confirmation of sale, if both of the following 109  
conditions apply: 110

(a) The real estate is sold pursuant to a foreclosure 111  
proceeding other than a tax foreclosure proceeding initiated by 112  
the county treasurer under section 323.25, sections 323.65 to 113  
323.79, or Chapter 5721. of the Revised Code. 114

(b) A county land reutilization corporation organized 115  
under Chapter 1724. of the Revised Code is both the purchaser of 116  
the real estate and the judgment creditor or assignee of all 117  
rights, title, and interest in the judgment arising from the 118  
foreclosure proceeding. 119

**Sec. 1303.16.** (A) (1) Except as provided in division (E) of 120  
this section, an action to enforce the obligation of a party to 121  
pay a note payable at a definite time shall be brought within 122  
six years after the due date or dates stated in the note or, if 123  
a due date is accelerated, within six years after the 124  
accelerated due date, unless the note is secured by a mortgage 125  
in which case division (A) (2) of this section applies. 126

(2) If the note is secured by a mortgage, an action to 127  
enforce the obligation to pay that note and foreclose the 128  
mortgage shall be brought within twenty-one years after the due 129  
date or dates stated in the note or, if a due date is 130  
accelerated, within twenty-one years after the accelerated due 131  
date. 132

(B) Except as provided in division (D) or (E) of this 133  
section, if demand for payment is made to the maker of a note 134  
payable on demand, an action to enforce the obligation of a 135  
party to pay the note shall be brought within six years after 136  
the date on which the demand for payment is made. If no demand 137  
for payment is made to the maker of a note payable on demand, an 138  
action to enforce the note is barred if neither principal nor 139  
interest on the note has been paid for a continuous period of 140

ten years. 141

(C) Except as provided in division (D) of this section, an 142  
action to enforce the obligation of a party to an unaccepted 143  
draft to pay the draft shall be brought within three years after 144  
dishonor of the draft or ten years after the date of the draft, 145  
whichever period expires first. 146

(D) An action to enforce the obligation of the acceptor of 147  
a certified check or the issuer of a teller's check, cashier's 148  
check, or traveler's check shall be brought within three years 149  
after demand for payment is made to the acceptor or issuer. 150

(E) An action to enforce the obligation of a party to a 151  
certificate of deposit to pay the instrument shall be brought 152  
within six years after demand for payment is made to the maker, 153  
but if the instrument states a due date and the maker is not 154  
required to pay before that date, the six-year period begins 155  
when a demand for payment is in effect and the due date has 156  
passed. 157

(F) An action to enforce the obligation of a party to pay 158  
an accepted draft, other than a certified check, shall be 159  
brought within six years after the due date or dates stated in 160  
the draft or acceptance if the obligation of the acceptor is 161  
payable at a definite time or within six years after the date of 162  
the acceptance if the obligation of the acceptor is payable on 163  
demand. 164

(G) Unless governed by other law regarding claims for 165  
indemnity or contribution, any of the following actions shall be 166  
brought within three years after the cause of action accrues: 167

(1) An action for conversion of an instrument, an action 168  
for money had and received, or a similar action based on 169

conversion;	170
(2) An action for breach of warranty;	171
(3) An action to enforce an obligation, duty, or right arising under this chapter and not governed by this section.	172 173
<b>Sec. 1303.38.</b> (A) A person not in possession of an instrument is entitled to enforce the instrument if all of the following apply:	174 175 176
(1) The person <u>seeking to enforce the instrument</u> was <del>in-</del> <u>entitled to enforce the instrument when loss of possession occurred or has directly or indirectly acquired ownership of the instrument and from a person who was entitled to enforce it the instrument</u> when loss of possession occurred.	177 178 179 180 181
(2) The loss of possession was not the result of a transfer by the person or a lawful seizure.	182 183
(3) The person cannot reasonably obtain <del>possession</del> <u>possession</u> of the instrument because the instrument was destroyed, its whereabouts cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amenable to service of process.	184 185 186 187 188
(B) A person seeking enforcement of an instrument under division (A) of this section must prove the terms of the instrument and the person's right to enforce the instrument. If that proof is made, divisions (A) and (B) of section 1303.36 of the Revised Code applies to the case as if the person seeking enforcement had produced the instrument. The court may not enter judgment in favor of the person seeking enforcement unless it finds that the person required to pay the instrument is adequately protected against loss that might occur by reason of a claim by another person to enforce the instrument. Adequate	189 190 191 192 193 194 195 196 197 198

protection for the person required to pay the instrument may be 199  
provided by any reasonable means. 200

**Sec. 2303.26.** The clerk of the court of common pleas shall 201  
exercise the powers conferred and perform the duties enjoined 202  
upon ~~him~~ the clerk by statute and by the common law; and in the 203  
performance of ~~his~~ official duties ~~he~~ the clerk shall be under 204  
the direction of ~~his~~ the court. The clerk shall not restrict, 205  
prohibit, or otherwise modify the rights of parties to seek 206  
service on party defendants allowed by the Rules of Civil 207  
Procedure, either singularly or concurrently. 208

**Sec. 2308.01.** As used in this chapter: 209

(A) "Manufactured home" has the same meaning as in section 210  
3781.06 of the Revised Code. 211

(B) "Mobile home" has the same meaning as in section 212  
4501.01 of the Revised Code. 213

(C) "Residential condominium unit" means a "residential 214  
unit" as defined in section 5311.01 of the Revised Code. 215

(D) "Residential mortgage loan" means a loan or agreement 216  
to extend credit, including the renewal, refinancing, or 217  
modification of such a loan or agreement, that is made to a 218  
person and that is primarily secured by a mortgage, deed of 219  
trust, or other lien upon any interest in residential property 220  
or any certification of stock or other evidence of ownership in, 221  
and a proprietary lease from, a corporation or partnership 222  
formed for the purpose of cooperative ownership of residential 223  
property. 224

(E) "Residential property" means real property located 225  
within this state consisting of land and a structure on that 226  
land containing four or fewer dwelling units, each of which is 227



intended for occupancy by a separate household. "Residential 228  
property" includes a residential condominium unit, 229  
notwithstanding the number of units in the structure, but 230  
includes a manufactured or mobile home only if it is taxed as 231  
real property. 232

Sec. 2308.02. (A) A mortgagee who files a foreclosure 233  
action on a residential property may file a motion with the 234  
court to proceed in an expedited manner under this section on 235  
the basis that the property is vacant and abandoned. In order to 236  
proceed in an expedited manner, upon commencement of the 237  
foreclosure action, the mortgagee must be a person entitled to 238  
enforce the instrument secured by the mortgage under division 239  
(A) (1) or (2) of section 1303.31 of the Revised Code or a person 240  
with the right to enforce the obligation secured by the mortgage 241  
pursuant to law outside of Chapter 1303. of the Revised Code. 242

(B) If a motion to proceed in an expedited manner is filed 243  
before the last answer period has expired, the court shall 244  
decide the motion not later than twenty-one days, or within the 245  
time consistent with the local rules, after the last answer 246  
period has expired. If a motion to proceed in an expedited 247  
manner is filed after the last answer period has expired, the 248  
court shall decide the motion not later than twenty-one days, or 249  
within the time consistent with local rules, after the motion is 250  
filed. 251

(C) In deciding the motion to proceed in an expedited 252  
manner, the court shall deem the property to be vacant and 253  
abandoned if all of the following apply: 254

(1) The court finds by a preponderance of the evidence 255  
that the residential mortgage loan is in monetary default. 256

(2) The court finds by a preponderance of the evidence 257  
that the mortgagee is a person entitled to enforce the 258  
instrument secured by the mortgage under division (A) (1) or (2) 259  
of section 1303.31 of the Revised Code or a person with the 260  
right to enforce the obligation secured by the mortgage pursuant 261  
to law outside of Chapter 1303. of the Revised Code. 262

(3) The court finds by clear and convincing evidence that 263  
at least five of the following factors are true: 264

(a) Gas, electric, sewer, or water utility services to the 265  
property have been disconnected. 266

(b) Windows or entrances to the property are boarded up or 267  
closed off, or multiple window panes are broken and unrepaired. 268

(c) Doors on the property are smashed through, broken off, 269  
unhinged, or continuously unlocked. 270

(d) Junk, litter, trash, debris, or hazardous, noxious, or 271  
unhealthy substances or materials have accumulated on the 272  
property. 273

(e) Furnishings, window treatments, or personal items are 274  
absent from the structure on the land. 275

(f) The property is the object of vandalism, loitering, or 276  
criminal conduct, or there has been physical destruction or 277  
deterioration of the property. 278

(g) A mortgagor has made a written statement expressing 279  
the intention of all mortgagors to abandon the property. 280

(h) Neither an owner nor a tenant appears to be residing 281  
in the property at the time of an inspection of the property by 282  
the appropriate official of a county, municipal corporation, or 283  
township in which the property is located or by the mortgagee. 284

<u>(i) Government employees provide written statements</u>	285
<u>indicating that the structure on the land is vacant and</u>	286
<u>abandoned.</u>	287
<u>(j) The property is sealed because, immediately prior to</u>	288
<u>being sealed, it was considered by an appropriate official to be</u>	289
<u>open, vacant, or vandalized.</u>	290
<u>(k) Other reasonable indicia of abandonment exist.</u>	291
<u>(4) No mortgagor or other defendant has filed an answer or</u>	292
<u>objection setting forth a defense or objection that, if proven,</u>	293
<u>would preclude the entry of a final judgment and decree of</u>	294
<u>foreclosure.</u>	295
<u>(5) No mortgagor or other defendant has filed a written</u>	296
<u>statement with the court indicating that the property is not</u>	297
<u>vacant and abandoned.</u>	298
<u>(D) If the court decides after an oral hearing that the</u>	299
<u>property is vacant and abandoned and that the mortgagee who</u>	300
<u>filed the motion to proceed in an expedited manner is entitled</u>	301
<u>to judgment, the court shall enter a final judgment and decree</u>	302
<u>of foreclosure and order the property to be sold in accordance</u>	303
<u>with division (E) of this section. If the court does not decide</u>	304
<u>that the property is vacant and abandoned, the seventy-five-day</u>	305
<u>deadline established in division (E) of this section shall not</u>	306
<u>apply to the sale of the property.</u>	307
<u>(E) If the court decides that the property is vacant and</u>	308
<u>abandoned and enters a final judgment and decree of foreclosure</u>	309
<u>under division (D) of this section, the property shall be</u>	310
<u>offered for sale not later than seventy-five days after the</u>	311
<u>issuance of the order of sale. The sale of the property shall be</u>	312
<u>conducted in accordance with the requirements in Chapter 2329.</u>	313

of the Revised Code, including possible postponement of the sale 314  
pursuant to division (C) of section 2329.152 of the Revised 315  
Code. 316

