

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**S. B. No. 212**

**Senator Hackett**

---

**A BILL**

To amend sections 323.28, 2329.01, 2329.152, 1  
2329.153, 2329.17, 2329.18, 2329.19, 2329.20, 2  
2329.211, 2329.26, 2329.27, 2329.51, and 2329.52 3  
of the Revised Code relating to real property 4  
foreclosures. 5

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

**Section 1.** That sections 323.28, 2329.01, 2329.152, 6  
2329.153, 2329.17, 2329.18, 2329.19, 2329.20, 2329.211, 2329.26, 7  
2329.27, 2329.51, and 2329.52 of the Revised Code be amended to 8  
read as follows: 9

**Sec. 323.28.** (A) A finding shall be entered in a 10  
proceeding under section 323.25 of the Revised Code for taxes, 11  
assessments, penalties, interest, and charges due and payable at 12  
the time the deed of real property sold or transferred under 13  
this section is transferred to the purchaser or transferee, plus 14  
the cost of the proceeding. For purposes of determining such 15  
amount, the county treasurer may estimate the amount of taxes, 16  
assessments, interest, penalties, charges, and costs that will 17  
be payable at the time the deed of the property is transferred 18  
to the purchaser or transferee. 19

The court of common pleas, a municipal court with 20  
jurisdiction, or the county board of revision with jurisdiction 21  
pursuant to section 323.66 of the Revised Code shall order such 22  
premises to be transferred pursuant to division (E) of this 23  
section or shall order such premises to be sold for payment of 24  
the finding, but for not less than either of the following, 25  
~~unless the county treasurer applies for an appraisal:~~ 26

(1) The total amount of such finding; 27

(2) The fair market value of the premises, as determined 28  
by the county auditor, plus the cost of the proceeding. 29

~~If Alternatively, the county treasurer applies for an~~ 30  
~~appraisal, the premises shall be appraised in the manner~~ 31  
~~provided by section 2329.17 of the Revised Code, and may move to~~ 32  
sell the premises using the most recent appraised value for the 33  
premises as shown on the records of the county auditor, in which 34  
case the premises shall be sold for at least two-thirds of the 35  
appraised value. 36

Notwithstanding the minimum sales price provisions of 37  
divisions (A) (1) and (2) of this section to the contrary, a 38  
parcel sold pursuant to this section shall not be sold for less 39  
than the amount described in division (A) (1) of this section if 40  
the highest bidder is the owner of record of the parcel 41  
immediately prior to the judgment of foreclosure or a member of 42  
the following class of parties connected to that owner: a member 43  
of that owner's immediate family, a person with a power of 44  
attorney appointed by that owner who subsequently transfers the 45  
parcel to the owner, a sole proprietorship owned by that owner 46  
or a member of the owner's immediate family, or partnership, 47  
trust, business trust, corporation, or association in which the 48  
owner or a member of the owner's immediate family owns or 49

controls directly or indirectly more than fifty per cent. If a 50  
parcel sells for less than the amount described in division (A) 51  
(1) of this section, the officer conducting the sale shall 52  
require the buyer to complete an affidavit stating that the 53  
buyer is not the owner of record immediately prior to the 54  
judgment of foreclosure or a member of the specified class of 55  
parties connected to that owner, and the affidavit shall become 56  
part of the court records of the proceeding. If the county 57  
auditor discovers within three years after the date of the sale 58  
that a parcel was sold to that owner or a member of the 59  
specified class of parties connected to that owner for a price 60  
less than the amount so described, and if the parcel is still 61  
owned by that owner or a member of the specified class of 62  
parties connected to that owner, the auditor within thirty days 63  
after such discovery shall add the difference between that 64  
amount and the sale price to the amount of taxes that then stand 65  
charged against the parcel and is payable at the next succeeding 66  
date for payment of real property taxes. As used in this 67  
paragraph, "immediate family" means a spouse who resides in the 68  
same household and children. 69

(B) From the proceeds of the sale the costs shall be first 70  
paid, next the amount found due for taxes, then the amount of 71  
any taxes accruing after the entry of the finding and before the 72  
deed of the property is transferred to the purchaser following 73  
the sale, all of which taxes shall be deemed satisfied, though 74  
the amount applicable to them is deficient, and any balance 75  
shall be distributed according to section 5721.20 of the Revised 76  
Code. No statute of limitations shall apply to such action. Upon 77  
sale, all liens for taxes due at the time the deed of the 78  
property is transferred to the purchaser following the sale, and 79  
liens subordinate to liens for taxes, shall be deemed satisfied 80

and discharged unless otherwise provided by the order of sale. 81

(C) If the county treasurer's estimate of the amount of 82  
the finding under division (A) of this section exceeds the 83  
amount of taxes, assessments, interest, penalties, and costs 84  
actually payable when the deed is transferred to the purchaser, 85  
the officer who conducted the sale shall refund to the purchaser 86  
the difference between the estimate and the amount actually 87  
payable. If the amount of taxes, assessments, interest, 88  
penalties, and costs actually payable when the deed is 89  
transferred to the purchaser exceeds the county treasurer's 90  
estimate, the officer shall certify the amount of the excess to 91  
the treasurer, who shall enter that amount on the real and 92  
public utility property tax duplicate opposite the property; the 93  
amount of the excess shall be payable at the next succeeding 94  
date prescribed for payment of taxes in section 323.12 of the 95  
Revised Code, and shall not be deemed satisfied and discharged 96  
pursuant to division (B) of this section. 97

