

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 548

Representative Lear

Cosponsors: Representatives Robb Blasdel, Dell'Aquila, Dean



A BILL

To amend sections 301.28, 2308.02, 2327.01, 1
2327.02, 2327.04, 2329.01, 2329.151, 2329.152, 2
2329.17, 2329.18, 2329.211, 2329.26, 2329.261, 3
2329.28, 2329.312, 2329.34, 2329.39, 2329.52, 4
5302.01, and 5721.39 and to repeal sections 5
2329.153, 2329.154, 5302.31, and 5721.372 of the 6
Revised Code to prohibit private selling 7
officers and online auctions in real property 8
foreclosure sales. 9

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

Section 1. That sections 301.28, 2308.02, 2327.01, 10
2327.02, 2327.04, 2329.01, 2329.151, 2329.152, 2329.17, 2329.18, 11
2329.211, 2329.26, 2329.261, 2329.28, 2329.312, 2329.34, 12
2329.39, 2329.52, 5302.01, and 5721.39 of the Revised Code be 13
amended to read as follows: 14

Sec. 301.28. (A) As used in this section: 15

(1) "Financial transaction device" includes a credit card, 16
debit card, charge card, or prepaid or stored value card, or 17
automated clearinghouse network credit, debit, or e-check entry 18

that includes, but is not limited to, accounts receivable and 19
internet-initiated, point of purchase, and telephone-initiated 20
applications or any other device or method for making an 21
electronic payment or transfer of funds. 22

(2) "County expenses" includes fees, costs, taxes, 23
assessments, fines, penalties, payments, or any other expense a 24
person owes or otherwise pays to a county office under the 25
authority of a county official, other than dog registration and 26
kennel fees required to be paid under Chapter 955. of the 27
Revised Code. "County expenses" includes payment to a county 28
office of money confiscated during the commitment of an 29
individual to a county jail, of bail, of money for a prisoner's 30
inmate account, and of money for goods and services obtained by 31
or for the use of an individual incarcerated by a county 32
sheriff. ~~"County expenses" includes online financial transaction-~~ 33
~~device payments made through the official public sheriff sale-~~ 34
~~web site pursuant to section 2329.153 of the Revised Code.~~ 35

(3) "County official" includes the county auditor, county 36
treasurer, county engineer, county recorder, county prosecuting 37
attorney, county sheriff, county coroner, county park district 38
and board of county commissioners, the clerk of the probate 39
court, the clerk of the juvenile court, the clerks of court for 40
all divisions of the courts of common pleas, and the clerk of 41
the court of common pleas, the clerk of a county-operated 42
municipal court, and the clerk of a county court. 43

The term "county expenses" includes county expenses owed 44
to the board of health of the general health district or a 45
combined health district in the county. If the board of county 46
commissioners authorizes county expenses to be paid by financial 47
transaction devices under this section, then the board of health 48

and the general health district and the combined health district 49
may accept payments by financial transaction devices under this 50
section as if the board were a "county official" and the 51
district were a county office. However, in the case of a general 52
health district formed by unification of general health 53
districts under section 3709.10 of the Revised Code, this 54
entitlement applies only if all the boards of county 55
commissioners of all counties in the district have authorized 56
payments to be accepted by financial transaction devices. 57

The term "county expenses" also includes fees for services 58
and the receipt of gifts to the county law library resources 59
fund authorized by rules adopted by the county law library 60
resources board under division (D) of section 307.51 of the 61
Revised Code. If the board of county commissioners authorizes 62
county expenses to be paid by financial transaction devices 63
under this section, then the county law library resources board 64
may accept payments by financial transaction devices under this 65
section as if the board were a "county official." 66

The term "county expenses" also includes fees, costs, 67
assessments, fines, penalties, payments, or any other expense 68
issued by a court of common pleas that a person owes or 69
otherwise pays to a county department of probation established 70
under section 2301.27 of the Revised Code. If the board of 71
county commissioners authorizes county expenses to be paid by 72
financial transaction devices under this section, then the 73
county department of probation may accept payments by financial 74
transaction devices under this section as if the chief probation 75
officer or chief probation officer's designee was a "county 76
official" and the department was a "county office." However, in 77
the case of a multicounty department of probation, this 78
entitlement applies only if all the boards of county 79

commissioners of all counties in the multicounty department have 80
authorized payments to be accepted by financial transaction 81
devices. A clerk of the court of common pleas may continue 82
accepting payments by financial transaction devices for a county 83
department of probation as authorized under this section. 84

(B) Notwithstanding any other section of the Revised Code 85
and except as provided in division (D) of this section, a board 86
of county commissioners may adopt a resolution authorizing the 87
acceptance of payments by financial transaction devices for 88
county expenses. The resolution shall include the following: 89

(1) A specification of those county officials who, and of 90
the county offices under those county officials that, are 91
authorized to accept payments by financial transaction devices; 92

(2) A list of county expenses that may be paid for through 93
the use of a financial transaction device; 94

(3) Specific identification of financial transaction 95
devices that the board authorizes as acceptable means of payment 96
for county expenses. Uniform acceptance of financial transaction 97
devices among different types of county expenses is not 98
required. 99

(4) The amount, if any, authorized as a surcharge or 100
convenience fee under division (E) of this section for persons 101
using a financial transaction device. Uniform application of 102
surcharges or convenience fees among different types of county 103
expenses is not required. 104

(5) A specific provision as provided in division (G) of 105
this section requiring the payment of a penalty if a payment 106
made by means of a financial transaction device is returned or 107
dishonored for any reason. 108

The board's resolution shall also designate the county treasurer as an administrative agent to solicit proposals, within guidelines established by the board in the resolution and in compliance with the procedures provided in division (C) of this section, from financial institutions, issuers of financial transaction devices, and processors of financial transaction devices, to make recommendations about those proposals to the board, and to assist county offices in implementing the county's financial transaction devices program. The county treasurer may decline this responsibility within thirty days after receiving a copy of the board's resolution by notifying the board in writing within that period. If the treasurer so notifies the board, the board shall perform the duties of the administrative agent.

If the county treasurer is the administrative agent and fails to administer the county financial transaction devices program in accordance with the guidelines in the board's resolution, the board shall notify the treasurer in writing of the board's findings, explain the failures, and give the treasurer six months to correct the failures. If the treasurer fails to make the appropriate corrections within that six-month period, the board may pass a resolution declaring the board to be the administrative agent. The board may later rescind that resolution at its discretion.