(F) Nothing in this section shall supersede or limit other 317  
procedures adopted by the court to resolve the residential 318  
mortgage loan foreclosure action, including foreclosure 319  
mediation. 320

**Sec. 2308.03.** (A) Except as otherwise provided in division 321  
(B) of this section, if a residential property is found to be 322  
vacant and abandoned under section 2308.02 of the Revised Code, 323  
a mortgagee on the residential property may enter that property 324  
to secure and protect it from damage. 325

(B) A mortgagee that has not filed a residential mortgage 326  
loan foreclosure action on a property for which the mortgagee 327  
holds a mortgage may enter and secure that property only if the 328  
mortgage contract or other documents provide for such an entry. 329

(C) The equitable and statutory rights to redemption of a 330  
mortgage on a property found to be vacant and abandoned pursuant 331  
to section 2308.02 of the Revised Code expire upon the 332  
confirmation of sale of the property. 333

**Sec. 2308.04.** (A) A person is guilty of criminal mischief 334  
in violation of division (A) (1) of section 2909.07 of the 335  
Revised Code if all of the following apply: 336

(1) The person knowingly and with purpose to diminish the 337  
value or enjoyment of the residential real property moves, 338  
defaces, damages, destroys, or otherwise improperly tampers with 339  
the person's own residential real property. 340

(2) The residential real property is subject to a 341  
mortgage. 342

(3) The person has been served with a summons and 343  
complaint in a pending residential mortgage loan foreclosure 344  
action relating to that residential real property. 345

(B) As used in this section, "pending" includes the time 346  
between judgment entry and confirmation of sale. 347

**Sec. 2327.01.** (A) As used in this chapter, "private 348  
selling officer" has the same meaning as in section 2329.01 of 349  
the Revised Code. 350

(B) (1) An execution is a process of a court, issued by its 351  
clerk, the court itself, or the county board of revision with 352  
jurisdiction pursuant to section 323.66 of the Revised Code, and 353  
directed to the sheriff of the county. 354

(2) An execution includes a process of a court, issued by 355  
its clerk or the court itself, and directed to a private selling 356  
officer authorized in accordance with section 2329.151, 357  
2329.152, or 5721.39 of the Revised Code. 358

(3) Executions may be issued to the sheriffs of different 359  
counties or different private selling officers at the same time. 360

**Sec. 2327.02.** (A) Executions are of three kinds: 361

(1) Against the property of the judgment debtor, including 362  
orders of sale or orders to transfer property pursuant to 363  
sections 323.28, 323.65 to 323.78, and 5721.19 of the Revised 364  
Code; 365

(2) Against the person of the judgment debtor; 366

(3) For the delivery of the possession of real property, 367  
including real property sold under orders of sale or transferred 368  
under orders to transfer property pursuant to sections 323.28, 369  
323.65 to 323.78, and 5721.19 of the Revised Code. 370

(B) The writ shall contain a specific description of the 371  
property, and a command to the sheriff or private selling 372  
officer to deliver it to the person entitled to the property. It 373  
also may require the sheriff to make the damages recovered for 374  
withholding the possession and costs, or costs alone, out of the 375  
property of the person who so withholds it. 376

(C) In the case of foreclosures of real property, 377  
including foreclosures for taxes, mortgages, judgment liens, and 378  
other valid liens, the description of the property, the order of 379  
sale, order to transfer, and any deed or deed forms may be 380  
prepared, adopted, and otherwise approved in advance by the 381  
court having jurisdiction or the county board of revision with 382  
jurisdiction pursuant to section 323.66 of the Revised Code, 383  
directly commanding the sheriff or the private selling officer 384  
to sell, convey, or deliver possession of the property as 385  
commanded in that order. In those cases, the clerk shall 386  
journalize the order and deliver that writ or order to the 387  
sheriff or private selling officer for execution. If the 388  
property is sold under an order of sale or transferred under an 389  
order to transfer, the officer who conducted the sale or made 390  
the transfer of the property shall collect the recording fee and 391  
any associated costs to cover the recording from the purchaser 392  
or transferee at the time of the sale or transfer and, following 393  
confirmation of the sale or transfer and the payment of the 394  
balance due on the purchase price of the property, shall execute 395  
and record the deed conveying title to the property to the 396  
purchaser or transferee. For purposes of recording that deed, by 397  
placement of a bid or making a statement of interest by any 398  
party ultimately awarded the property, the purchaser or 399  
transferee thereby appoints the officer who makes the sale or is 400  
charged with executing and delivering the deed as agent for that 401

purchaser or transferee for the sole purpose of accepting 402  
delivery of the deed. 403

**Sec. 2327.04.** When, in the exercise of its authority, a 404  
court orders the deposit or delivery of money or other thing, 405  
and the order is disobeyed, besides punishing the disobedience 406  
as for a contempt, the court may make an order requiring the 407  
sheriff or private selling officer to take the money or thing 408  
and deposit or deliver it in conformity with the court's 409  
direction. 410

**Sec. 2329.01.** (A) Lands and tenements, including vested 411  
legal interests therein, permanent leasehold estates renewable 412  
forever, and goods and chattels, not exempt by law, shall be 413  
subject to the payment of debts, and liable to be taken on 414  
execution and sold as provided in sections 2329.02 to 2329.61, 415  
~~inclusive,~~ of the Revised Code. 416

(B) As used in sections 2329.02 to 2329.61 of the Revised 417  
Code: 418

(1) "Commercial property" means any property that is not 419  
residential property. 420

(2) "Private selling officer" means a resident of this 421  
state licensed as both an auctioneer under Chapter 4707. of the 422  
Revised Code and as a real estate broker or real estate 423  
salesperson under Chapter 4735. of the Revised Code. 424

(3) "Residential mortgage loan" and "residential property" 425  
have the same meanings as in section 2308.01 of the Revised 426  
Code. 427

**Sec. 2329.151.** All-Except as provided in sections 2329.152 428  
to 2329.154 of the Revised Code, all public auctions of goods, 429  
chattels, or lands levied upon by execution shall be conducted 430

personally by ~~an~~one of the following: 431

(A) An officer of the court ~~or by an auctioneer licensed~~  
~~under Chapter 4707. of the Revised Code;~~ 432  
433

(B) For the public auction of goods and chattels, a 434  
resident of this state licensed as an auctioneer under Chapter 435  
4707. of the Revised Code; 436

(C) For the public auction of lands, a private selling 437  
officer. 438

**Sec. 2329.152.** (A) In every action demanding the judicial 439  
or execution sale of real estate, the judgment creditor may file 440  
a motion with the court for an order authorizing a specified 441  
private selling officer to sell the real estate at a public 442  
auction. If the court authorizes a private selling officer to 443  
sell the real estate, the judgment creditor may seek to have the 444  
property sold by the private selling officer authorized by the 445  
court or by the county sheriff. If the judgment creditor elects 446  
to have the property sold by the private selling officer 447  
authorized by the court, the judgment creditor shall file with 448  
the clerk of the court a praecipe requesting the issuance of an 449  
order of appraisal to the sheriff and an order of sale to the 450  
private selling officer authorized by the court. Upon the filing 451  
of that praecipe, the clerk of the court shall immediately issue 452  
both of the following: 453

(1) An order of appraisal to the sheriff, who shall obtain 454  
an appraisal of the real estate in conformity with sections 455  
2329.17 and 2329.18 of the Revised Code; 456

(2) An order of sale to the private selling officer, who, 457  
after the return or determination of the appraisal, shall 458  
advertise and sell the real estate in conformity with applicable 459



provisions of sections 2329.01 to 2329.61 of the Revised Code. 460

(B) (1) As used in this division: 461

(a) "Business day" means a calendar day that is not a 462  
Saturday or Sunday or a legal holiday as defined in section 1.14 463  
of the Revised Code. 464

(b) "Remote bid" means a bid submitted in writing via 465  
facsimile, electronic mail, or overnight delivery or courier. 466

(2) If the sale of the real estate is conducted at a 467  
physical location and not online, then each judgment creditor 468  
and lienholder who was a party to the action may submit a remote 469  
bid to the sheriff or the private selling officer. Each sheriff 470  
and private selling officer shall establish and maintain a 471  
facsimile number or an electronic mail address for use by 472  
judgment creditors and lienholders in submitting remote bids. 473  
Each remote bid shall be of a fixed maximum amount and shall be 474  
delivered to the sheriff or private selling officer on or before 475  
four-thirty p.m. on the business day immediately preceding the 476  
date of the sale. 477

(3) Before the sale, the sheriff or the private selling 478  
officer shall confirm receipt of the remote bid by sending 479  
notice of such receipt via facsimile or electronic mail to the 480  
judgment creditor or lienholder who submitted the remote bid. 481  
During the sale, the sheriff or the private selling officer 482  
shall place the remote bid on behalf of the judgment creditor or 483  
lienholder who submitted the remote bid. After the sale, the 484  
sheriff or the private selling officer shall provide notice of 485  
the results of the sale not later than the close of business on 486  
the day of the sale to all judgment creditors and lienholders 487  
who submitted remote bids. Such notice shall be sent via 488

facsimile or electronic mail to the judgment creditor or 489  
lienholder or by posting the results of the sale on a public web 490  
site. 491