(D) Premises ordered to be sold under this section but 98  
remaining unsold for want of bidders after being offered for 99  
sale on two separate occasions, not less than two weeks apart, 100  
or after being offered for sale on one occasion in the case of 101  
abandoned land as defined in section 323.65 of the Revised Code, 102  
shall be forfeited to the state or to a political subdivision, 103  
school district, or county land reutilization corporation 104  
pursuant to Chapter 5722. or section 5723.01 of the Revised 105  
Code, and shall be disposed of pursuant to Chapter 5722. or 106  
5723. of the Revised Code. 107

(E) Notwithstanding section 5722.03 of the Revised Code, 108  
if the complaint alleges that the property is delinquent vacant 109  
land as defined in section 5721.01 of the Revised Code, 110

abandoned lands as defined in section 323.65 of the Revised 111  
Code, or lands described in division (F) of section 5722.01 of 112  
the Revised Code, and the value of the taxes, assessments, 113  
penalties, interest, and all other charges and costs of the 114  
action exceed the auditor's fair market value of the parcel, 115  
then the court or board of revision having jurisdiction over the 116  
matter on motion of the plaintiff, or on the court's or board's 117  
own motion, shall, upon any adjudication of foreclosure, order, 118  
without appraisal and without sale, the fee simple title of the 119  
property to be transferred to and vested in an electing 120  
subdivision as defined in division (A) of section 5722.01 of the 121  
Revised Code. For purposes of determining whether the taxes, 122  
assessments, penalties, interest, and all other charges and 123  
costs of the action exceed the actual fair market value of the 124  
parcel, the auditor's most current valuation shall be rebuttably 125  
presumed to be, and constitute prima-facie evidence of, the fair 126  
market value of the parcel. In such case, the filing for 127  
journalization of a decree of foreclosure ordering that direct 128  
transfer without appraisal or sale shall constitute confirmation 129  
of the transfer and thereby terminate any further statutory or 130  
common law right of redemption. 131

(F) Whenever the officer charged to conduct the sale 132  
offers any parcel for sale, the officer first shall read aloud a 133  
complete legal description of the parcel, or in the alternative, 134  
may read aloud only a summary description and a parcel number if 135  
the county has adopted a permanent parcel number system and if 136  
the advertising notice published prior to the sale includes a 137  
complete legal description or indicates where the complete legal 138  
description may be obtained. 139

**Sec. 2329.01.** (A) Lands and tenements, including vested 140  
legal interests therein, permanent leasehold estates renewable 141

forever, and goods and chattels, not exempt by law, shall be 142  
subject to the payment of debts, and liable to be taken on 143  
execution and sold as provided in sections 2329.02 to 2329.61 of 144  
the Revised Code. 145

(B) As used in sections 2329.02 to 2329.61 of the Revised 146  
Code: 147

(1) "Commercial property" means any property that is not 148  
residential property. 149

(2) "Private selling officer" means a resident of this 150  
state licensed as both an auctioneer under Chapter 4707. of the 151  
Revised Code and as a real estate broker or real estate 152  
salesperson under Chapter 4735. of the Revised Code. 153

(3) "Residential mortgage loan" and "residential property" 154  
have the same meanings as in section 2308.01 of the Revised 155  
Code. 156

(4) "Sale date" means the day on which an auction for real 157  
estate concludes. 158

(5) "Start date" means the first day an auction for real 159  
estate is open for bidding to the public. 160

**Sec. 2329.152.** (A) In every action demanding the judicial 161  
or execution sale of real estate in which the debtor has failed 162  
to plead or otherwise defend as provided by the rules of civil 163  
procedure, the judgment creditor may elect that the real estate 164  
be sold at a public auction by a private selling officer. If the 165  
judgment creditor elects to have the real estate sold by the 166  
private selling officer, the judgment creditor shall file with 167  
the clerk of the court a praecipe directing the issuance of an 168  
order of sale to the private selling officer. A judgment 169  
creditor may specify multiple private selling officers in the 170

praecipe, any of which may conduct the sale. 171

In every other action demanding the judicial or execution 172  
sale of real estate, the county sheriff shall sell the real 173  
estate at a public auction, unless the judgment creditor files a 174  
motion with the court for an order authorizing a specified 175  
private selling officer to sell the real estate at a public 176  
auction. If the court authorizes a private selling officer to 177  
sell the real estate, the judgment creditor may seek to have the 178  
property sold by the private selling officer authorized by the 179  
court or by the county sheriff. If the judgment creditor elects 180  
to have the property sold by the private selling officer 181  
authorized by the court, the judgment creditor shall file with 182  
the clerk of the court a praecipe requesting the issuance of an 183  
order of ~~appraisal to the sheriff and an order of sale to the~~ 184  
private selling officer authorized by the court. 185