(C) The county shall follow the procedures provided in this division whenever it plans to contract with financial institutions, issuers of financial transaction devices, or processors of financial transaction devices for the purposes of this section. The administrative agent shall request proposals from at least three financial institutions, issuers of financial transaction devices, or processors of financial transaction devices, as appropriate in accordance with the resolution

adopted under division (B) of this section. Prior to sending any 140
financial institution, issuer, or processor a copy of any such 141
request, the county shall advertise its intent to request 142
proposals in a newspaper of general circulation in the county 143
once a week for two consecutive weeks or as provided in section 144
7.16 of the Revised Code. The notice shall state that the county 145
intends to request proposals; specify the purpose of the 146
request; indicate the date, which shall be at least ten days 147
after the second publication, on which the request for proposals 148
will be mailed to financial institutions, issuers, or 149
processors; and require that any financial institution, issuer, 150
or processor, whichever is appropriate, interested in receiving 151
the request for proposals submit written notice of this interest 152
to the county not later than noon of the day on which the 153
request for proposals will be mailed. 154

Upon receiving the proposals, the administrative agent 155
shall review them and make a recommendation to the board of 156
county commissioners on which proposals to accept. The board of 157
county commissioners shall consider the agent's recommendation 158
and review all proposals submitted, and then may choose to 159
contract with any or all of the entities submitting proposals, 160
as appropriate. The board shall provide any financial 161
institution, issuer, or processor that submitted a proposal, but 162
with which the board does not enter into a contract, notice that 163
its proposal is rejected. The notice shall state the reasons for 164
the rejection, indicate whose proposals were accepted, and 165
provide a copy of the terms and conditions of the successful 166
bids. 167

(D) A board of county commissioners adopting a resolution 168
under this section shall send a copy of the resolution to each 169
county official in the county who is authorized by the 170

resolution to accept payments by financial transaction devices. 171
After receiving the resolution and before accepting payments by 172
financial transaction devices, a county official shall provide 173
written notification to the board of county commissioners of the 174
official's intent to implement the resolution within the 175
official's office. Each county office subject to the board's 176
resolution adopted under division (B) of this section may use 177
only the financial institutions, issuers of financial 178
transaction devices, and processors of financial transaction 179
devices with which the board of county commissioners contracts, 180
and each such office is subject to the terms of those contracts. 181

If a county office under the authority of a county 182
official is directly responsible for collecting one or more 183
county expenses and the county official determines not to accept 184
payments by financial transaction devices for one or more of 185
those expenses, the office shall not be required to accept 186
payments by financial transaction devices, notwithstanding the 187
adoption of a resolution by the board of county commissioners 188
under this section. 189

Any office of a clerk of the court of common pleas that 190
accepts financial transaction devices on or before July 1, 1999, 191
and any other county office that accepted such devices before 192
January 1, 1998, may continue to accept such devices without 193
being subject to any resolution passed by the board of county 194
commissioners under division (B) of this section, or any other 195
oversight by the board of the office's financial transaction 196
devices program. Any such office may use surcharges or 197
convenience fees in any manner the county official in charge of 198
the office determines to be appropriate, and, if the county 199
treasurer consents, may appoint the county treasurer to be the 200
office's administrative agent for purposes of accepting 201

financial transaction devices. In order not to be subject to the 202
resolution of the board of county commissioners adopted under 203
division (B) of this section, a county office shall notify the 204
board in writing within thirty days after March 30, 1999, that 205
it accepted financial transaction devices prior to January 1, 206
1998, or, in the case of the office of a clerk of the court of 207
common pleas, the clerk has accepted or will accept such devices 208
on or before July 1, 1999. Each such notification shall explain 209
how processing costs associated with financial transaction 210
devices are being paid and shall indicate whether surcharge or 211
convenience fees are being passed on to consumers. 212

(E) A board of county commissioners may establish a 213
surcharge or convenience fee that may be imposed upon a person 214
making payment by a financial transaction device. The surcharge 215
or convenience fee shall not be imposed unless authorized or 216
otherwise permitted by the rules prescribed by an agreement 217
governing the use and acceptance of the financial transaction 218
device. 219

If a surcharge or convenience fee is imposed, every county 220
office accepting payment by a financial transaction device, 221
regardless of whether that office is subject to a resolution 222
adopted by a board of county commissioners, shall clearly post a 223
notice in that office and shall notify each person making a 224
payment by such a device about the surcharge or fee. Notice to 225
each person making a payment shall be provided regardless of the 226
medium used to make the payment and in a manner appropriate to 227
that medium. Each notice shall include all of the following: 228

(1) A statement that there is a surcharge or convenience 229
fee for using a financial transaction device; 230

(2) The total amount of the charge or fee expressed in 231

dollars and cents for each transaction, or the rate of the 232
charge or fee expressed as a percentage of the total amount of 233
the transaction, whichever is applicable; 234

(3) A clear statement that the surcharge or convenience 235
fee is nonrefundable. 236

(F) If a person elects to make a payment to the county by 237
a financial transaction device and a surcharge or convenience 238
fee is imposed, the payment of the surcharge or fee shall be 239
considered voluntary and the surcharge or fee is not refundable. 240

(G) If a person makes payment by financial transaction 241
device and the payment is returned or dishonored for any reason, 242
the person is liable to the county for payment of a penalty over 243
and above the amount of the expense due. The board of county 244
commissioners shall determine the amount of the penalty, which 245
may be either a fee not to exceed twenty dollars or payment of 246
the amount necessary to reimburse the county for banking 247
charges, legal fees, or other expenses incurred by the county in 248
collecting the returned or dishonored payment. The remedies and 249
procedures provided in this section are in addition to any other 250
available civil or criminal remedies provided by law. 251

(H) No person making any payment by financial transaction 252
device to a county office shall be relieved from liability for 253
the underlying obligation except to the extent that the county 254
realizes final payment of the underlying obligation in cash or 255
its equivalent. If final payment is not made by the financial 256
transaction device issuer or other guarantor of payment in the 257
transaction, the underlying obligation shall survive and the 258
county shall retain all remedies for enforcement that would have 259
applied if the transaction had not occurred. 260

(I) A county official or employee who accepts a financial transaction device payment in accordance with this section and any applicable state or local policies or rules is immune from personal liability for the final collection of such payments.