(4) If a sheriff or private selling officer fails to place 492  
a remote bid on behalf of a judgment creditor or lienholder to 493  
the prejudice of the judgment creditor or lienholder, then, upon 494  
the filing of a motion to vacate the sale within ten business 495  
days after the sale date, the sale shall be vacated. 496

(C) (1) A judgment creditor that obtains a court order 497  
authorizing a specified private selling officer to sell the real 498  
estate at a public auction pursuant to division (A) of this 499  
section may instruct the private selling officer to postpone the 500  
sale of the real estate one or more times, provided, however 501  
that all rescheduled sale dates shall be within one hundred 502  
eighty days of the initial sale date. Upon receiving this 503  
instruction, the private selling officer shall postpone the sale 504  
of the real estate by announcing that the sale is postponed. If 505  
the sale is at a physical location, this announcement shall be 506  
made at the sale and shall include the date, time, and place of 507  
the rescheduled sale of the real estate. If the sale is online, 508  
this announcement shall be made on the auction web site and 509  
shall include the date of the rescheduled sale of real estate. 510  
Each such announcement shall be deemed to meet the notice 511  
requirement in section 2329.26 of the Revised Code. 512

(2) If the judgment creditor does not wish to postpone the 513  
sale of the real estate, the judgment creditor may instruct the 514  
private selling officer to cancel the sale of the real estate. 515  
Upon receiving this instruction, the private selling officer 516  
shall cancel the sale of the real estate by announcing that the 517  
sale is canceled. If the sale is at a physical location, this 518

announcement shall be made at the sale. If the sale is online, 519  
this announcement shall be made on the auction web site and 520  
shall remain posted there until at least the end of the seven- 521  
day bidding period described in division (E) (1) (a) of section 522  
2329.152 of the Revised Code. 523

(3) If the sale of the real estate is postponed or 524  
canceled as described in divisions (C) (1) and (2) of this 525  
section, all bids made on the real estate prior to the 526  
postponement or cancellation of the sale shall be void. 527

(D) (1) If the judgment creditor obtains a court order to 528  
have the real estate sold by a private selling officer, then: 529

(a) The cost of the appraisal required by section 2329.17 530  
of the Revised Code shall be taxed as costs in the case. 531

(b) The cost of the advertisement required by section 532  
2329.26 of the Revised Code shall be taxed as costs in the case. 533

(c) The fee charged by the private selling officer and all 534  
costs incurred by the private selling officer other than the 535  
costs described in divisions (D) (1) (a) and (b) of this section 536  
shall be taxed as costs in the case up to an amount equal to one 537  
and one-half per cent of the sale price of the real estate. To 538  
the extent the fees and costs described in division (D) (1) (c) of 539  
this section exceed one and one-half per cent of the sale price 540  
of the real estate, they shall not be included in the amount 541  
necessary to redeem real estate under section 2329.33 of the 542  
Revised Code or in the calculation of any deficiency judgment 543  
under section 2329.08 of the Revised Code but rather shall be 544  
paid by the judgment creditor or from the judgment creditor's 545  
portion of the proceeds of the sale. 546

(2) The private selling officer shall file with the court 547

that issued the order of sale an itemized report of all 548  
appraisal, publication, marketing, and other expenses of a sale 549  
conducted under this section and all fees charged by the private 550  
selling officer for marketing the real estate or conducting the 551  
sale of the real estate, including the fee charged by the title 552  
agent or title insurance company for administrative services, if 553  
applicable, and title, escrow, and closing services. 554

(E) (1) The private selling officer who conducts a sale 555  
under this section may do any of the following: 556

(a) Market the real estate and conduct the public auction 557  
of the real estate online or at any physical location in the 558  
county in which the real estate is situated. If the auction 559  
occurs online, the auction shall be open for bidding for a 560  
minimum of seven days. 561

(b) Hire a title insurance agent licensed under Chapter 562  
3953. of the Revised Code or title insurance company authorized 563  
to do business under that chapter to assist the private selling 564  
officer in performing administrative services; 565

(c) Execute to the purchaser, or to the purchaser's legal 566  
representatives, a deed of conveyance of the real estate sold; 567

(d) Record on behalf of the purchaser the deed conveying 568  
title to the real estate sold, notwithstanding that the deed may 569  
not actually have been delivered to the purchaser prior to its 570  
recording. 571

(2) By placing a bid at a sale conducted pursuant to this 572  
section, a purchaser appoints the private selling officer who 573  
conducts the sale as agent of the purchaser for the sole purpose 574  
of accepting delivery of the deed. 575

(3) The private selling officer who conducts the sale 576

shall hire a title insurance agent licensed under Chapter 3953. 577  
of the Revised Code or title insurance company authorized to do 578  
business under that chapter to perform title, escrow, and 579  
closing services related to the sale of the real estate. 580

(F) The fee charged by the title agent or title insurance 581  
company for services provided under divisions (E) (1) (b) and (3) 582  
of this section shall be taxed as costs in the case provided 583  
they are reasonable. Fees less than or equal to five hundred 584  
dollars are presumed to be reasonable. Fees exceeding five 585  
hundred dollars shall be paid only if authorized by a court 586  
order. 587

**Sec. 2329.153.** (A) Not later than thirty days after the 588  
effective date of this section, the department of administrative 589  
services shall solicit competitive sealed proposals for the 590  
creation, operation, and maintenance of the official public 591  
sheriff sale web site and an integrated auction management 592  
system. The official public sheriff sale web site and integrated 593  
auction management system shall be a single statewide system for 594  
use by all county sheriffs in accordance with the requirements 595  
of this section. 596

(B) The official public sheriff sale web site shall meet 597  
the following minimum requirements: 598

(1) The web site shall have a domain name relevant to the 599  
judicial sale of real property. 600

(2) The web site shall be limited to the judicial sale of 601  
real property located in this state. 602

(3) The web site shall not charge a fee for members of the 603  
public to view properties for sale. 604

(4) The web site shall allow each county sheriff to add 605

text, images, or graphics to the web site for the purpose of 606  
identifying the county or sheriff conducting the sale. 607

(5) The web site shall include industry-standard features 608  
and functionality, including user guides, online credit card 609  
payments, anti-snipe functionality, watch lists, electronic mail 610  
notifications, maximum bid limits, automatic incremental 611  
bidding, and search and map features that allow users to search 612  
by county, zip code, address, parcel number, appraised value, 613  
party name, case number, and other variables relevant to the 614  
judicial sale of real property. 615

(6) The web site shall include features that allow for the 616  
cancellation of sales as required by law or court order and the 617  
postponement of sales in accordance with divisions (E) (2) and 618  
(3) of this section. 619

(7) The web site shall provide a secure payment processing 620  
system that accepts online payments for property sold via the 621  
web site and, in an efficient and cost effective manner, 622  
transfers those payments to the appropriate county official or 623  
account. 624

(8) The web site shall include the ability for an attorney 625  
or law firm to enter a bid in a representative capacity. 626

(9) The web site shall be integrated with the auction 627  
management system described in division (C) of this section. 628

(C) The auction management system shall meet the following 629  
minimum requirements: 630

(1) The auction management system shall have a role-based 631  
workflow engine to assist in conducting sales on the web site, 632  
capturing data, complying with all relevant laws, and managing 633  
administrative processes related to the judicial sale of real 634

property in a timely, secure, and accurate manner. 635

(2) The auction management system shall record the data 636  
necessary to meet the reporting requirements of section 2329.312 637  
of the Revised Code. 638

(3) The auction management system shall be able to 639  
generate documents required by the court ordering the sale or 640  
related to the judicial sale of real property. 641

(4) The auction management system shall be able to record 642  
fees, costs, deposits, and other money items with the objective 643  
of ensuring an accurate accounting of moneys received and 644  
disbursed in each judicial sale of real property. 645

(5) The auction management system shall be integrated with 646  
the web site described in division (B) of this section. 647

(D) The license fee for the creation, operation, and 648  
maintenance of the official public sheriff sale web site and 649  
integrated auction management system shall be determined using a 650  
per-transaction license fee model or a per-use license fee 651  
model. The addition of a property to the official public sheriff 652  
sale web site or the auction management system shall each be 653  
deemed a transaction for purposes of determining the license 654  
fee. The license fee applicable to each judicial sale of real 655  
property shall be taxed as costs in the case. No additional 656  
license fees shall be assessed to the county sheriff. 657

(E) (1) Not later than one year after the effective date of 658  
this section, in all cases in which the sheriff is ordered to 659  
conduct a judicial sale of real property, the sale shall be 660  
conducted on the official public sheriff sale web site if the 661  
property is residential property, and may be conducted on the 662  
official public sheriff sale web site if the property is 663

commercial property. All sales conducted on the official public 664  
sheriff sale web site shall be open for bidding for at least 665  
seven days. 666

(2) If the sale of the real property is to be conducted on 667  
the official public sheriff sale web site, the judgment creditor 668  
may instruct the sheriff to postpone the sale of the real 669  
property one time for up to one hundred eighty days after the 670  
initial sale date. Upon receiving such instruction for 671  
postponement, the sheriff shall postpone the sale of the 672  
property by announcing on the official public sheriff sale web 673  
site that the sale is postponed and giving notice of the 674  
rescheduled sale date. This announcement shall be deemed to meet 675  
the notice requirement of section 2329.26 of the Revised Code. 676

(3) If the judgment creditor does not wish to postpone the 677  
sale of the real property, the judgment creditor may instruct 678  
the sheriff to cancel the sale of the property. Upon receiving 679  
this instruction, the sheriff shall cancel the sale of the 680  
property by announcing on the official public sheriff sale web 681  
site that the sale is canceled. This announcement shall remain 682  
posted on the official public sheriff sale web site until at 683  
least the end of the seven-day bidding period described in 684  
division (E) (1) of this section. 685

(4) If the sale of the real property is postponed or 686  
canceled according to divisions (E) (2) and (3) of this section, 687  
all bids made on the real property prior to the postponement or 688  
cancellation of the sale shall be void. 689

(F) Pursuant to their authority in section 9.482 of the 690  
Revised Code, counties may elect to enter into a shared services 691  
agreement relating to the judicial sale of real property on the 692  
official public sheriff sale web site. The shared services 693



agreement may seek to improve efficiency and reduce costs in the 694  
judicial sale of real property by consolidating administrative 695  
functions and processes. 696