Upon the filing of ~~that the~~ praecipe, the clerk of the 186  
court shall immediately issue ~~both of the following:~~ 187

~~(1) An order of appraisal to the sheriff, who shall obtain~~ 188  
~~an appraisal of the real estate in conformity with sections~~ 189  
~~2329.17 and 2329.18 of the Revised Code;~~ 190

~~(2) An~~ an order of sale to the private selling officer, 191  
~~who, after the return or determination of the appraisal,~~ shall 192  
advertise and sell the real estate in conformity with applicable 193  
provisions of sections 2329.01 to 2329.61 of the Revised Code 194  
using the appraised value established under section 2329.17 of 195  
the Revised Code. 196

(B) (1) As used in this division: 197

(a) "Business day" means a calendar day that is not a 198  
Saturday or Sunday or a legal holiday as defined in section 1.14 199

of the Revised Code. 200

(b) "Remote bid" means a bid submitted in writing via 201  
facsimile, electronic mail, or overnight delivery or courier. 202

(2) If the sale of the real estate is conducted at a 203  
physical location and not online, then each judgment creditor 204  
and lienholder who was a party to the action may submit a remote 205  
bid to the sheriff or the private selling officer. Each sheriff 206  
and private selling officer shall establish and maintain a 207  
facsimile number or an electronic mail address for use by 208  
judgment creditors and lienholders in submitting remote bids. 209  
Each remote bid shall be of a fixed maximum amount and shall be 210  
delivered to the sheriff or private selling officer on or before 211  
four-thirty p.m. on the business day immediately preceding the 212  
~~date of the sale~~ date. 213

(3) Before the sale, the sheriff or the private selling 214  
officer shall confirm receipt of the remote bid by sending 215  
notice of such receipt via facsimile or electronic mail to the 216  
judgment creditor or lienholder who submitted the remote bid. 217  
During the sale, the sheriff or the private selling officer 218  
shall place the remote bid on behalf of the judgment creditor or 219  
lienholder who submitted the remote bid. After the sale, the 220  
sheriff or the private selling officer shall provide notice of 221  
the results of the sale not later than the close of business on 222  
the day of the sale to all judgment creditors and lienholders 223  
who submitted remote bids. Such notice shall be sent via 224  
facsimile or electronic mail to the judgment creditor or 225  
lienholder or by posting the results of the sale on a public web 226  
site. 227

(4) If a sheriff or private selling officer fails to place 228  
a remote bid on behalf of a judgment creditor or lienholder to 229



the prejudice of the judgment creditor or lienholder, then, upon 230  
the filing of a motion to vacate the sale within ten business 231  
days after the sale date, the sale shall be vacated. 232

(C) (1) A judgment creditor that obtains a court order 233  
authorizing a specified private selling officer to sell the real 234  
estate at a public auction pursuant to division (A) of this 235  
section may instruct the private selling officer to postpone the 236  
sale of the real estate one or more times, provided, however 237  
that all rescheduled sale dates shall be within one hundred 238  
eighty days of the initial sale date. Upon receiving this 239  
instruction, the private selling officer shall postpone the sale 240  
of the real estate by announcing that the sale is postponed. If 241  
the sale is at a physical location, this announcement shall be 242  
made at the sale and shall include the date, time, and place of 243  
the rescheduled sale of the real estate. If the sale is online, 244  
this announcement shall be made on the auction web site and 245  
shall include the date of the rescheduled sale of real estate. 246  
Each such announcement shall be deemed to meet the notice 247  
requirement in section 2329.26 of the Revised Code. 248

(2) If the judgment creditor does not wish to postpone the 249  
sale of the real estate, the judgment creditor may instruct the 250  
private selling officer to cancel the sale of the real estate. 251  
Upon receiving this instruction, the private selling officer 252  
shall cancel the sale of the real estate by announcing that the 253  
sale is canceled. If the sale is at a physical location, this 254  
announcement shall be made at the sale. If the sale is online, 255  
this announcement shall be made on the auction web site and 256  
shall remain posted there until at least the end of the ~~seven-~~ 257  
~~calendar day three-calendar day~~ bidding period described in 258  
division (E) (1) (a) of this ~~section 2329.152 of the Revised Code.~~ 259

(3) If the sale of the real estate is postponed or 260  
canceled as described in divisions (C) (1) and (2) of this 261  
section, all bids made on the real estate prior to the 262  
postponement or cancellation of the sale shall be void. 263

(D) (1) If the judgment creditor obtains a court order to 264  
have the real estate sold by a private selling officer, then: 265

~~(a) The cost of the appraisal required by section 2329.17~~ 266  
~~of the Revised Code shall be taxed as costs in the case.~~ 267

~~(b)~~ The cost of the advertisement required by section 268  
2329.26 of the Revised Code shall be taxed as costs in the case. 269