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

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

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

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

(2) The court finds by a preponderance of the evidence	290
that the mortgagee is a person entitled to enforce the	291
instrument secured by the mortgage under division (A) (1) or (2)	292
of section 1303.31 of the Revised Code or a person with the	293
right to enforce the obligation secured by the mortgage pursuant	294
to law outside of Chapter 1303. of the Revised Code.	295
(3) The court finds by clear and convincing evidence that	296
at least three of the following factors are true:	297
(a) Gas, electric, sewer, or water utility services to the	298
property have been disconnected.	299
(b) Windows or entrances to the property are boarded up or	300
closed off, or multiple window panes are broken and unrepaired.	301
(c) Doors on the property are smashed through, broken off,	302
unhinged, or continuously unlocked.	303
(d) Junk, litter, trash, debris, or hazardous, noxious, or	304
unhealthy substances or materials have accumulated on the	305
property.	306
(e) Furnishings, window treatments, or personal items are	307
absent from the structure on the land.	308
(f) The property is the object of vandalism, loitering, or	309
criminal conduct, or there has been physical destruction or	310
deterioration of the property.	311
(g) A mortgagor has made a written statement expressing	312
the intention of all mortgagors to abandon the property.	313
(h) Neither an owner nor a tenant appears to be residing	314
in the property at the time of an inspection of the property by	315
the appropriate official of a county, municipal corporation, or	316
township in which the property is located or by the mortgagee.	317

(i) The appropriate official of a county, municipal corporation, or township in which the property is located provides a written statement or statements indicating that the structure on the land is vacant and abandoned.

(j) The property is sealed because, immediately prior to being sealed, it was considered by the appropriate official of a county, municipal corporation, or township in which the property is located to be open, vacant, or vandalized.

(k) Other reasonable indicia of abandonment exist.

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

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

(6) (a) If a government official has not verified the real property is vacant and abandoned pursuant to division (C) (3) (h), (i), or (j) of this section, but the court makes a preliminary finding that the residential real property is vacant and abandoned pursuant to division (C) of this section, then within seven days of the preliminary finding, the court shall order the appropriate official of a county, municipal corporation, or township in which the property is located to verify the property is vacant and abandoned.

(b) Any court costs assessed in connection with the inspection conducted pursuant to division (C) (6) (a) of this section shall not be more than fifty dollars.

(D) If the court decides after an oral hearing that the

property is vacant and abandoned and that the mortgagee who 347
filed the motion to proceed in an expedited manner is entitled 348
to judgment, the court shall enter a final judgment and decree 349
of foreclosure and order the property to be sold in accordance 350
with division (E) of this section. If the court does not decide 351
that the property is vacant and abandoned, the seventy-five-day 352
deadline established in division (E) of this section shall not 353
apply to the sale of the property. 354

(E) If the court decides that the property is vacant and 355
abandoned and enters a final judgment and decree of foreclosure 356
under division (D) of this section, the property shall be 357
offered for sale not later than seventy-five days after the 358
issuance of the order of sale. The sale of the property shall be 359
conducted in accordance with the requirements in Chapter 2329. 360
of the Revised Code, ~~including possible postponement of the sale~~ 361
~~pursuant to division (C) of section 2329.152 of the Revised~~ 362
~~Code.~~ 363

(F) Nothing in this section shall supersede or limit other 364
procedures adopted by the court to resolve the residential 365
mortgage loan foreclosure action, including foreclosure 366
mediation. 367

Sec. 2327.01. ~~(A) As used in this chapter, "private~~ 368
~~selling officer" has the same meaning as in section 2329.01 of~~ 369
~~the Revised Code.~~ 370

~~(B) (1) An an "execution" is a process of a court, issued~~ 371
~~by its clerk, the court itself, or the county board of revision~~ 372
~~with jurisdiction pursuant to section 323.66 of the Revised~~ 373
~~Code, and directed to the sheriff of the county.~~ 374

~~(2) An execution includes a process of a court, issued by~~ 375

~~its clerk or the court itself, and directed to a private selling officer authorized in accordance with section 2329.151, 2329.152, or 5721.39 of the Revised Code.~~ 376
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~~(3) Executions may be issued to the sheriffs of different counties or different private selling officers at the same time.~~ 379
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Sec. 2327.02. (A) Executions are of three kinds: 381

(1) Against the property of the judgment debtor, including orders of sale or orders to transfer property pursuant to sections 323.28, 323.65 to 323.78, and 5721.19 of the Revised Code; 382
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(2) Against the person of the judgment debtor; 386

(3) For the delivery of the possession of real property, including real property sold under orders of sale or transferred under orders to transfer property pursuant to sections 323.28, 323.65 to 323.78, and 5721.19 of the Revised Code. 387
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(B) The writ shall contain a specific description of the property, and a command to the sheriff ~~or private selling officer~~ to deliver it to the person entitled to the property. It also may require the sheriff to make the damages recovered for withholding the possession and costs, or costs alone, out of the property of the person who so withholds it. 391
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(C) In the case of foreclosures of real property, including foreclosures for taxes, mortgages, judgment liens, and other valid liens, the description of the property, the order of sale, order to transfer, and any deed or deed forms may be prepared, adopted, and otherwise approved in advance by the court having jurisdiction or the county board of revision with jurisdiction pursuant to section 323.66 of the Revised Code, directly commanding the sheriff ~~or the private selling officer~~ 397
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to sell, convey, or deliver possession of the property as 405
commanded in that order. In those cases, the clerk shall 406
journalize the order and deliver that writ or order to the 407
sheriff ~~or private selling officer~~ for execution. If the 408
property is sold under an order of sale or transferred under an 409
order to transfer, the officer who conducted the sale or made 410
the transfer of the property shall collect the deposit pursuant 411
to section 2329.211 of the Revised Code and, following 412
confirmation of the sale or transfer and the payment of the 413
balance due on the purchase price of the property, shall execute 414
and record the deed conveying title to the property to the 415
purchaser or transferee. For purposes of recording that deed, by 416
placement of a bid or making a statement of interest by any 417
party ultimately awarded the property, the purchaser or 418
transferee thereby appoints the officer who makes the sale or is 419
charged with executing and delivering the deed as agent for that 420
purchaser or transferee for the sole purpose of accepting 421
delivery of the deed. 422

Sec. 2327.04. When, in the exercise of its authority, a 423
court orders the deposit or delivery of money or other thing, 424
and the order is disobeyed, besides punishing the disobedience 425
as for a contempt, the court may make an order requiring the 426
sheriff ~~or private selling officer~~ to take the money or thing 427
and deposit or deliver it in conformity with the court's 428
direction. 429

Sec. 2329.01. (A) Lands and tenements, including vested 430
legal interests therein, permanent leasehold estates renewable 431
forever, and goods and chattels, not exempt by law, shall be 432
subject to the payment of debts, and liable to be taken on 433
execution and sold as provided in sections 2329.02 to 2329.61 of 434
the Revised Code. 435