**Sec. 2329.154.** (A) If property is sold online, the sheriff 697  
or private selling officer shall require persons seeking to bid 698  
to register online with the web site as a condition of being 699  
authorized to bid. The registration form shall include 700  
information relevant to the objective of enabling the sheriff or 701  
private selling officer to identify the bidder, contact the 702  
bidder, and complete the sale of the property. 703

(B) If an attorney or a law firm that represents the 704  
plaintiff or a party to the action bids on property in a 705  
representative capacity, the attorney or law firm shall register 706  
as the representative of the plaintiff or party, either as an 707  
individual or entity. 708

(C) (1) If the person registering to bid is an individual, 709  
the information required by division (A) of this section shall 710  
include the individual's name, mailing address, which shall not 711  
be a post office box address, electronic mail address, telephone 712  
number, and, if applicable, credit card information. 713

(2) If the person registering to bid is an entity, the 714  
information required by division (A) of this section shall 715  
include the entity's legal name, trade name if different from 716  
its legal name, state and date of formation, active status with 717  
the office of the secretary of state, mailing address, telephone 718  
number, credit card information if applicable, the name of an 719  
individual contact person for the entity, and the contact 720  
person's title, mailing address, which shall not be a post 721  
office box address, electronic mail address, and telephone 722  
number. 723

(D) The registration form on the web site shall require 724  
the person registering to bid to state, to the best of the 725  
person's knowledge and belief, that the information provided by 726  
the person is true, correct, and complete under penalties of 727  
perjury. 728

(E) The electronic mail address and, if applicable, credit 729  
card information required in division (C) of this section are 730  
confidential and not public records for purposes of section 731  
149.43 of the Revised Code. 732

**Sec. 2329.17.** (A) When execution is levied upon lands and 733  
tenements, ~~the officer who makes the levy~~ sheriff shall call an 734  
inquest of three disinterested freeholders, who are residents 735  
of, and real property owners in, the county where the lands 736  
taken in execution are situated, ~~and administer to them an oath~~ 737  
~~impartially to who shall~~ appraise the property so levied upon, 738  
upon actual view. ~~They forthwith shall return to such officer,~~ 739  
~~under their hands, an estimate of the real value of the property~~ 740  
~~in money.~~ 741

(B) If the property to be appraised is residential 742  
property, the freeholders selected by the sheriff shall return 743  
to the sheriff an estimate of the value of the property in money 744  
within twenty-one calendar days of the issuance of the order of 745  
appraisal by the clerk of the court. If the court has ordered or 746  
the clerk of the court has issued an order for a private selling 747  
officer to advertise and sell the appraised property, the 748  
freeholders selected by the sheriff shall also deliver a copy of 749  
their appraisal to the private selling officer contemporaneously 750  
with their delivery of their appraisal to the sheriff. 751

(C) If the freeholders selected by the sheriff under 752  
division (B) of this section do not deliver their appraisal 753

within twenty-one calendar days of the issuance of the order of appraisal by the clerk of the court as required by division (B) of this section, then all of the following shall occur: 754  
755  
756

(1) The cost of the appraisal by the freeholders shall not be payable to the freeholders or taxed as costs in the case. 757  
758

(2) The appraised value of the property shall be the fair market value of the property as shown on the records of the county auditor, unless, for good cause shown, the court authorizes a separate appraisal of the property. 759  
760  
761  
762

(3) The advertisement and sale of the property shall proceed immediately in accordance with the order of advertisement and sale issued by the clerk of the court. 763  
764  
765

If a separate appraisal of the property is obtained, the cost of the appraisal shall be included as an expense of the sale pursuant to division (D) of section 2329.152 of the Revised Code. 766  
767  
768  
769

(D) If the property to be appraised is commercial property, the freeholders selected by the sheriff shall return to the sheriff an estimate of the value of the property in money in accordance with the timing or other requirements, if any, that may be established for the sale. 770  
771  
772  
773  
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(E) The municipal corporation or township in which the real property is situated may inspect prior to the judicial sale any structures located on lands subject to a writ of execution. 775  
776  
777

**Sec. 2329.18.** ~~When an officer receives the return provided for in division (A) of~~ (A) If a court has ordered or the clerk of a court has issued an order for the sheriff to advertise and sell the real estate for which the appraised value has been determined pursuant to section 2329.17 of the Revised Code, the 778  
779  
780  
781  
782

~~officer forthwith sheriff~~ shall deposit a copy of ~~it~~ the 783  
appraisal with the clerk of the court from which the writ was 784  
issued, and immediately advertise and sell such real estate in 785  
conformity with sections 2329.01 to 2329.61 of the Revised Code. 786

(B) If the court has ordered or the clerk of the court has 787  
issued an order for a private selling officer to advertise and 788  
sell the real estate for which the appraised value has been 789  
determined pursuant to section 2329.17 of the Revised Code, the 790  
private selling officer shall immediately advertise and sell the 791  
real estate in conformity with sections 2329.01 to 2329.61 of 792  
the Revised Code. 793

**Sec. 2329.19.** Upon the ~~return~~ determination of the 794  
~~estimate provided for in division (A) of~~ appraised value 795  
pursuant to section 2329.17 of the Revised Code, if it appears 796  
~~by the inquisition~~ that two-thirds of the appraised value of the 797  
lands and tenements levied upon is sufficient to satisfy the 798  
execution, with costs, the judgment on which the execution 799  
issued shall not operate as a lien on the residue of the 800  
debtor's estate to the prejudice of any other judgment creditor. 801

**Sec. 2329.20.** ~~No~~ Except as otherwise provided in this 802  
section or sections 2329.51 and 2329.52 of the Revised Code, no 803  
tract of land shall be sold for less than two-thirds the amount 804  
of the appraised value ~~returned in the inquest required by~~ as 805  
determined pursuant to section 2329.17 of the Revised Code; 806  
~~except that in~~. In all cases where ~~in which~~ a junior mortgage 807  
or other junior lien is sought to be enforced against real 808  
estate by an order, judgment, or decree of court, subject to a 809  
prior lien thereon, and such prior lien, and the claims or 810  
obligations secured thereby, are unaffected by such order, 811  
judgment, or decree, the court making such order, judgment, or 812

decree, may determine the minimum amount for which such real 813  
estate may be sold~~7~~. In such a case, the minimum amount ~~to shall~~ 814  
be not less than two-thirds of the difference between the 815  
appraised value of the real estate ~~appraised as provided~~ 816  
determined in such that section, and the amount remaining unpaid 817  
on the claims or obligations secured by such prior lien. 818

**Sec. 2329.21.** If the sum bid by the purchaser for the real 819  
estate sold under section 2329.20 of the Revised Code relating 820  
to the enforcement of junior liens is insufficient to pay the 821  
~~costs and allowance~~, allowances, and taxes, which the court has 822  
determined prior to such sale should be paid out of the proceeds 823  
thereof, pursuant to the terms of the mortgage or lien sought to 824  
be enforced, then the purchaser, in addition to the amount of 825  
~~his~~ the purchaser's bid, must pay a sum which, with the amount 826  
so bid, will be sufficient to pay the ~~costs and~~, allowances, 827  
and taxes. The court may fix the amount remaining unpaid on such 828  
claims or obligations for the purpose of the sale, and to that 829  
end require the parties to the suit to furnish to it 830  
satisfactory evidence of such unpaid amount. The advertisement 831  
for the sale of real estate sold under section 2329.20 of the 832  
Revised Code shall state that the purchaser shall be responsible 833  
for those costs, allowances, and taxes that the proceeds of the 834  
sale are insufficient to cover. 835

**Sec. 2329.211.** (A) In every action demanding the judicial 836  
or execution sale of residential property, if the judgment 837  
creditor is the purchaser at the sale, the purchaser shall not 838  
be required to make a sale deposit. All other purchasers shall 839  
make a sale deposit as follows: 840

(1) If the appraised value of the residential property is 841  
less than or equal to ten thousand dollars, the deposit shall be 842

two thousand dollars. 843

(2) If the appraised value of the residential property is 844  
greater than ten thousand dollars but less than or equal to two 845  
hundred thousand dollars, the deposit shall be five thousand 846  
dollars. 847

(3) If the appraised value of the residential property is 848  
greater than two hundred thousand dollars, the deposit shall be 849  
ten thousand dollars. 850

The timing of the deposit and other payment requirements 851  
shall be established by the court or the person conducting the 852  
sale and included in the advertisement of the sale. If the 853  
purchaser fails to meet the timing or other requirements of the 854  
deposit, the sale shall be invalid. 855

(B) In every action demanding the judicial or execution 856  
sale of commercial property, the purchaser at the sale shall 857  
make a deposit pursuant to the requirements, if any, established 858  
for the sale. 859

**Sec. 2329.26.** (A) Lands and tenements taken in execution 860  
shall not be sold until all of the following occur: 861

(1) (a) Except as otherwise provided in division (A) (1) (b) 862  
of this section, the judgment creditor who seeks the sale of the 863  
lands and tenements or the judgment creditor's attorney does 864  
both of the following: 865

(i) Causes a written notice ~~of the date, time, and place~~ 866  
~~of the sale~~ to be served in accordance with divisions (A) and 867  
(B) of Civil Rule 5 upon the judgment debtor and upon each other 868  
party to the action in which the judgment giving rise to the 869  
execution was rendered~~+~~. Such notice shall include the date, 870  
time, and place of the sale if the sale is to be held at a 871

physical location or the start date and web site address of the 872  
sale if the sale is to be held online. Such notice shall also 873  
include the provisional second sale date described in division 874  
(B) of section 2329.52 of the Revised Code, if applicable. 875

(ii) At least seven calendar days prior to the date of the 876  
sale, files with the clerk of the court that rendered the 877  
judgment giving rise to the execution a copy of the written 878  
notice described in division (A) (1) (a) (i) of this section with 879  
proof of service endorsed on the copy in the form described in 880  
division ~~(D)~~ (B) of Civil Rule 5. 881