~~(e)~~ (b) The fee charged by the private selling officer and 270  
all costs incurred by the private selling officer other than the 271  
costs described in ~~divisions~~ division (D) (1) (a) ~~and (b)~~ of this 272  
section shall be taxed as costs in the case up to an amount 273  
equal to one and one-half per cent of the sale price of the real 274  
estate. To the extent the fees and costs described in division 275  
(D) (1) ~~(e)~~ (b) of this section exceed one and one-half per cent 276  
of the sale price of the real estate, they shall not be included 277  
in the amount necessary to redeem real estate under section 278  
2329.33 of the Revised Code or in the calculation of any 279  
deficiency judgment under section 2329.08 of the Revised Code 280  
~~but rather. Rather the fees and costs shall be paid by the buyer~~ 281  
of the property, the judgment creditor, or from the judgment 282  
creditor's portion of the proceeds of the sale in an amount not 283  
exceeding ten per cent of the sale price of the real estate. 284

(2) The private selling officer shall file with the court 285  
that issued the order of sale an itemized report of all 286  
~~appraisal,~~ publication, marketing, and other expenses of a sale 287  
conducted under this section and all fees charged by the private 288

selling officer for marketing the real estate or conducting the 289  
sale of the real estate, including the fee charged by the title 290  
agent or title insurance company for administrative services, if 291  
applicable, and title, escrow, and closing services. Each filing 292  
of such itemized report shall be deemed to meet the writ of 293  
execution requirement in section 2329.28 of the Revised Code. 294

(E) (1) The private selling officer who conducts a sale 295  
under this section may do any of the following: 296

(a) Market the real estate and conduct the public auction 297  
of the real estate online or at any physical location in the 298  
county in which the real estate is situated. If the auction 299  
occurs online, the auction shall be open for bidding for a 300  
minimum of ~~seven~~-three calendar days, counted by excluding the 301  
day the auction is first open for bidding and, notwithstanding 302  
section 1.14 of the Revised Code, including all subsequent days. 303  
The online auction shall be conducted in a manner so that the 304  
current high bid is publicly displayed throughout the bidding 305  
period described in division (E) (1) (a) of this section. 306

(b) Hire a title insurance agent licensed under Chapter 307  
3953. of the Revised Code or title insurance company authorized 308  
to do business under that chapter to assist the private selling 309  
officer in performing administrative services; 310

(c) Execute to the purchaser, or to the purchaser's legal 311  
representatives, a deed of conveyance of the real estate sold; 312

(d) Record on behalf of the purchaser the deed conveying 313  
title to the real estate sold, notwithstanding that the deed may 314  
not actually have been delivered to the purchaser prior to its 315  
recording. 316

(2) By placing a bid at a sale conducted pursuant to this 317

section, a purchaser appoints the private selling officer who 318  
conducts the sale as agent of the purchaser for the sole purpose 319  
of accepting delivery of the deed. 320

(3) The private selling officer who conducts the sale 321  
shall hire a title insurance agent licensed under Chapter 3953. 322  
of the Revised Code or title insurance company authorized to do 323  
business under that chapter to perform title, escrow, and 324  
closing services related to the sale of the real estate. 325

(F) The fee charged by the title agent or title insurance 326  
company for services provided under divisions (E) (1) (b) and (3) 327  
of this section shall be taxed as costs in the case provided 328  
they are reasonable. Fees less than or equal to five hundred 329  
dollars are presumed to be reasonable. Fees exceeding five 330  
hundred dollars shall be paid only if authorized by a court 331  
order. 332

**Sec. 2329.153.** (A) Not later than ninety days after ~~the~~ 333  
~~effective date of this section~~ September 28, 2016, the 334  
department of administrative services shall solicit competitive 335  
sealed proposals for the creation, operation, and maintenance of 336  
the official public sheriff sale web site and an integrated 337  
auction management system. The official public sheriff sale web 338  
site and integrated auction management system shall be a single 339  
statewide system for use by all county sheriffs in accordance 340  
with the requirements of this section. 341

(B) The official public sheriff sale web site shall meet 342  
the following minimum requirements: 343

(1) The web site shall have a domain name relevant to the 344  
judicial sale of real property. 345

(2) The web site shall be limited to the judicial sale of 346

real property located in this state. 347

(3) The web site shall not charge a fee for members of the 348  
public to view properties for sale. 349

(4) The web site shall allow each county sheriff to add 350  
text, images, or graphics to the web site for the purpose of 351  
identifying the county or sheriff conducting the sale. 352

(5) The web site shall include industry-standard features 353  
and functionality, including user guides, online financial 354  
transaction device payments, anti-snipe functionality, watch 355  
lists, electronic mail notifications, maximum bid limits, 356  
automatic incremental bidding, and search and map features that 357  
allow users to search by county, zip code, address, parcel 358  
number, appraised value, party name, case number, and other 359  
variables relevant to the judicial sale of real property. As 360  
used in this section, "financial transaction device" has the 361  
same meaning as in section 301.28 of the Revised Code. 362