(B) As used in sections 2329.02 to 2329.61 of the Revised Code:	436 437
(1) "Commercial property" means any property that is not residential property.	438 439
(2) "Private selling officer" means a resident of this state licensed as both an auctioneer under Chapter 4707. of the Revised Code and as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code.	440 441 442 443
(3) "Residential mortgage loan" and "residential property" have the same meanings as in section 2308.01 of the Revised Code.	444 445 446
Sec. 2329.151. Except as provided in sections 2329.152 to 2329.154 of the Revised Code, all All public auctions of goods, chattels, or lands levied upon by execution shall be conducted personally by one <u>either</u> of the following:	447 448 449 450
(A) An officer of the court;	451
(B) For the public auction of goods and chattels, a resident of this state licensed as an auctioneer under Chapter 4707. of the Revised Code;	452 453 454
(C) For the public auction of lands, a private selling officer.	455 456
Sec. 2329.152. (A) In every action demanding the judicial or execution sale of real estate, the county sheriff shall sell the real estate at a public auction, unless the judgment creditor files a motion with the court for an order authorizing a specified private selling officer to sell the real estate at a public auction. If the court authorizes a private selling officer to sell the real estate, the judgment creditor may seek	457 458 459 460 461 462 463

~~to have the property sold by the private selling officer~~ 464
~~authorized by the court or by the county sheriff. If the~~ 465
~~judgment creditor elects to have the property sold by the~~ 466
~~private selling officer authorized by the court, the judgment~~ 467
~~creditor shall file with the clerk of the court a praecipe~~ 468
~~requesting the issuance of an order of appraisal to the sheriff~~ 469
~~and an order of sale to the private selling officer authorized~~ 470
~~by the court. Upon the filing of that praecipe, the clerk of the~~ 471
~~court shall immediately issue both of the following:~~ 472

~~(1) An order of appraisal to the sheriff, who shall obtain~~ 473
~~an appraisal of the real estate in conformity with sections~~ 474
~~2329.17 and 2329.18 of the Revised Code;~~ 475

~~(2) An order of sale to the private selling officer, who,~~ 476
~~after the return or determination of the appraisal, shall~~ 477
~~advertise and sell the real estate in conformity with applicable~~ 478
~~provisions of sections 2329.01 to 2329.61 of the Revised Code at~~ 479
~~a physical location.~~ 480

(B) (1) As used in this division: 481

(a) "Business day" means a calendar day that is not a 482
Saturday or Sunday or a legal holiday as defined in section 1.14 483
of the Revised Code. 484

(b) "Remote bid" means a bid submitted in writing via 485
facsimile, electronic mail, or overnight delivery or courier. 486

~~(2) If the When there is a sale of the real estate is~~ 487
~~conducted at a physical location and not online, then pursuant~~ 488
~~to division (A) of this section, each judgment creditor and~~ 489
lienholder who was a party to the action may submit a remote bid 490
to the sheriff ~~or the private selling officer~~. Each sheriff ~~and~~ 491
~~private selling officer~~ shall establish and maintain a facsimile 492

number or an electronic mail address for use by judgment 493
creditors and lienholders in submitting remote bids. Each remote 494
bid shall be of a fixed maximum amount and shall be delivered to 495
the sheriff ~~or private selling officer~~ on or before four-thirty 496
p.m. on the business day immediately preceding the date of the 497
sale. 498

(3) Before the sale, the sheriff ~~or the private selling~~ 499
~~officer~~ shall confirm receipt of the remote bid by sending 500
notice of such receipt via facsimile or electronic mail to the 501
judgment creditor or lienholder who submitted the remote bid. 502
During the sale, the sheriff ~~or the private selling officer~~ 503
shall place the remote bid on behalf of the judgment creditor or 504
lienholder who submitted the remote bid. After the sale, the 505
sheriff ~~or the private selling officer~~ shall provide notice of 506
the results of the sale not later than the close of business on 507
the day of the sale to all judgment creditors and lienholders 508
who submitted remote bids. Such notice shall be sent via 509
facsimile or electronic mail to the judgment creditor or 510
lienholder or by posting the results of the sale on a public web 511
site. 512

(4) If a sheriff ~~or private selling officer~~ fails to place 513
a remote bid on behalf of a judgment creditor or lienholder to 514
the prejudice of the judgment creditor or lienholder, then, upon 515
the filing of a motion to vacate the sale within ten business 516
days after the sale date, the sale shall be vacated. 517

~~(C) (1) A judgment creditor that obtains a court order~~ 518
~~authorizing a specified private selling officer to sell the real~~ 519
~~estate at a public auction pursuant to division (A) of this~~ 520
~~section may instruct the private selling officer to postpone the~~ 521
~~sale of the real estate one or more times, provided, however~~ 522

~~that all rescheduled sale dates shall be within one hundred 523
eighty days of the initial sale date. Upon receiving this 524
instruction, the private selling officer shall postpone the sale 525
of the real estate by announcing that the sale is postponed. If 526
the sale is at a physical location, this announcement shall be 527
made at the sale and shall include the date, time, and place of 528
the rescheduled sale of the real estate. If the sale is online, 529
this announcement shall be made on the auction web site and 530
shall include the date of the rescheduled sale of real estate. 531
Each such announcement shall be deemed to meet the notice 532
requirement in section 2329.26 of the Revised Code. 533~~

~~(2) If the judgment creditor does not wish to postpone the 534
sale of the real estate, the judgment creditor may instruct the 535
private selling officer to cancel the sale of the real estate. 536
Upon receiving this instruction, the private selling officer 537
shall cancel the sale of the real estate by announcing that the 538
sale is canceled. If the sale is at a physical location, this 539
announcement shall be made at the sale. If the sale is online, 540
this announcement shall be made on the auction web site and 541
shall remain posted there until at least the end of the seven 542
calendar day bidding period described in division (E) (1) (a) of 543
section 2329.152 of the Revised Code. 544~~

~~(3) If the sale of the real estate is postponed or 545
canceled as described in divisions (C) (1) and (2) of this 546
section, all bids made on the real estate prior to the 547
postponement or cancellation of the sale shall be void. 548~~

~~(D) (1) If the judgment creditor obtains a court order to 549
have the real estate sold by a private selling officer, then: 550~~

~~(a) The cost of the appraisal required by section 2329.17 551
of the Revised Code shall be taxed as costs in the case. 552~~

~~(b) The cost of the advertisement required by section 553
2329.26 of the Revised Code shall be taxed as costs in the case. 554~~