(b) Service of the written notice described in division 882  
(A) (1) (a) (i) of this section is not required to be made upon any 883  
party who is in default for failure to appear in the action in 884  
which the judgment giving rise to the execution was rendered. 885

(2) One of the following applies: 886

(a) The officer taking the lands and tenements gives 887  
public notice of the date, time, and place of the sale once a 888  
week for at least three consecutive weeks before the day of sale 889  
if the sale is to be held at a physical location or the start 890  
date of the sale if the sale is to be conducted online. 891

Such notice shall be by advertisement in a newspaper of 892  
general circulation in the county and shall include all the 893  
following information: 894

(i) The date, time, and place of the sale if the sale is 895  
to be held at a physical location; 896

(ii) The start date, the minimum duration, and web site 897  
address of the sale if the sale is to be held online; 898

(iii) The deposit required by section 2329.211 of the 899

Revised Code; 900

(iv) That the purchaser shall be responsible for those 901  
costs, allowances, and taxes that the proceeds of the sale are 902  
insufficient to cover; 903

(v) The provisional second sale date described in division 904  
(B) of section 2329.52 of the Revised Code, if applicable; 905  
provided, however, that no sale shall be invalid, nor shall the 906  
court vacate any sale, if the notice described in division (A) 907  
(1)(a)(i) of this section or the public notice described in 908  
division (A)(2) of this section fails to include the provisional 909  
date for a second sale of the property and the property is sold 910  
on the initial sale date. The newspaper shall meet the 911  
requirements of section 7.12 of the Revised Code. The court 912  
ordering the sale may designate in the order of sale the 913  
newspaper in which this public notice shall be published. 914

(b) If a private selling officer has been ordered to sell 915  
the lands and tenements, the private selling officer shall give 916  
the public notice described in division (A)(2)(a) of this 917  
section in the newspaper designated by the court. If the court 918  
has not designated a newspaper, the private selling officer 919  
shall give this public notice in the newspaper customarily used 920  
or designated by the county sheriff. No sale that otherwise 921  
complies with division (A)(2) of this section shall be invalid. 922

~~(3)~~(B) The officer taking the lands and tenements shall 923  
collect the purchaser's information required by section 2329.271 924  
of the Revised Code. 925

~~(B)~~(C) A sale of lands and tenements taken in execution 926  
may be set aside in accordance with division (A) or (B) of 927  
section 2329.27 of the Revised Code. 928



**Sec. 2329.271.** (A) (1) Subject to division (A) (2) of this 929  
section, the purchaser of lands and tenements taken in execution 930  
shall submit to the officer who makes the sale the following 931  
information: 932

~~(a) The~~ (i) If the purchaser is an individual, the 933  
information shall include the individual's name, mailing 934  
address, and which shall not be a post office box, electronic 935  
mail address, telephone number, and credit card information of 936  
the purchaser; 937

(ii) If the purchaser is an entity, the information shall 938  
include the entity's legal name, trade name if different from 939  
its legal name, state and date of formation, active status with 940  
the office of the secretary of state, mailing address, telephone 941  
number, credit card information, the name of an individual 942  
contact person for the entity, and the contact person's title, 943  
mailing address, which shall not be a post office box, 944  
electronic mail address, and telephone number. 945

(b) An attorney or a law firm that represents a purchaser 946  
may submit the information required under division (A) (1) (a) of 947  
this section in a representative capacity, either as an 948  
individual or entity. 949

(c) If the lands and tenements taken in execution are 950  
residential rental property and the residential rental property 951  
is purchased by a trust, business trust, estate, partnership, 952  
limited partnership, limited liability company, association, 953  
corporation, or any other business entity, the name, address, 954  
and telephone number of the following with the provision that 955  
the purchaser be readily accessible through the identified 956  
contact person: 957

(i) A trustee, in the case of a trust or business trust;	958
(ii) The executor or administrator, in the case of an estate;	959 960
(iii) A general partner, in the case of a partnership or a limited partnership;	961 962
(iv) A member, manager, or officer, in the case of a limited liability company;	963 964
(v) An associate, in the case of an association;	965
(vi) An officer, in the case of a corporation;	966
(vii) A member, manager, or officer, in the case of any other business entity.	967 968
<del>(e)</del> <u>(d)</u> A statement indicating whether the purchaser will occupy the lands and tenements.	969 970
(2) If the lands and tenements taken in execution are not residential rental property and the purchaser of those lands and tenements is a corporation, partnership, association, estate, trust, or other business organization the only place of business of which is in the county in which the real property is located, the information required by divisions (A) (1) (a) and <del>(e)</del> <u>(d)</u> of this section shall be the contact information for the office of an employee of the purchasing entity that is located in that county and that the purchasing entity has designated to receive notices or inquiries about the property. If the purchasing entity has a place of business outside the county in which the real property is located and the purchasing entity's principal place of business is located in this state, the information required by divisions (A) (1) (a) and <del>(e)</del> <u>(d)</u> of this section shall be the contact information for the office of an employee	971 972 973 974 975 976 977 978 979 980 981 982 983 984 985

of the purchasing entity that is located in this state and that 986  
the purchasing entity has designated to receive notices or 987  
inquiries about the property. If the purchasing entity's 988  
principal place of business is not located in this state, the 989  
information required by divisions (A) (1) (a) and ~~(e)~~ (d) of this 990  
section shall be the contact information for a natural person 991  
who is employed by the purchasing entity at the purchasing 992  
entity's principal place of business outside of this state and 993  
whom the purchasing entity has designated to receive notices or 994  
inquiries about the property. 995

(B) (1) The information required by division (A) of this 996  
section shall be part of ~~the sheriff's record of proceedings and~~ 997  
~~shall be part of the~~ record of the court of common pleas. ~~The~~ If 998  
the court has ordered or the clerk of the court has issued an 999  
order for the sheriff to advertise and sell the lands and 1000  
tenements, the information also shall be part of the sheriff's 1001  
record of proceedings. Except as provided in division (B) (2) of 1002  
this section, the information is a public record and open to 1003  
public inspection. 1004

(2) The electronic mail address and credit card 1005  
information required in division (A) (1) of this section are 1006  
confidential and not public records for purposes of section 1007  
149.43 of the Revised Code. 1008

**Sec. 2329.28.** The ~~sheriff~~ levying officer shall indorse on 1009  
the writ of execution ~~his~~ the officer's proceedings thereon, and 1010  
the clerk of the court of common pleas, upon the return thereof, 1011  
immediately shall record all such indorsements at length, in the 1012  
execution docket, or other docket provided for that purpose. 1013  
That record shall be a part of the record of the court of common 1014  
pleas. 1015

**Sec. 2329.30.** The court from which an execution or order 1016  
of sale issues, upon notice and motion of the officer who makes 1017  
the sale or of an interested party, may punish any purchaser of 1018  
lands and tenements who fails to pay within thirty days of the 1019  
confirmation of the sale the balance due on the purchase price 1020  
of the lands and tenements by forfeiting the sale of the lands 1021  
and tenements and returning any deposit paid in connection with 1022  
the sale of the lands and tenements, by forfeiting any deposit 1023  
paid in connection with the sale of the lands and tenements, as 1024  
for contempt, or in any other manner the court considers 1025  
appropriate. Upon motion, the court may order the return of any 1026  
remaining portion of the deposit of the purchaser, less the 1027  
costs of a subsequent sale and any other remedy the court 1028  
considers appropriate. An order for contempt for failure of the 1029  
purchaser to pay voids the confirmation of sale and transfer. 1030

**Sec. 2329.31.** (A) Upon the return of any writ of execution 1031  
for the satisfaction of which lands and tenements have been 1032  
sold, on careful examination of the proceedings of the officer 1033  
making the sale, if the court of common pleas finds that the 1034  
sale was made, in all respects, in conformity with sections 1035  
2329.01 to 2329.61 of the Revised Code, it shall, within thirty 1036  
days of the return of the writ, direct the clerk of the court of 1037  
common pleas to make an entry on the journal that the court is 1038  
satisfied of the legality of such sale ~~and that the attorney who~~ 1039  
~~filed the writ of execution make to the purchaser a deed for the~~ 1040  
~~lands and tenements.~~ Nothing in this section prevents the court 1041  
of common pleas from staying the confirmation of the sale to 1042  
permit a property owner time to redeem the property or for any 1043  
other reason that it determines is appropriate. In those 1044  
instances, the sale shall be confirmed within thirty days after 1045  
the termination of any stay of confirmation. 1046

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

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

(2) (a) If the deed is not prepared and recorded within the fourteen-day period, the purchaser may file a motion with the court to proceed with the transfer of title. If the court finds that a proper sale was made, it shall enter an order transferring the title of the lands and tenements to the purchaser, ordering the plaintiff to present a certified copy of the order to the county recorder for recording, and ordering the county recorder to record the order in the record of deeds. The order, when filed with the county recorder, shall have the same effect as a deed prepared pursuant to section 2329.36 of the Revised Code.