(6) The web site shall include features that allow for the 363  
cancellation of sales as required by law or court order and the 364  
postponement of sales in accordance with divisions (E) (2) and 365  
(3) of this section. 366

(7) The web site shall provide a secure payment processing 367  
system that accepts online payments for property sold via the 368  
web site and, in an efficient and cost-effective manner, 369  
transfers those payments to the appropriate county official or 370  
account. 371

(8) The web site shall include the ability for an attorney 372  
or law firm to enter a bid in a representative capacity. 373

(9) The web site shall be integrated with the auction 374  
management system described in division (C) of this section. 375

(C) The auction management system shall meet the following 376  
minimum requirements: 377

(1) The auction management system shall have a role-based 378  
workflow engine to assist in conducting sales on the web site, 379  
capturing data, complying with all relevant laws, and managing 380  
administrative processes related to the judicial sale of real 381  
property in a timely, secure, and accurate manner. 382

(2) The auction management system shall record the data 383  
necessary to meet the reporting requirements of section 2329.312 384  
of the Revised Code. 385

(3) The auction management system shall be able to 386  
generate documents required by the court ordering the sale or 387  
related to the judicial sale of real property. 388

(4) The auction management system shall be able to record 389  
fees, costs, deposits, and other money items with the objective 390  
of ensuring an accurate accounting of moneys received and 391  
disbursed in each judicial sale of real property. 392

(5) The auction management system shall be integrated with 393  
the web site described in division (B) of this section. 394

(6) The auction management system shall conduct the sale 395  
in a manner so that the current high bid is publicly displayed 396  
throughout the bidding period described in division (E) (1) of 397  
this section. 398

(D) The license fee for the creation, operation, and 399  
maintenance of the official public sheriff sale web site and 400  
integrated auction management system shall be determined using a 401  
per-transaction license fee model or a per-use license fee 402  
model. The addition of a property to the official public sheriff 403  
sale web site or the auction management system shall each be 404

deemed a transaction for purposes of determining the license 405  
fee. The license fee applicable to each judicial sale of real 406  
property shall be taxed as costs in the case. No additional 407  
license fees shall be assessed to the county sheriff. 408

(E) (1) Not later than one year after ~~the effective date of~~ 409  
~~this section~~ September 28, 2016, in all cases in which the 410  
sheriff is ordered to conduct a judicial sale of real property, 411  
the following shall occur: 412

(a) For residential property, the sale may be conducted on 413  
the official public sheriff sale web site for a five-year period 414  
beginning on the date the online system is fully operational. 415  
After this five-year period sales shall be conducted on the 416  
official public sheriff sale web site. 417

(b) For commercial property, the sale may be conducted on 418  
the official public sheriff sale web site. 419

All sales conducted on the official public sheriff sale 420  
web site shall be open for bidding for at least ~~seven~~ three 421  
days. 422

(2) If the sale of the real property is to be conducted on 423  
the official public sheriff sale web site, the judgment creditor 424  
may instruct the sheriff to postpone the sale of the real 425  
property one time for up to one hundred eighty days after the 426  
initial sale date. Upon receiving such instruction for 427  
postponement, the sheriff shall postpone the sale of the 428  
property by announcing on the official public sheriff sale web 429  
site that the sale is postponed and giving notice of the 430  
rescheduled sale date. This announcement shall be deemed to meet 431  
the notice requirement of section 2329.26 of the Revised Code. 432

(3) If the judgment creditor does not wish to postpone the 433

sale of the real property, the judgment creditor may instruct 434  
the sheriff to cancel the sale of the property. Upon receiving 435  
this instruction, the sheriff shall cancel the sale of the 436  
property by announcing on the official public sheriff sale web 437  
site that the sale is canceled. This announcement shall remain 438  
posted on the official public sheriff sale web site until at 439  
least the end of the ~~seven-day three-day~~ bidding period 440  
described in division (E) (1) of this section. 441

(4) If the sale of the real property is postponed or 442  
canceled according to divisions (E) (2) and (3) of this section, 443  
all bids made on the real property prior to the postponement or 444  
cancellation of the sale shall be void. 445

(F) Pursuant to their authority in section 9.482 of the 446  
Revised Code, counties may elect to enter into a shared services 447  
agreement relating to the judicial sale of real property on the 448  
official public sheriff sale web site. The shared services 449  
agreement may seek to improve efficiency and reduce costs in the 450  
judicial sale of real property by consolidating administrative 451  
functions and processes. 452

**Sec. 2329.17.** (A) When execution is levied upon ~~lands and~~ 453  
~~tenements real property~~, the ~~sheriff shall call an inquest of~~ 454  
~~three disinterested freeholders, who are residents of, and real~~ 455  
~~property owners in, appraised value of the real property shall~~ 456  
~~be the most recent appraised value of the real property as shown~~ 457  
~~on the records of the county auditor of the county where the~~ 458  
~~lands real property taken in execution are is situated, who~~ 459  
~~shall appraise the property so levied upon, upon actual view.~~ 460