~~(c) The fee charged by the private selling officer and all 555
costs incurred by the private selling officer other than the 556
costs described in divisions (D) (1) (a) and (b) of this section 557
shall be taxed as costs in the case up to an amount equal to one 558
and one half per cent of the sale price of the real estate. To 559
the extent the fees and costs described in division (D) (1) (c) of 560
this section exceed one and one half per cent of the sale price 561
of the real estate, they shall not be included in the amount 562
necessary to redeem real estate under section 2329.33 of the 563
Revised Code or in the calculation of any deficiency judgment 564
under section 2329.08 of the Revised Code but rather shall be 565
paid by the buyer of the property, the judgment creditor, or 566
from the judgment creditor's portion of the proceeds of the 567
sale. 568~~

~~(2) The private selling officer shall file with the court 569
that issued the order of sale an itemized report of all 570
appraisal, publication, marketing, and other expenses of a sale 571
conducted under this section and all fees charged by the private 572
selling officer for marketing the real estate or conducting the 573
sale of the real estate, including the fee charged by the title 574
agent or title insurance company for administrative services, if 575
applicable, and title, escrow, and closing services. 576~~

~~(E) (1) The private selling officer who conducts a sale 577
under this section may do any of the following: 578~~

~~(a) Market the real estate and conduct the public auction 579
of the real estate online or at any physical location in the 580
county in which the real estate is situated. If the auction 581
occurs online, the auction shall be open for bidding for a 582~~

~~minimum of seven calendar days, counted by excluding the day the
auction is first open for bidding and, notwithstanding section
1.14 of the Revised Code, including all subsequent days.~~ 583
584
585

~~(b) 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 assist the private selling
officer in performing administrative services;~~ 586
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~~(c) Execute to the purchaser, or to the purchaser's legal
representatives, a deed of conveyance of the real estate sold;~~ 590
591

~~(d) Record on behalf of the purchaser the deed conveying
title to the real estate sold, notwithstanding that the deed may
not actually have been delivered to the purchaser prior to its
recording.~~ 592
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~~(2) 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.~~ 596
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~~(3) 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 real estate.~~ 600
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~~(F) The fee charged by the title agent or title insurance
company for services provided under divisions (E) (1) (b) and (3)
of this section shall be taxed as costs in the case provided
they are reasonable. Fees less than or equal to five hundred
dollars are presumed to be reasonable. Fees exceeding five
hundred dollars shall be paid only if authorized by a court
order.~~ 605
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Sec. 2329.17. (A) When execution is levied upon lands and 612
tenements, the sheriff shall call an inquest of three 613
disinterested freeholders, who are residents of, and real 614
property owners in, the county where the lands taken in 615
execution are situated, who shall appraise the property so 616
levied upon, upon actual view. 617

(B) If the property to be appraised is residential 618
property, the freeholders selected by the sheriff shall return 619
to the sheriff an estimate of the value of the property in money 620
within twenty-one calendar days of the issuance of the order of 621
appraisal by the clerk of the court. 622

~~If the court has ordered or the clerk of the court has 623
issued an order for a private selling officer to advertise and 624
sell the appraised property, the freeholders selected by the 625
sheriff shall also deliver a copy of their appraisal to the 626
private selling officer contemporaneously with their delivery of 627
their appraisal to the sheriff. 628~~

(C) If the freeholders selected by the sheriff under 629
division (B) of this section do not deliver their appraisal 630
within twenty-one calendar days of the issuance of the order of 631
appraisal by the clerk of the court as required by division (B) 632
of this section, then all of the following shall occur: 633

(1) The cost of the appraisal by the freeholders shall not 634
be payable to the freeholders or taxed as costs in the case. 635

(2) The appraised value of the property shall be the most 636
recent appraised value of the property as shown on the records 637
of the county auditor, unless, for good cause shown, the court 638
authorizes a separate appraisal of the property. 639

(3) The advertisement and sale of the property shall 640

proceed immediately in accordance with the order of 641
advertisement and sale issued by the clerk of the court. 642

If a separate appraisal of the property is obtained, the 643
cost of the appraisal shall be included as an expense of the 644
~~sale pursuant to division (D) of section 2329.152 of the Revised~~ 645
~~Code.~~ 646

(D) If the property to be appraised is commercial 647
property, the freeholders selected by the sheriff shall return 648
to the sheriff an estimate of the value of the property in money 649
in accordance with the timing or other requirements, if any, 650
that may be established for the sale. 651

(E) The municipal corporation or township in which the 652
real property is situated may inspect prior to the judicial sale 653
any structures located on lands subject to a writ of execution. 654

Sec. 2329.18. ~~(A)~~ If a court has ordered or the clerk of a 655
court has issued an order for the sheriff to advertise and sell 656
the real estate for which the appraised value has been 657
determined pursuant to section 2329.17 of the Revised Code, the 658
sheriff shall deposit a copy of the appraisal with the clerk of 659
the court from which the writ was issued, and immediately 660
advertise and sell such real estate in conformity with sections 661
2329.01 to 2329.61 of the Revised Code. 662

~~(B) If the court has ordered or the clerk of the court has~~ 663
~~issued an order for a private selling officer to advertise and~~ 664
~~sell the real estate for which the appraised value has been~~ 665
~~determined pursuant to section 2329.17 of the Revised Code, the~~ 666
~~private selling officer shall immediately advertise and sell the~~ 667
~~real estate in conformity with sections 2329.01 to 2329.61 of~~ 668
~~the Revised Code.~~ 669

Sec. 2329.211. (A) (1) In every action demanding the 670
judicial or execution sale of residential property, if the 671
judgment creditor is the purchaser at the sale, the purchaser 672
shall not be required to make a sale deposit. All other 673
purchasers shall make a sale deposit as follows: 674

(a) If the appraised value of the residential property is 675
less than or equal to ten thousand dollars, the deposit shall be 676
two thousand dollars. 677

(b) If the appraised value of the residential property is 678
greater than ten thousand dollars but less than or equal to two 679
hundred thousand dollars, the deposit shall be five thousand 680
dollars. 681

(c) If the appraised value of the residential property is 682
greater than two hundred thousand dollars, the deposit shall be 683
ten thousand dollars. 684

(2) The timing of the deposit and other payment 685
requirements shall be established by the court or the person 686
conducting the sale and included in the advertisement of the 687
sale. If the purchaser fails to meet the timing or other 688
requirements of the deposit, the sale shall be invalid and the 689
residential property may be brought to sale on the provisional 690
second sale date, if any, described in division (B) of section 691
2329.52 of the Revised Code, and included in the notice required 692
by division (A) (1) (a) (i) of section 2329.26 of the Revised Code. 693