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

(c) The clerk shall issue a copy of the court order to the county auditor to transfer record ownership of the lands and tenements for the purpose of real estate taxes. Real estate taxes coming due after the date of the sale shall not prohibit the auditor from transferring ownership of the lands and tenements on its records or cause the recorder to deny

recording. The real estate taxes shall become the responsibility 1077  
of the new title holder of the lands and tenements. The sheriff 1078  
shall not require the confirmation of sale to be amended for 1079  
taxes not due and payable as of the date of the sale. 1080

**Sec. 2329.311.** In sales of residential properties taken in 1081  
execution or order of sale that are sold at an auction with no 1082  
set minimum bid pursuant to division (B) of section 2329.52 of 1083  
the Revised Code, the judgment creditor and the first lienholder 1084  
each have the right to redeem the property within fourteen days 1085  
after the sale by paying the purchase price. The redeeming party 1086  
shall pay the purchase price to the clerk of the court in which 1087  
the judgment was rendered or the order of sale was made. Upon 1088  
timely payment, the court shall proceed as described in section 1089  
2329.31 of the Revised Code, with the redeeming party considered 1090  
the successful purchaser at sale. 1091

**Sec. 2329.312.** (A) All levying officers appointed or 1092  
authorized by a court under this chapter to conduct the judicial 1093  
or execution sale of residential property consisting of one to 1094  
four single-family units shall submit quarterly reports to the 1095  
attorney general for the purpose of assessing the extent to 1096  
which deadlines required by this chapter are met. The reports 1097  
shall include data on each such sale conducted by the officer. 1098

(B) The attorney general shall do all of the following: 1099

(1) Establish and maintain a database comprised of the 1100  
information submitted by levying officers pursuant to division 1101  
(A) of this section; 1102

(2) Make the information included in the database publicly 1103  
available; 1104

(3) Adopt rules for the creation and administration of the 1105

database. 1106

**Sec. 2329.33.** ~~In~~ Except as provided in division (C) of 1107  
section 2308.03 or any other section of the Revised Code, in 1108  
sales of real estate on execution or order of sale, at any time 1109  
before the confirmation thereof, the debtor may redeem it from 1110  
sale by depositing in the hands of the clerk of the court of 1111  
common pleas to which such execution or order is returnable, the 1112  
amount of the judgment or decree upon which such lands were 1113  
sold, with all costs, including poundage, and interest at the 1114  
rate of eight per cent per annum on the purchase money from the 1115  
day of sale to the time of such deposit, except where the 1116  
judgment creditor is the purchaser, the interest at such rate on 1117  
the excess above ~~his~~ the judgment creditor's claim. The court of 1118  
common pleas thereupon shall make an order setting aside such 1119  
sale, and apply the deposit to the payment of such judgment or 1120  
decree and costs, and award such interest to the purchaser, who 1121  
shall receive from the officer making the sale the purchase 1122  
money paid by ~~him~~ the purchaser, and the interest from the 1123  
clerk. This section does not take away the power of the court to 1124  
set aside such sale for any reason for which it might have been 1125  
set aside prior to April 16, 1888. 1126

**Sec. 2329.34.** Real property may be conveyed by a master 1127  
commissioner or special master only: 1128

(A) When, by an order or a judgment in an action or 1129  
proceeding, a party is required to convey such property to 1130  
another, and ~~he~~ the party neglects or refuses to do so, and the 1131  
master is directed to convey on ~~his~~ the party's failure; 1132

(B) When specific real property is sold by a master under 1133  
an order or judgment of the court appointing ~~him~~ the master. No 1134  
court shall make or issue an order to a master for the sale of 1135

real estate except in response to a motion by a judgment 1136  
creditor, unless which motion shall be granted only if there 1137  
exists some special reason why the sale should not be made by 1138  
the sheriff of the county where the decree or order was made, ~~7~~ 1139  
~~which reason, if~~ or by a private selling officer. If the court 1140  
finds any such reason to exist, that reason shall be embodied in 1141  
and made part of the judgment, order, or decree for such sale. 1142

**Sec. 2329.39.** ~~Sale~~ Except as provided in sections 2329.152 1143  
and 2329.153 of the Revised Code, sale of lands or tenements 1144  
under execution or order of sale must be held in the county in 1145  
which they are situated and at the courthouse, unless otherwise 1146  
ordered by the court. Purchase of real or personal property, by 1147  
the officer making the sale thereof, or by an appraiser of such 1148  
property, shall be fraudulent and void. 1149

**Sec. 2329.45.** If a judgment in satisfaction of which 1150  
lands, ~~7~~ or tenements are sold, is reversed on appeal, such 1151  
reversal shall not defeat or affect the title of the purchaser. 1152  
In such case restitution ~~must be made by the judgment creditor~~ 1153  
~~of~~ in an amount equal to the money for which such lands or 1154  
tenements were sold, with interest from the day of sale, must be 1155  
made by the judgment creditor. In ordering restitution, the 1156  
court shall take into consideration all persons who lost an 1157  
interest in the property by reason of the judgment and sale and 1158  
the order of the priority of those interests. 1159

**Sec. 2329.52.** ~~When~~ (A) Except as otherwise provided in 1160  
division (B) of this section, when premises are ordered to be 1161  
sold, if said premises, or a part thereof, remain unsold for 1162  
want of bidders after having been once appraised, advertised, 1163  
and offered for sale, the court from which the order of sale 1164  
issued may, on motion of the plaintiff or defendant and from 1165



time to time until said premises are disposed of, order a new 1166  
appraisement and sale or direct the amount for which said 1167  
premises, or a part thereof, may be sold. 1168

The court may order that the premises be sold as follows: 1169  
One third cash in hand, one third in nine months from the day of 1170  
sale, and the remaining one third in eighteen months from the 1171  
day of sale, the deferred payments to draw interest at six per 1172  
cent and be secured by a mortgage on the premises. 1173

(B) When a residential property is ordered to be sold 1174  
pursuant to a residential mortgage loan foreclosure action, and 1175  
the sale will be held at a physical location and not online, and 1176  
if the property remains unsold after the first auction, then a 1177  
second auction shall be held and the property shall be sold to 1178  
the highest bidder without regard to the minimum bid requirement 1179  
in section 2329.20 of the Revised Code, but subject to section 1180  
2329.21 of the Revised Code relating to costs, allowances, and 1181  
real estate taxes. This second auction shall be held not earlier 1182  
than seven days and not later than thirty days after the first 1183  
auction. A residential property that remains unsold after two 1184  
auctions may be subsequently offered for sale without regard to 1185  
the minimum bid requirement in section 2329.20 of the Revised 1186  
Code or disposed of in any other manner pursuant to this chapter 1187  
or any other provision of the Revised Code. 1188

**Sec. 2329.56.** When a freeholder, summoned as an appraiser, 1189  
fails to appear at the time and place appointed by the officers 1190  
ordering ~~his~~ the freeholder's appearance and discharge ~~his~~ the 1191  
duty as such, on complaint made to a judge of the county court 1192  
in the district in which such freeholder resides, unless ~~he~~ the 1193  
freeholder has a reasonable excuse, ~~he~~ the freeholder shall pay 1194  
fifty ~~cents~~ dollars for each neglect, which shall be collected 1195

by the judge, and paid into the county treasury for the use of 1196  
the county. 1197

**Sec. 2909.07.** (A) No person shall: 1198

(1) Without privilege to do so, knowingly move, deface, 1199  
damage, destroy, or otherwise improperly tamper with ~~the~~either 1200  
of the following: 1201

(a) The property of another; 1202

(b) One's own residential real property with the purpose 1203  
to decrease the value of or enjoyment of the residential real 1204  
property, if both of the following apply: 1205

(i) The residential real property is subject to a 1206  
mortgage. 1207

(ii) The person has been served with a summons and 1208  
complaint in a pending residential mortgage loan foreclosure 1209  
action relating to that real property. As used in this division, 1210  
"pending" includes the time between judgment entry and 1211  
confirmation of sale. 1212

(2) With purpose to interfere with the use or enjoyment of 1213  
property of another, employ a tear gas device, stink bomb, smoke 1214  
generator, or other device releasing a substance that is harmful 1215  
or offensive to persons exposed or that tends to cause public 1216  
alarm; 1217

(3) Without privilege to do so, knowingly move, deface, 1218  
damage, destroy, or otherwise improperly tamper with a bench 1219  
mark, triangulation station, boundary marker, or other survey 1220  
station, monument, or marker; 1221

(4) Without privilege to do so, knowingly move, deface, 1222  
damage, destroy, or otherwise improperly tamper with any safety 1223

device, the property of another, or the property of the offender 1224  
when required or placed for the safety of others, so as to 1225  
destroy or diminish its effectiveness or availability for its 1226  
intended purpose; 1227

(5) With purpose to interfere with the use or enjoyment of 1228  
the property of another, set a fire on the land of another or 1229  
place personal property that has been set on fire on the land of 1230  
another, which fire or personal property is outside and apart 1231  
from any building, other structure, or personal property that is 1232  
on that land; 1233

(6) Without privilege to do so, and with intent to impair 1234  
the functioning of any computer, computer system, computer 1235  
network, computer software, or computer program, knowingly do 1236  
any of the following: 1237

(a) In any manner or by any means, including, but not 1238  
limited to, computer hacking, alter, damage, destroy, or modify 1239  
a computer, computer system, computer network, computer 1240  
software, or computer program or data contained in a computer, 1241  
computer system, computer network, computer software, or 1242  
computer program; 1243

(b) Introduce a computer contaminant into a computer, 1244  
computer system, computer network, computer software, or 1245  
computer program. 1246

(B) As used in this section, "safety device" means any 1247  
fire extinguisher, fire hose, or fire axe, or any fire escape, 1248  
emergency exit, or emergency escape equipment, or any life line, 1249  
life-saving ring, life preserver, or life boat or raft, or any 1250  
alarm, light, flare, signal, sign, or notice intended to warn of 1251  
danger or emergency, or intended for other safety purposes, or 1252

any guard railing or safety barricade, or any traffic sign or 1253  
signal, or any railroad grade crossing sign, signal, or gate, or 1254  
any first aid or survival equipment, or any other device, 1255  
apparatus, or equipment intended for protecting or preserving 1256  
the safety of persons or property. 1257

(C) (1) Whoever violates this section is guilty of criminal 1258  
mischief, and shall be punished as provided in division (C) (2) 1259  
or (3) of this section. 1260

(2) Except as otherwise provided in this division, 1261  
criminal mischief committed in violation of division (A) (1), 1262  
(2), (3), (4), or (5) of this section is a misdemeanor of the 1263  
third degree. Except as otherwise provided in this division, if 1264  
the violation of division (A) (1), (2), (3), (4), or (5) of this 1265  
section creates a risk of physical harm to any person, criminal 1266  
mischief committed in violation of division (A) (1), (2), (3), 1267  
(4), or (5) of this section is a misdemeanor of the first 1268  
degree. If the property involved in the violation of division 1269  
(A) (1), (2), (3), (4), or (5) of this section is an aircraft, an 1270  
aircraft engine, propeller, appliance, spare part, fuel, 1271  
lubricant, hydraulic fluid, any other equipment, implement, or 1272  
material used or intended to be used in the operation of an 1273  
aircraft, or any cargo carried or intended to be carried in an 1274  
aircraft, criminal mischief committed in violation of division 1275  
(A) (1), (2), (3), (4), or (5) of this section is one of the 1276  
following: 1277