(B) ~~If the property to be appraised is residential~~ 461  
~~property, the freeholders selected by the sheriff shall return~~ 462  
~~to the sheriff an estimate of the value of the property in money~~ 463



~~within twenty one calendar days of the issuance of the order of appraisal by the clerk of the court.~~

~~If the court has ordered or the clerk of the court has issued an order for a private selling officer to advertise and sell the appraised property, the freeholders selected by the sheriff shall also deliver a copy of their appraisal to the private selling officer contemporaneously with their delivery of their appraisal to the sheriff.~~

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

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

~~(2) The appraised value of the property shall be the most recent appraised 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.~~

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

~~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.~~

~~(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,~~ 493  
~~that may be established for the sale.~~ 494

~~(E)~~ (C) The municipal corporation or township in which the 495  
real property is situated may inspect prior to the judicial sale 496  
any structures located on ~~lands subject to a writ of execution~~ 497  
the real property. 498

**Sec. 2329.18.** (A) If a court has ordered or the clerk of a 499  
court has issued an order for the sheriff to advertise and sell 500  
the real estate ~~for which the appraised value has been~~ 501  
~~determined pursuant to section 2329.17 of the Revised Code,~~ the 502  
sheriff shall ~~deposit a copy of the appraisal with the clerk of~~ 503  
~~the court from which the writ was issued, and immediately~~ 504  
advertise and sell ~~such~~ the real estate in conformity with 505  
sections 2329.01 to 2329.61 of the Revised Code. 506

(B) If the court has ordered or the clerk of the court has 507  
issued an order for a private selling officer to advertise and 508  
sell the real estate ~~for which the appraised value has been~~ 509  
~~determined pursuant to section 2329.17 of the Revised Code,~~ the 510  
private selling officer shall immediately advertise and sell the 511  
real estate in conformity with sections 2329.01 to 2329.61 of 512  
the Revised Code. 513

**Sec. 2329.19.** ~~Upon the determination of the appraised~~ 514  
~~value pursuant to section 2329.17 of the Revised Code, if~~ If it 515  
appears that two-thirds of the appraised value, as established 516  
pursuant to section 2329.17 of the Revised Code, of the ~~lands~~ 517  
~~and tenements~~ real property levied upon is sufficient to satisfy 518  
the execution, with costs, the judgment on which the execution 519  
issued shall not operate as a lien on the residue of the 520  
debtor's estate to the prejudice of any other judgment creditor. 521

**Sec. 2329.20.** Except as otherwise provided in this section 522  
or sections 2329.51 and 2329.52 of the Revised Code, no tract of 523  
land shall be sold for less than two-thirds the amount of the 524  
appraised value as ~~determined~~ established pursuant to section 525  
2329.17 of the Revised Code. In all cases in which a junior 526  
mortgage or other junior lien is sought to be enforced against 527  
real estate by an order, judgment, or decree of court, subject 528  
to a prior lien thereon, and such prior lien, and the claims or 529  
obligations secured thereby, are unaffected by such order, 530  
judgment, or decree, the court making such order, judgment, or 531  
decree, may determine the minimum amount for which such real 532  
estate may be sold. In such a case, the minimum amount shall be 533  
not less than two-thirds of the difference between the appraised 534  
value of the real estate as ~~determined~~ established in that 535  
section, and the amount remaining unpaid on the claims or 536  
obligations secured by such prior lien. 537

**Sec. 2329.211.** (A) (1) In every action demanding the 538  
judicial or execution sale of residential property, if the 539  
judgment creditor is the purchaser at the sale, the purchaser 540  
shall not be required to make a sale deposit. All other 541  
purchasers shall make a sale deposit as follows: 542

(a) If the appraised value of the residential property is 543  
less than or equal to ten thousand dollars, the deposit shall be 544  
two thousand dollars. 545

(b) If the appraised value of the residential property is 546  
greater than ten thousand dollars but less than or equal to two 547  
hundred thousand dollars, the deposit shall be five thousand 548  
dollars. 549

(c) If the appraised value of the residential property is 550  
greater than two hundred thousand dollars, the deposit shall be 551

ten thousand dollars. 552

(2) The timing of the deposit and other payment 553  
requirements shall be established by the court or the person 554  
conducting the sale and included in the advertisement of the 555  
sale. If the purchaser fails to meet the timing or other 556  
requirements of the deposit, the sale shall be invalid and the 557  
residential property may be brought to sale on ~~the provisional-~~ 558  
~~second sale any subsequent start~~ date, if any, described in 559  
division (B) of section 2329.52 of the Revised Code, and 560  
included in the notice required by division (A) (1) (a) (i) of 561  
section 2329.26 of the Revised Code. 562

(3) If the sale is held online, the deposit may be made by 563  
a financial transaction device as defined in section 301.28 of 564  
the Revised Code. 565

(B) In every action demanding the judicial or execution 566  
sale of commercial property, the purchaser at the sale shall 567  
make a deposit pursuant to the requirements, if any, established 568  
for the sale. 569