~~(3) If the sale is held online, the deposit may be made by 694
a financial transaction device as defined in section 301.28 of 695
the Revised Code. 696~~

(B) In every action demanding the judicial or execution 697
sale of commercial property, the purchaser at the sale shall 698

make a deposit pursuant to the requirements, if any, established 699
for the sale. 700

Sec. 2329.26. (A) Lands and tenements taken in execution 701
shall not be sold until all of the following occur: 702

(1) (a) Except as otherwise provided in division (A) (1) (b) 703
of this section, the judgment creditor who seeks the sale of the 704
lands and tenements or the judgment creditor's attorney does 705
both of the following: 706

(i) Causes a written notice to be served in accordance 707
with divisions (A) and (B) of Civil Rule 5 upon the judgment 708
debtor and upon each other party to the action in which the 709
judgment giving rise to the execution was rendered. Such notice 710
shall include the date, time, and place of the sale ~~if the sale~~ 711
~~is to be held at a physical location or the start date and web-~~ 712
~~site address of the sale if the sale is to be held online.~~ Such 713
notice shall also include the provisional second sale date 714
described in division (B) of section 2329.52 of the Revised 715
Code, if applicable. 716

(ii) At least seven calendar days prior to the date of the 717
sale, files with the clerk of the court that rendered the 718
judgment giving rise to the execution a copy of the written 719
notice described in division (A) (1) (a) (i) of this section with 720
proof of service endorsed on the copy in the form described in 721
division (B) of Civil Rule 5. 722

(b) Service of the written notice described in division 723
(A) (1) (a) (i) of this section is not required to be made upon any 724
party who is in default for failure to appear in the action in 725
which the judgment giving rise to the execution was rendered. 726

(2) ~~One of the following applies:~~ 727

~~(a)~~ The officer taking the lands and tenements gives 728
public notice once a week for at least three consecutive weeks 729
before the day of sale ~~if the sale is to be held at a physical~~ 730
~~location or the start date of the sale if the sale is to be~~ 731
~~conducted online.~~ 732

Such notice shall be by advertisement in a newspaper of 733
general circulation in the county. The newspaper shall meet the 734
requirements of section 7.12 of the Revised Code. The court 735
ordering the sale may designate in the order of sale the 736
newspaper in which this public notice shall be published. 737

The notice shall include all the following information: 738

~~(i)~~ (a) The date, time, and place of the sale ~~if the sale~~ 739
~~is to be held at a physical location;~~ 740

~~(ii)~~ ~~The start date, the minimum duration, and web site~~ 741
~~address of the sale if the sale is to be held online;~~ 742

~~(iii)~~ (b) The deposit required by section 2329.211 of the 743
Revised Code; 744

~~(iv)~~ (c) That the purchaser shall be responsible for those 745
costs, allowances, and taxes that the proceeds of the sale are 746
insufficient to cover; 747

~~(v)~~ (d) The provisional second sale date described in 748
division (B) of section 2329.52 of the Revised Code, if 749
applicable; provided, however, that no sale shall be invalid, 750
nor shall the court vacate any sale, if the notice described in 751
division (A)(1)(a)(i) of this section or the public notice 752
described in division (A)(2) of this section fails to include 753
the provisional date for a second sale of the property and the 754
property is sold on the initial sale date. 755

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

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

Sec. 2329.261. (A) As used in this section:

(1) "Levying officer" means the officer who makes the public sale of the residential property subject to this section. ~~"Levying officer" includes a private selling officer.~~

(2) "Electing subdivision," "county land reutilization corporation," and "land reutilization program" have the same meanings as in section 5722.01 of the Revised Code.

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

(4) "Qualifying residential property" means single-family residential property, including a single unit in a multi-unit property containing not more than ten units but excluding manufactured homes, that has at least one thousand square feet of habitable space per unit.

(B) If qualifying residential property sold at public sale 784
pursuant to this chapter is located within the territory of a 785
land reutilization program, the levying officer shall notify the 786
electing subdivision or county land reutilization corporation 787
that operates the program of the sale. 788

(C) The levying officer shall maintain a web site and 789
telephone number to provide information on applicable 790
properties. 791

(D) A levying officer may use any web site maintained to 792
satisfy any other provision of this chapter, ~~including the~~ 793
~~official public sheriff sale web site established pursuant to~~ 794
~~section 2329.153 of the Revised Code,~~ to satisfy the 795
requirements of division (C) of this section. 796

Sec. 2329.28. The ~~levying officer~~ sheriff shall indorse on 797
the writ of execution the ~~officer's~~ sheriff's proceedings 798
thereon, and the clerk of the court of common pleas, upon the 799
return thereof, immediately shall record all such indorsements 800
at length, in the execution docket, or other docket provided for 801
that purpose. Electronic indorsements shall be deemed valid. 802
That record shall be a part of the record of the court of common 803
pleas. 804

Sec. 2329.312. (A) All levying officers appointed ~~or~~ 805
~~authorized~~ by a court under this chapter to conduct the judicial 806
or execution sale of residential property consisting of one to 807
four single-family units shall submit quarterly reports to the 808
attorney general. The reports shall include data on each such 809
sale conducted by the officer, including data showing whether or 810
not the deadlines required under division (E) of section 811
2308.02, division (B) of section 2329.17, and sections 2329.30 812
and 2329.31 of the Revised Code are met. 813

(B) The attorney general shall make the information 814
included in the reports described in division (A) of this 815
section publicly available. 816

Sec. 2329.34. Real property may be conveyed by a master 817
commissioner or special master only: 818

(A) When, by an order or a judgment in an action or 819
proceeding, a party is required to convey such property to 820
another, and the party neglects or refuses to do so, and the 821
master is directed to convey on the party's failure; 822

(B) When specific real property is sold by a master under 823
an order or judgment of the court appointing the master. No 824
court shall make or issue an order to a master for the sale of 825
real estate except in response to a motion by a judgment 826
creditor, which motion shall be granted only if there exists 827
some special reason why the sale should not be made by the 828
sheriff of the county where the decree or order was made ~~or by a~~ 829
~~private selling officer~~. If the court finds any such reason to 830
exist, that reason shall be embodied in and made part of the 831
judgment, order, or decree for such sale. 832