(a) If the violation creates a risk of physical harm to 1278  
any person, except as otherwise provided in division (C) (2) (b) 1279  
of this section, criminal mischief committed in violation of 1280  
division (A) (1), (2), (3), (4), or (5) of this section is a 1281  
felony of the fifth degree. 1282

(b) If the violation creates a substantial risk of 1283  
physical harm to any person or if the property involved in a 1284  
violation of this section is an occupied aircraft, criminal 1285  
mischief committed in violation of division (A)(1), (2), (3), 1286  
(4), or (5) of this section is a felony of the fourth degree. 1287

(3) Except as otherwise provided in this division, 1288  
criminal mischief committed in violation of division (A)(6) of 1289  
this section is a misdemeanor of the first degree. Except as 1290  
otherwise provided in this division, if the value of the 1291  
computer, computer system, computer network, computer software, 1292  
computer program, or data involved in the violation of division 1293  
(A)(6) of this section or the loss to the victim resulting from 1294  
the violation is one thousand dollars or more and less than ten 1295  
thousand dollars, or if the computer, computer system, computer 1296  
network, computer software, computer program, or data involved 1297  
in the violation of division (A)(6) of this section is used or 1298  
intended to be used in the operation of an aircraft and the 1299  
violation creates a risk of physical harm to any person, 1300  
criminal mischief committed in violation of division (A)(6) of 1301  
this section is a felony of the fifth degree. If the value of 1302  
the computer, computer system, computer network, computer 1303  
software, computer program, or data involved in the violation of 1304  
division (A)(6) of this section or the loss to the victim 1305  
resulting from the violation is ten thousand dollars or more, or 1306  
if the computer, computer system, computer network, computer 1307  
software, computer program, or data involved in the violation of 1308  
division (A)(6) of this section is used or intended to be used 1309  
in the operation of an aircraft and the violation creates a 1310  
substantial risk of physical harm to any person or the aircraft 1311  
in question is an occupied aircraft, criminal mischief committed 1312  
in violation of division (A)(6) of this section is a felony of 1313

the fourth degree. 1314

**Sec. 5302.01.** The forms set forth in sections 5302.05, 1315  
5302.07, 5302.09, 5302.11, 5302.12, 5302.14, ~~and 5302.17,~~ and 1316  
5302.31 of the Revised Code may be used and shall be sufficient 1317  
for their respective purposes. They shall be known as "Statutory 1318  
Forms" and may be referred to as such. They may be altered as 1319  
circumstances require, and the authorization of those forms 1320  
shall not prevent the use of other forms. Wherever the phrases 1321  
defined in sections 5302.06, 5302.08, 5302.10, and 5302.13 of 1322  
the Revised Code are to be incorporated in instruments by 1323  
reference, the method of incorporation as indicated in the 1324  
statutory forms shall be sufficient, but shall not preclude 1325  
other methods. 1326

**Sec. 5302.31.** A deed in substance following the form set 1327  
forth in this section, when duly executed in accordance with 1328  
Chapter 5301. of the Revised Code, has the force and effect of a 1329  
deed in fee simple to the grantee, the grantee's heirs, assigns, 1330  
and successors, to the grantee's and the grantee's heirs', 1331  
assigns', and successors' own use, with covenants on the part of 1332  
the grantor with the grantee, the grantee's heirs, assigns, and 1333  
successors, that, at the time of the delivery of that deed, the 1334  
grantor was duly appointed, qualified, and acting in the 1335  
fiduciary capacity described in that deed, and was duly 1336  
authorized to make the sale and conveyance of the premises; and 1337  
that in all of the grantor's proceedings in the sale of the 1338  
premises the grantor has complied with the requirements of the 1339  
statutes in such case provided. 1340

"Private Selling Officer's Deed 1341

Ohio Revised Code § 2329.152 1342

Case No. \_\_\_\_\_ 1343

I, \_\_\_\_\_, a private selling officer as 1344  
defined in section 2329.01 of the Revised Code, pursuant to the 1345  
Order of Sale entered on \_\_\_\_\_, the Confirmation of 1346  
Sale entered on \_\_\_\_\_, and in consideration of the sum of 1347  
\$ \_\_\_\_\_, the receipt whereof is hereby 1348  
acknowledged, do hereby grant, sell, and convey unto 1349  
\_\_\_\_\_, tax mailing address \_\_\_\_\_, 1350  
all the rights, title, and interest of the parties in Court of 1351  
Common Pleas, \_\_\_\_\_ County, Ohio, Case No. 1352  
\_\_\_\_\_, \_\_\_\_\_ vs. \_\_\_\_\_, 1353  
and all pleadings therein incorporated herein by reference in 1354  
and to the following Lands and Tenements situated in the County 1355  
of \_\_\_\_\_ and State of Ohio, known and described as 1356  
follows, to-wit: 1357

(description of land or interest therein) 1358

This deed does not reflect any restrictions, conditions, 1359  
or easements of record. 1360

Prior Owner: \_\_\_\_\_ 1361

Prior Instrument Reference: \_\_\_\_\_ 1362

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 1363  
\_\_\_\_\_ 1364

(signature of private selling officer) 1365

Auctioneer License # \_\_\_\_\_ 1366

Real Estate Broker License # \_\_\_\_\_ 1367

(Execution in accordance with Chapter 5301. of the Revised 1368  
Code) " 1369

**Sec. 5721.371.** (A) Private attorney's fees payable with 1370  
respect to an action under sections 5721.30 to 5721.46 of the 1371  
Revised Code are subject to the following conditions: 1372

~~(A)~~ (1) The fees must be reasonable. 1373

~~(B)~~ (2) Fees exceeding two thousand five hundred dollars 1374  
shall be paid only if authorized by a court order. 1375

~~(C)~~ (B) (1) Fees less than or equal to two thousand five 1376  
hundred dollars shall be presumed to be reasonable. 1377

(2) If the private attorney's fees payable are fixed and 1378  
not determined on an hourly basis, the court shall not consider 1379  
or require evidence of hours expended or hourly rates. 1380

(3) The terms of a sale negotiated under section 5721.33 1381  
of the Revised Code may include the amount to be paid in private 1382  
attorney's fees, subject to division ~~(B)~~ (A) (2) of this section. 1383

**Sec. 5721.372.** (A) A private selling officer's fees 1384  
payable with respect to an action under sections 5721.30 to 1385  
5721.46 of the Revised Code are subject to both of the following 1386  
conditions: 1387

(1) The fees must be reasonable. 1388

(2) Fees exceeding five per cent of the sale price of the 1389  
property, if such amount is greater than seven hundred fifty 1390  
dollars, shall be paid only if authorized by a court order. 1391

(B) (1) Fees less than or equal to seven hundred fifty 1392  
dollars shall be presumed to be reasonable. 1393

(2) The terms of a sale negotiated under section 5721.33 1394  
of the Revised Code may include the amount to be paid in private 1395  
selling officer's fees, subject to division (A) of this section. 1396



(C) As used in this section, "private selling officer" has 1397  
the same meaning as in section 2329.01 of the Revised Code. 1398

**Sec. 5721.373.** (A) A title agent's or title insurance 1399  
company's fees payable with respect to an action under sections 1400  
5721.30 to 5721.46 of the Revised Code are subject to the 1401  
following conditions: 1402

(1) The fees must be reasonable. 1403

(2) Fees exceeding five hundred dollars shall be paid only 1404  
if authorized by a court order. 1405

(B) (1) Fees less than or equal to five hundred dollars 1406  
shall be presumed to be reasonable. 1407

(2) The terms of a sale negotiated under section 5721.33 1408  
of the Revised Code may include the amount to be paid in title 1409  
agent's or title company's fees, subject to division (A) of this 1410  
section. 1411

**Sec. 5721.39.** (A) In its judgment of foreclosure rendered 1412  
in actions filed pursuant to section 5721.37 of the Revised 1413  
Code, the court or board of revision shall enter a finding that 1414  
includes all of the following with respect to the certificate 1415  
parcel: 1416

(1) The amount of the sum of the certificate redemption 1417  
prices for all the tax certificates sold against the parcel; 1418

(2) Interest on the certificate purchase prices of all 1419  
certificates at the rate of eighteen per cent per year for the 1420  
period beginning on the day on which the payment was submitted 1421  
by the certificate holder under division (B) of section 5721.37 1422  
of the Revised Code; 1423

(3) The amount paid under division (B) (2) of section 1424

5721.37 of the Revised Code, plus interest at the rate of 1425  
eighteen per cent per year for the period beginning on the day 1426  
the certificate holder filed a request for foreclosure or a 1427  
notice of intent to foreclose under division (A) of that 1428  
section; 1429

(4) Any delinquent taxes on the parcel that are not 1430  
covered by a payment under division (B) (2) of section 5721.37 of 1431  
the Revised Code; 1432

(5) Fees and costs incurred in the foreclosure proceeding 1433  
instituted against the parcel, including, without limitation, 1434  
the fees and costs of the prosecuting attorney represented by 1435  
the fee paid under division (B) (3) of section 5721.37 of the 1436  
Revised Code, plus interest as provided in division (D) (2) (d) of 1437  
this section, or the fees and costs of the private attorney 1438  
representing the certificate holder, and charges paid or 1439  
incurred in procuring title searches and abstracting services 1440  
relative to the subject premises. 1441