**Sec. 2329.26.** (A) Lands and tenements taken in execution 570  
shall not be sold until all of the following occur: 571

(1) (a) Except as otherwise provided in division (A) (1) (b) 572  
of this section, the judgment creditor who seeks the sale of the 573  
lands and tenements or the judgment creditor's attorney does 574  
both of the following: 575

(i) Causes a written notice to be served in accordance 576  
with divisions (A) and (B) of Civil Rule 5 upon the judgment 577  
debtor and upon each other party to the action in which the 578  
judgment giving rise to the execution was rendered. Such notice 579  
shall include the start date, time, and place of the sale if the 580

sale is to be held at a physical location or the start date and 581  
web site address of the sale if the sale is to be held online. 582  
Such notice shall also include ~~the provisional second sale any~~ 583  
subsequent start date described in division (B) of section 584  
2329.52 of the Revised Code, if applicable. 585

(ii) At least seven calendar days prior to the sale date 586  
~~of the sale~~, files with the clerk of the court that rendered the 587  
judgment giving rise to the execution a copy of the written 588  
notice described in division (A) (1) (a) (i) of this section with 589  
proof of service endorsed on the copy in the form described in 590  
division (B) of Civil Rule 5. 591

(b) Service of the written notice described in division 592  
(A) (1) (a) (i) of this section is not required to be made upon any 593  
party who is in default for failure to appear in the action in 594  
which the judgment giving rise to the execution was rendered. 595

(2) One of the following applies: 596

(a) The officer taking the lands and tenements gives 597  
public notice once a week for at least three consecutive weeks 598  
~~before the day of sale if the sale is to be held at a physical~~ 599  
~~location or the start date of the sale if the sale is to be~~ 600  
~~conducted online~~ date. The last date of publication shall be four 601  
or more calendar days prior to the sale date. 602

~~Such~~ Except as provided in division (B) of this section, 603  
such notice shall be by advertisement in a newspaper of general 604  
circulation in the county. The newspaper shall meet the 605  
requirements of section 7.12 of the Revised Code. The court 606  
ordering the sale may designate in the order of sale the 607  
newspaper in which this public notice shall be published. 608

The notice shall include all the following information: 609

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

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

(iii) The deposit required by section 2329.211 of the Revised Code;

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

(v) ~~The Information meeting the requirements of division (A) (2) (a) (i) or (ii) of this section, as applicable to where the sale is to be held, for any subsequent provisional second-sale~~ date described in division (B) of section 2329.52 of the Revised Code, if applicable; provided, however, that no sale shall be invalid, nor shall the court vacate any sale, if the notice described in division (A) (1) (a) (i) of this section or the public notice described in division (A) (2) of this section fails to include the provisional sale date for a ~~second-subsequent~~ sale of the property and the property is sold on the initial sale date.

(b) ~~If Except as provided in division (B) of this section,~~ if a private selling officer has been ordered to sell the lands and tenements, the private selling officer shall give the public notice described in division (A) (2) (a) of this section in the newspaper designated by the court. If the court has not designated a newspaper, the private selling officer shall give this public notice in the newspaper customarily used or designated by the county sheriff. No sale that otherwise complies with division (A) (2) of this section shall be invalid.

(B) Any officer taking lands and tenements in execution 639  
that are advertised and offered for sale but unsold for want of 640  
bidders may advertise any subsequent sale in any method the 641  
officer finds suitable, which may include online advertisement 642  
instead of print. Any such advertisement of a subsequent sale 643  
shall be deemed to meet the notice requirement in division (A) 644  
of this section. 645

(C) The officer taking the lands and tenements shall 646  
collect the purchaser's information required by section 2329.271 647  
of the Revised Code. 648

~~(C)~~ (D) A sale of lands and tenements taken in execution 649  
may be set aside in accordance with division (A) or (B) of 650  
section 2329.27 of the Revised Code. 651

**Sec. 2329.27.** (A) When the public notice required by 652  
division (A) (2) of section 2329.26 of the Revised Code is made 653  
in a newspaper published weekly, it is sufficient to insert it 654  
for three consecutive weeks before the sale date. If both a 655  
daily and weekly edition of the paper are published and the 656  
circulation of the daily in the county exceeds that of the 657  
weekly in the county, or if the lands and tenements taken in 658  
execution are situated in a city, both a daily and weekly 659  
edition of the paper are published, and the circulation of the 660  
daily in that city exceeds the circulation of the weekly in that 661  
city, it is sufficient to publish the public notice in the daily 662  
once a week for three consecutive weeks before the ~~day of sale~~ 663  
date, each insertion to be on the same day of the week. The 664  
expense of that publication in a daily shall not exceed the cost 665  
of publishing it in a weekly. 666

(B) (1) ~~Subject~~ Except as provided in division (B) of 667  
section 2329.26 of the Revised Code and subject to divisions (B) 668