Sec. 2329.39. ~~Except as provided in sections 2329.152 and~~ 833
~~2329.153 of the Revised Code, The~~ sale of lands or tenements 834
under execution or order of sale must be held in the county in 835
which they are situated and at the courthouse, unless otherwise 836
ordered by the court. Purchase of real or personal property, by 837
the officer making the sale thereof, or by an appraiser of such 838
property, shall be fraudulent and void. 839

Sec. 2329.52. (A) Except as otherwise provided in division 840
(B) of this section, when premises are ordered to be sold, if 841
said premises, or a part thereof, remain unsold for want of 842

bidders after having been once appraised, advertised, and 843
offered for sale, the court from which the order of sale issued 844
may, on motion of the plaintiff or defendant and from time to 845
time until said premises are disposed of, order a new 846
appraisement and sale or direct the amount for which said 847
premises, or a part thereof, may be sold. 848

The court may order that the premises be sold as follows: 849
One third cash in hand, one third in nine months from the day of 850
sale, and the remaining one third in eighteen months from the 851
day of sale, the deferred payments to draw interest at six per 852
cent and be secured by a mortgage on the premises. 853

~~(B) (1)~~ (B) When a residential property is ordered to be 854
sold pursuant to a residential mortgage loan foreclosure action, 855
if the property remains unsold after the first auction, then a 856
second auction shall be held and the property shall be sold to 857
the highest bidder without regard to the minimum bid requirement 858
in section 2329.20 of the Revised Code, but subject to section 859
2329.21 of the Revised Code relating to costs, allowances, and 860
real estate taxes. This second auction shall be held not earlier 861
than seven days and not later than thirty days after the first 862
auction. A residential property that remains unsold after two 863
auctions may be subsequently offered for sale without regard to 864
the minimum bid requirement in section 2329.20 of the Revised 865
Code, but subject to section 2329.21 of the Revised Code 866
relating to costs, allowances, and real estate taxes, or 867
disposed of in any other manner pursuant to this chapter or any 868
other provision of the Revised Code. 869

~~(2) For purposes of division (B) (1) of this section, the~~ 870
~~first day an online auction is open for bidding shall be~~ 871
~~considered the date of the auction.~~ 872

Sec. 5302.01. The forms set forth in sections 5302.05, 873
5302.07, 5302.09, 5302.11, 5302.12, 5302.14, and 5302.17, ~~and~~ 874
~~5302.31~~ of the Revised Code may be used and shall be sufficient 875
for their respective purposes. They shall be known as "Statutory 876
Forms" and may be referred to as such. They may be altered as 877
circumstances require, and the authorization of those forms 878
shall not prevent the use of other forms. Wherever the phrases 879
defined in sections 5302.06, 5302.08, 5302.10, and 5302.13 of 880
the Revised Code are to be incorporated in instruments by 881
reference, the method of incorporation as indicated in the 882
statutory forms shall be sufficient, but shall not preclude 883
other methods. 884

Sec. 5721.39. (A) In its judgment of foreclosure rendered 885
in actions filed pursuant to section 5721.37 of the Revised 886
Code, the court or board of revision shall enter a finding that 887
includes all of the following with respect to the certificate 888
parcel: 889

(1) The amount of the sum of the certificate redemption 890
prices for all the tax certificates sold against the parcel; 891

(2) Interest on the certificate purchase prices of all 892
certificates at the rate of eighteen per cent per year for the 893
period beginning on the day on which the payment was submitted 894
by the certificate holder under division (B) of section 5721.37 895
of the Revised Code; 896

(3) The amount paid under division (B) (2) of section 897
5721.37 of the Revised Code, plus interest at the rate of 898
eighteen per cent per year for the period beginning on the day 899
the certificate holder filed a request for foreclosure or a 900
notice of intent to foreclose under division (A) of that 901
section; 902

(4) Any delinquent taxes on the parcel that are not 903
covered by a payment under division (B) (2) of section 5721.37 of 904
the Revised Code; 905

(5) Fees and costs incurred in the foreclosure proceeding 906
instituted against the parcel, including, without limitation, 907
the fees and costs of the prosecuting attorney represented by 908
the fee paid under division (B) (3) of section 5721.37 of the 909
Revised Code, plus interest as provided in division (D) (2) (d) of 910
this section, or the fees and costs of the private attorney 911
representing the certificate holder, and charges paid or 912
incurred in procuring title searches and abstracting services 913
relative to the subject premises. 914

(B) The court or board of revision may order the 915
certificate parcel to be sold or otherwise transferred according 916
to law, without appraisal and as set forth in the prayer of the 917
complaint, for not less than the amount of its finding, or, in 918
the event that the true value of the certificate parcel as 919
determined by the county auditor is less than the certificate 920
redemption price, the court or board ~~or~~ of revision may, as 921
prayed for in the complaint, issue a decree transferring fee 922
simple title free and clear of all subordinate liens to the 923
certificate holder or as otherwise provided in sections 323.65 924
to 323.79 of the Revised Code. A decree of the court or board of 925
revision transferring fee simple title to the certificate holder 926
is forever a bar to all rights of redemption with respect to the 927
certificate parcel. 928

~~(C) (1) The certificate holder may file a motion with the 929
court for an order authorizing a specified private selling 930
officer, as defined in section 2329.01 of the Revised Code, to 931
sell the parcel at a public auction. If the court authorizes a 932~~

~~private selling officer to sell the parcel, then upon the filing of a praecipe for order of sale with the clerk of the court, the clerk of the court shall immediately issue an order of sale to the private selling officer authorized by the court.~~ 933
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~~(2) The officer to whom the order of sale is directed may conduct the public auction of the parcel at a physical location in the county in which the parcel is located or online. If the public auction occurs online, the auction shall be open for bidding for seven days. If the parcel is not sold during this initial seven day period, a second online auction shall be held not earlier than three days or later than thirty days after the end of the first auction. The second online auction shall be open for bidding for seven days.~~ 937
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~~(3) A private selling officer who conducts an auction of the parcel under this section may do any of the following:~~ 946
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~~(a) Market the parcels for sale and 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 assist the private selling officer in performing administrative services;~~ 948
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~~(b) Execute to the purchaser, or to the purchaser's legal representatives, a deed of conveyance of the parcel sold in conformity with the form set forth in section 5302.31 of the Revised Code;~~ 953
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~~(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.~~ 957
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~~(4) By placing a bid at a sale conducted pursuant to this~~ 961

~~section, a purchaser appoints the private selling officer who~~ 962
~~conducts the sale as agent of the purchaser for the sole purpose~~ 963
~~of accepting delivery of the deed.~~ 964