(B) The court or board of revision may order the 1442  
certificate parcel to be sold or otherwise transferred according 1443  
to law, without appraisal and as set forth in the prayer of the 1444  
complaint, for not less than the amount of its finding, or, in 1445  
the event that the true value of the certificate parcel as 1446  
determined by the county auditor is less than the certificate 1447  
redemption price, the court or board of revision may, as prayed 1448  
for in the complaint, issue a decree transferring fee simple 1449  
title free and clear of all subordinate liens to the certificate 1450  
holder or as otherwise provided in sections 323.65 to 323.79 of 1451  
the Revised Code. A decree of the court or board of revision 1452  
transferring fee simple title to the certificate holder is 1453  
forever a bar to all rights of redemption with respect to the 1454

certificate parcel. 1455

(C) (1) The certificate holder may file a motion with the 1456  
court for an order authorizing a specified private selling 1457  
officer, as defined in section 2329.01 of the Revised Code, to 1458  
sell the parcel at a public auction. If the court authorizes a 1459  
private selling officer to sell the parcel, then upon the filing 1460  
of a praecipe for order of sale with the clerk of the court, the 1461  
clerk of the court shall immediately issue an order of sale to 1462  
the private selling officer authorized by the court. 1463

(2) The officer to whom the order of sale is directed may 1464  
conduct the public auction of the parcel at a physical location 1465  
in the county in which the parcel is located or online. If the 1466  
public auction occurs online, the auction shall be open for 1467  
bidding for seven days. If the parcel is not sold during this 1468  
initial seven-day period, a second online auction shall be held 1469  
not earlier than three days or later than thirty days after the 1470  
end of the first auction. The second online auction shall be 1471  
open for bidding for seven days. 1472

(3) A private selling officer who conducts an auction of 1473  
the parcel under this section may do any of the following: 1474

(a) Market the parcels for sale and hire a title insurance 1475  
agent licensed under Chapter 3953. of the Revised Code or title 1476  
insurance company authorized to do business under that chapter 1477  
to assist the private selling officer in performing 1478  
administrative services; 1479

(b) Execute to the purchaser, or to the purchaser's legal 1480  
representatives, a deed of conveyance of the parcel sold in 1481  
conformity with the form set forth in section 5302.31 of the 1482  
Revised Code; 1483

(c) Record on behalf of the purchaser the deed conveying title to the parcel sold, notwithstanding that the deed may not actually have been delivered to the purchaser prior to its recording. 1484  
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(4) By placing a bid at a sale conducted pursuant to this section, a purchaser appoints the private selling officer who conducts the sale as agent of the purchaser for the sole purpose of accepting delivery of the deed. 1488  
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(5) The private selling officer who conducts the sale shall hire a title insurance agent licensed under Chapter 3953. of the Revised Code or title insurance company authorized to do business under that chapter to perform title, escrow, and closing services related to the sale of the parcel. 1492  
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(6) Except as otherwise provided in sections 323.65 to 323.79 of the Revised Code, and the alternative redemption period thereunder, each certificate parcel shall be advertised and sold by the officer to whom the order of sale is directed in the manner provided by law for the sale of real property on execution. The advertisement for sale of certificate parcels shall be published once a week for three consecutive weeks and shall include the date on which a second sale will be conducted if no bid is accepted at the first sale. Any number of parcels may be included in one advertisement. 1497  
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Except as otherwise provided in sections 323.65 to 323.79 of the Revised Code, whenever the officer charged to conduct the sale offers a certificate parcel for sale at a physical location and not online and no bids are made equal to at least the amount of the finding of the court or board of revision, the officer shall adjourn the sale of the parcel to the second date that was specified in the advertisement of sale. The second sale shall be 1507  
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held at the same place and commence at the same time as set 1514  
forth in the advertisement of sale. The officer shall offer any 1515  
parcel not sold at the first sale. Upon the conclusion of any 1516  
sale, or if any parcel remains unsold after being offered at two 1517  
sales, the officer conducting the sale shall report the results 1518  
to the court or board of revision. 1519

(D) Upon the confirmation of a sale, the proceeds of the 1520  
sale shall be applied as follows: 1521

(1) The fees and costs incurred in the proceeding filed 1522  
against the parcel pursuant to section 5721.37 of the Revised 1523  
Code shall be paid first, including attorney's fees of the 1524  
certificate holder's attorney payable under division (F) of that 1525  
section, private selling officer's fees and marketing costs, 1526  
title agent's or title company's fees, or the county 1527  
prosecutor's costs covered by the fee paid by the certificate 1528  
holder under division (B) (3) of that section. 1529

(2) Following the payment required by division (D) (1) of 1530  
this section, the certificate holder that filed the notice of 1531  
intent to foreclose or request for foreclosure with the county 1532  
treasurer shall be paid the sum of the following amounts: 1533

(a) The sum of the amount found due for the certificate 1534  
redemption prices of all the tax certificates that are sold 1535  
against the parcel; 1536

(b) Any premium paid by the certificate holder at the time 1537  
of purchase; 1538

(c) Interest on the amounts paid by the certificate holder 1539  
under division (B) (1) of section 5721.37 of the Revised Code at 1540  
the rate of eighteen per cent per year beginning on the day on 1541  
which the payment was submitted by the certificate holder to the 1542

county treasurer and ending on the day immediately preceding the 1543  
day on which the proceeds of the foreclosure sale are paid to 1544  
the certificate holder; 1545

(d) Interest on the amounts paid by the certificate holder 1546  
under divisions (B) (2) and (3) of section 5721.37 of the Revised 1547  
Code at the rate of eighteen per cent per year beginning on the 1548  
day on which the payment was submitted by the certificate holder 1549  
under divisions (B) (2) and (3) of that section and ending on the 1550  
day immediately preceding the day on which the proceeds of the 1551  
foreclosure sale are paid to the certificate holder pursuant to 1552  
this section, except that such interest shall not accrue for 1553  
more than three years if the certificate was sold under section 1554  
5721.32 of the Revised Code, or under section 5721.42 of the 1555  
Revised Code by the holder of a certificate issued under section 1556  
5721.32 of the Revised Code, or more than six years if the 1557  
certificate was sold under section 5721.33 of the Revised Code, 1558  
or under section 5721.42 of the Revised Code by the holder of a 1559  
certificate issued under section 5721.33 of the Revised Code, 1560  
after the day the amounts were paid by the certificate holder 1561  
under divisions (B) (2) and (3) of section 5721.37 of the Revised 1562  
Code; 1563

(e) The amounts paid by the certificate holder under 1564  
divisions (B) (1), (2), and (3) of section 5721.37 of the Revised 1565  
Code. 1566

(3) Following the payment required by division (D) (2) of 1567  
this section, any amount due for taxes, installments of 1568  
assessments, charges, penalties, and interest not covered by the 1569  
tax certificate holder's payment under division (B) (2) of 1570  
section 5721.37 of the Revised Code shall be paid, including all 1571  
taxes, installments of assessments, charges, penalties, and 1572

interest payable subsequent to the entry of the finding and 1573  
prior to the transfer of the deed of the parcel to the purchaser 1574  
following confirmation of sale. If the proceeds available for 1575  
distribution pursuant to this division are insufficient to pay 1576  
the entire amount of those taxes, installments of assessments, 1577  
charges, penalties, and interest, the proceeds shall be paid to 1578  
each claimant in proportion to the amount of those taxes, 1579  
installments of assessments, charges, penalties, and interest 1580  
that each is due, and those taxes, installments of assessments, 1581  
charges, penalties, and interest are deemed satisfied and shall 1582  
be removed from the tax list and duplicate. 1583

(4) Any residue of money from proceeds of the sale shall 1584  
be disposed of as prescribed by section 5721.20 of the Revised 1585  
Code. 1586

(E) Unless the parcel previously was redeemed pursuant to 1587  
section 5721.25 or 5721.38 of the Revised Code, upon the filing 1588  
of the entry of confirmation of sale, or an order to transfer 1589  
the parcel under sections 323.65 to 323.79 of the Revised Code, 1590  
the title to the parcel is incontestable in the purchaser and is 1591  
free and clear of all liens and encumbrances, except a federal 1592  
tax lien, notice of which lien is properly filed in accordance 1593  
with section 317.09 of the Revised Code prior to the date that a 1594  
foreclosure proceeding is instituted pursuant to section 5721.37 1595  
of the Revised Code, and which lien was foreclosed in accordance 1596  
with 28 U.S.C.A. 2410(c), and except for the easements and 1597  
covenants of record running with the land or lots that were 1598  
created prior to the time the taxes or installments of 1599  
assessments, for the nonpayment of which a tax certificate was 1600  
issued and the parcel sold at foreclosure, became due and 1601  
payable. 1602

The title shall not be invalid because of any 1603  
irregularity, informality, or omission of any proceedings under 1604  
this chapter or in any processes of taxation, if such 1605  
irregularity, informality, or omission does not abrogate the 1606  
provision for notice to holders of title, lien, or mortgage to, 1607  
or other interests in, such foreclosed parcels, as prescribed in 1608  
this chapter. 1609

**Section 2.** That existing sections 323.47, 1303.16, 1610  
1303.38, 2303.26, 2327.01, 2327.02, 2327.04, 2329.01, 2329.151, 1611  
2329.17, 2329.18, 2329.19, 2329.20, 2329.21, 2329.26, 2329.271, 1612  
2329.28, 2329.30, 2329.31, 2329.33, 2329.34, 2329.39, 2329.45, 1613  
2329.52, 2329.56, 2909.07, 5302.01, 5721.371, and 5721.39 of the 1614  
Revised Code are hereby repealed. 1615

**Section 3.** (A) The provisions of the Revised Code, 1616  
including Title XXIII, relating to the judicial sale of real 1617  
estate pursuant to a mortgage loan foreclosure action comprise a 1618  
comprehensive regulatory framework intended to operate uniformly 1619  
throughout the state to provide efficient sales procedures for 1620  
foreclosed property, improve the market for such property by 1621  
increasing sale prices, and reduce the number of unoccupied and 1622  
abandoned properties marring the cities of this state. 1623

(B) The provisions of the Revised Code, including Title 1624  
XXIII, relating to the judicial sale of real estate pursuant to 1625  
a mortgage loan foreclosure action have been enacted in 1626  
furtherance of the police powers of the state, prescribe rules 1627  
of conduct upon citizens generally, and constitute general laws 1628  
within the meaning of Section 3 of Article XVIII of the Ohio 1629  
Constitution. 1630