(2) and (3) of this section, all sales of lands and tenements 669  
taken in execution that are made without compliance with the 670  
written notice requirements of division (A) (1) (a) of section 671  
2329.26 of the Revised Code, the public notice requirements of 672  
division (A) (2) of that section, the purchaser information 673  
requirements of section 2329.271 of the Revised Code, and 674  
division (A) of this section shall be set aside, on motion by 675  
any interested party, by the court to which the execution is 676  
returnable. 677

(2) Proof of service endorsed upon a copy of the written 678  
notice required by division (A) (1) (a) of section 2329.26 of the 679  
Revised Code shall be conclusive evidence of the service of the 680  
written notice in compliance with the requirements of that 681  
division, unless a party files a motion to set aside the sale of 682  
the lands and tenements pursuant to division (B) (1) of this 683  
section and establishes by a preponderance of the evidence that 684  
the proof of service is fraudulent. 685

(3) If the court to which the execution is returnable 686  
enters its order confirming the sale of the lands and tenements, 687  
the order shall have both of the following effects: 688

(a) The order shall be deemed to constitute a judicial 689  
finding as follows: 690

(i) That the sale of the lands and tenements complied with 691  
the written notice requirements of division (A) (1) (a) of section 692  
2329.26 of the Revised Code and the public notice requirements 693  
of division (A) (2) of that section and division (A) of this 694  
section, or that compliance of that nature did not occur but the 695  
failure to give a written notice to a party entitled to notice 696  
under division (A) (1) (a) of section 2329.26 of the Revised Code 697  
has not prejudiced that party; 698



(ii) That all parties entitled to notice under division 699  
(A) (1) (a) of section 2329.26 of the Revised Code received 700  
adequate notice of the date, time, and place of the sale of the 701  
lands and tenements; 702

(iii) That the purchaser has submitted the contact 703  
information required by section 2329.271 of the Revised Code. 704

(b) The order bars the filing of any further motions to 705  
set aside the sale of the lands and tenements. 706

**Sec. 2329.51.** When real estate taken on execution and 707  
~~appraised, is advertised, and offered for sale but is unsold for~~ 708  
~~want of bidders meeting the minimum bid requirements established~~ 709  
~~under this chapter, the court from which the execution issued,~~ 710  
~~on motion of the plaintiff, shall set aside such appraisement~~ 711  
~~and order a new appraisement to be made, or shall set aside the~~ 712  
~~levy and appraisement and award a new execution to issue. When~~ 713  
~~such real estate or a part of it has been two times appraised~~ 714  
~~and thereafter advertised and offered for sale, and is unsold~~ 715  
~~for want of bidders, the court may direct the amount for which~~ 716  
it shall be sold. 717

**Sec. 2329.52.** (A) Except as otherwise provided in division 718  
(B) of this section, when premises are ordered to be sold, if 719  
said premises, or a part thereof, remain unsold for want of 720  
bidders meeting the minimum bid requirements established under 721  
this chapter, after having been once ~~appraised,~~ advertised, and 722  
offered for sale, the court from which the order of sale issued 723  
may, on motion of the plaintiff or defendant and from time to 724  
time until said premises are disposed of, order a new 725  
~~appraisement and sale~~ or direct the amount for which said 726  
premises, or a part thereof, may be sold. 727

The court may order that the premises be sold as follows: 728  
One third cash in hand, one third in nine months from the ~~day of~~ 729  
sale date, and the remaining one third in eighteen months from 730  
the ~~day of sale date~~, the deferred payments to draw interest at 731  
six per cent and be secured by a mortgage on the premises. 732

(B) (1) When a residential property is ordered to be sold 733  
pursuant to a residential mortgage loan foreclosure action, if 734  
the property remains unsold after the first auction, then a 735  
~~second subsequent~~ auction shall be held and the property shall 736  
be sold to the highest bidder without regard to the minimum bid 737  
requirement in section 2329.20 of the Revised Code, but subject 738  
to section 2329.21 of the Revised Code relating to costs, 739  
allowances, and real estate taxes, or disposed of in any other 740  
manner pursuant to this chapter or any other provision of the 741  
Revised Code. ~~This second~~ Any subsequent auction shall be held 742  
not earlier than ~~seven three~~ days and not later than thirty days 743  
after the ~~first previous~~ auction start date. ~~A residential~~ 744  
~~property that remains unsold after two auctions may be~~ 745  
~~subsequently offered for sale without regard to the minimum bid~~ 746  
~~requirement in section 2329.20 of the Revised Code, but subject~~ 747  
~~to section 2329.21 of the Revised Code relating to costs,~~ 748  
~~allowances, and real estate taxes, or disposed of in any other~~ 749  
~~manner pursuant to this chapter or any other provision of the~~ 750  
~~Revised Code.~~ 751

(2) For purposes of division (B) (1) of this section, the 752  
first day an online auction is open for bidding shall be 753  
considered the start date ~~of the auction~~. 754

**Section 2.** That existing sections 323.28, 2329.01, 755  
2329.152, 2329.153, 2329.17, 2329.18, 2329.19, 2329.20, 756  
2329.211, 2329.26, 2329.27, 2329.51, and 2329.52 of the Revised 757

Code are hereby repealed.

758