~~(5) The private selling officer who conducts the sale~~ 965
~~shall hire a title insurance agent licensed under Chapter 3953.~~ 966
~~of the Revised Code or title insurance company authorized to do~~ 967
~~business under that chapter to perform title, escrow, and~~ 968
~~closing services related to the sale of the parcel.~~ 969

~~(6) (C)~~ Except as otherwise provided in sections 323.65 to 970
323.79 of the Revised Code, and the alternative redemption 971
period thereunder, each certificate parcel shall be advertised 972
and sold by the officer to whom the order of sale is directed in 973
the manner provided by law for the sale of real property on 974
execution. The advertisement for sale of certificate parcels 975
shall be published once a week for three consecutive weeks and 976
shall include the date on which a second sale will be conducted 977
if no bid is accepted at the first sale. Any number of parcels 978
may be included in one advertisement. 979

Except as otherwise provided in sections 323.65 to 323.79 980
of the Revised Code, whenever the officer charged to conduct the 981
sale offers a certificate parcel for sale ~~at a physical location~~ 982
~~and not online~~ and no bids are made equal to at least the amount 983
of the finding of the court or board of revision, the officer 984
shall adjourn the sale of the parcel to the second date that was 985
specified in the advertisement of sale. The second sale shall be 986
held at the same place and commence at the same time as set 987
forth in the advertisement of sale. The officer shall offer any 988
parcel not sold at the first sale. Upon the conclusion of any 989
sale, or if any parcel remains unsold after being offered at two 990
sales, the officer conducting the sale shall report the results 991

to the court or board of revision.	992
(D) Upon the confirmation of a sale, the proceeds of the sale shall be applied as follows:	993 994
(1) The fees and costs incurred in the proceeding filed against the parcel pursuant to section 5721.37 of the Revised Code shall be paid first, including attorney's fees of the certificate holder's attorney payable under division (F) of that section, private selling officer's fees and marketing costs, title agent's or title company's fees, or the county prosecutor's costs covered by the fee paid by the certificate holder under division (B) (3) of that section.	995 996 997 998 999 1000 1001 1002
(2) Following the payment required by division (D) (1) of this section, the certificate holder that filed the notice of intent to foreclose or request for foreclosure with the county treasurer shall be paid the sum of the following amounts:	1003 1004 1005 1006
(a) The sum of the amount found due for the certificate redemption prices of all the tax certificates that are sold against the parcel;	1007 1008 1009
(b) Any premium paid by the certificate holder at the time of purchase;	1010 1011
(c) Interest on the amounts paid by the certificate holder under division (B) (1) of section 5721.37 of the Revised Code at the rate of eighteen per cent per year beginning on the day on which the payment was submitted by the certificate holder to the county treasurer and ending on the day immediately preceding the day on which the proceeds of the foreclosure sale are paid to the certificate holder;	1012 1013 1014 1015 1016 1017 1018
(d) Interest on the amounts paid by the certificate holder under divisions (B) (2) and (3) of section 5721.37 of the Revised	1019 1020

Code at the rate of eighteen per cent per year beginning on the 1021
day on which the payment was submitted by the certificate holder 1022
under divisions (B) (2) and (3) of that section and ending on the 1023
day immediately preceding the day on which the proceeds of the 1024
foreclosure sale are paid to the certificate holder pursuant to 1025
this section, except that such interest shall not accrue for 1026
more than six years after the day the amounts were paid by the 1027
certificate holder under divisions (B) (2) and (3) of section 1028
5721.37 of the Revised Code; 1029

(e) The amounts paid by the certificate holder under 1030
divisions (B) (1), (2), and (3) of section 5721.37 of the Revised 1031
Code. 1032

(3) Following the payment required by division (D) (2) of 1033
this section, any amount due for taxes, installments of 1034
assessments, charges, penalties, and interest not covered by the 1035
tax certificate holder's payment under division (B) (2) of 1036
section 5721.37 of the Revised Code shall be paid, including all 1037
taxes, installments of assessments, charges, penalties, and 1038
interest payable subsequent to the entry of the finding and 1039
prior to the transfer of the deed of the parcel to the purchaser 1040
following confirmation of sale. If the proceeds available for 1041
distribution pursuant to this division are insufficient to pay 1042
the entire amount of those taxes, installments of assessments, 1043
charges, penalties, and interest, the proceeds shall be paid to 1044
each claimant in proportion to the amount of those taxes, 1045
installments of assessments, charges, penalties, and interest 1046
that each is due, and those taxes, installments of assessments, 1047
charges, penalties, and interest are deemed satisfied and shall 1048
be removed from the tax list and duplicate. 1049

(4) Any residue of money from proceeds of the sale shall 1050

be disposed of as prescribed by section 5721.20 of the Revised Code. 1051
1052

(E) Unless the parcel previously was redeemed pursuant to 1053
section 5721.25 or 5721.38 of the Revised Code, upon the filing 1054
of the entry of confirmation of sale, or an order to transfer 1055
the parcel under sections 323.65 to 323.79 of the Revised Code, 1056
the title to the parcel is incontestable in the purchaser and is 1057
free and clear of all liens and encumbrances, except a federal 1058
tax lien, notice of which lien is properly filed in accordance 1059
with section 317.09 of the Revised Code prior to the date that a 1060
foreclosure proceeding is instituted pursuant to section 5721.37 1061
of the Revised Code, and which lien was foreclosed in accordance 1062
with 28 U.S.C.A. 2410(c), and except for the easements and 1063
covenants of record running with the land or lots that were 1064
created prior to the time the taxes or installments of 1065
assessments, for the nonpayment of which a tax certificate was 1066
issued and the parcel sold at foreclosure, became due and 1067
payable. 1068

The title shall not be invalid because of any 1069
irregularity, informality, or omission of any proceedings under 1070
this chapter or in any processes of taxation, if such 1071
irregularity, informality, or omission does not abrogate the 1072
provision for notice to holders of title, lien, or mortgage to, 1073
or other interests in, such foreclosed parcels, as prescribed in 1074
this chapter. 1075

Section 2. That existing sections 301.28, 2308.02, 1076
2327.01, 2327.02, 2327.04, 2329.01, 2329.151, 2329.152, 2329.17, 1077
2329.18, 2329.211, 2329.26, 2329.261, 2329.28, 2329.312, 1078
2329.34, 2329.39, 2329.52, 5302.01, and 5721.39 of the Revised 1079
Code are hereby repealed. 1080

Section 3. That sections 2329.153, 2329.154, 5302.31, and 1081
5721.372 of the Revised Code are hereby repealed. 1082