

As Introduced

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 135

Senator Brenner

To amend sections 2127.38, 2329.01, 2329.151, 1
2329.152, 2329.153, 2329.17, 2329.18, 2329.19, 2
2329.20, 2329.211, 2329.26, 2329.27, 2329.312, 3
2329.52, and 5721.10 of the Revised Code 4
relating to real property foreclosures and 5
estate sales. 6

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

Section 1. That sections 2127.38, 2329.01, 2329.151, 7
2329.152, 2329.153, 2329.17, 2329.18, 2329.19, 2329.20, 8
2329.211, 2329.26, 2329.27, 2329.312, 2329.52, and 5721.10 of 9
the Revised Code be amended to read as follows: 10

Sec. 2127.38. The sale price of real property sold 11
following an action by an executor, administrator, or guardian 12
shall be applied and distributed as follows: 13

~~(A)~~ (A) (1) To discharge the costs and expenses of the 14
sale, including reasonable fees to be fixed by the probate court 15
for services performed by attorneys for the fiduciary in 16
connection with the sale, and compensation, if any, to the 17
fiduciary for services in connection with the sale as the court 18
may fix, which costs, expenses, fees, and compensation shall be 19
paid prior to any liens upon the real property sold and 20

notwithstanding the purchase of the real property by a lien holder; 21
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(2) If the estate is insolvent or if, following the application and distribution of the sale proceeds under this section, the real and personal property in the possession or under the control of the executor or administrator of the estate is insufficient to pay the costs, expenses, or fees incurred by the executor or administrator in the course of administering the entire estate, including fees for services performed by attorneys employed by the executor or administrator in relation to the administration of the entire estate, a court may fix which of those costs, expenses, and fees, not to exceed five thousand dollars, in addition to the costs, expenses, fees, and compensation authorized by division (A) (1) of this section, shall be paid prior to any liens placed on or after the effective date of this amendment, upon the real property sold and notwithstanding the purchase of the real property by a lien holder. 23
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(B) To the payment of taxes, interest, penalties, and assessments then due against the real property, and to the payment of mortgages and judgments against the ward or deceased person, according to their respective priorities of lien, so far as they operated as a lien on the real property of the deceased at the time of the sale, or on the estate of the ward at the time of the sale, that shall be apportioned and determined by the court, or on reference to a master, or otherwise; 39
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(C) (1) In the case of an executor or administrator, the remaining proceeds of sale shall be applied as follows: 47
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(a) To the payment of legacies with which the real property of the deceased was charged, if the action is to sell 49
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real property to pay legacies;	51
(b) To discharge the claims and debts of the estate in the order provided by law.	52 53
(2) Whether the executor or administrator was appointed in this state or elsewhere, the surplus of the proceeds of sale shall be considered for all purposes as real property, and be disposed of accordingly.	54 55 56 57
Sec. 2329.01. (A) Lands and tenements, including vested legal interests therein, permanent leasehold estates renewable forever, and goods and chattels, not exempt by law, shall be subject to the payment of debts, and liable to be taken on execution and sold as provided in sections 2329.02 to 2329.61 of the Revised Code.	58 59 60 61 62 63
(B) As used in sections 2329.02 to 2329.61 of the Revised Code:	64 65
(1) "Commercial property" means any property that is not residential property.	66 67
(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.	68 69 70 71
(3) "Residential mortgage loan" and "residential property" have the same meanings as in section 2308.01 of the Revised Code.	72 73 74
(4) "Judgment debtor" includes any individual, corporation, business trust, estate, trust, partnership, or association.	75 76 77
<u>(5) "Sale date" means the day on which an auction for real</u>	78

estate concludes. 79

(6) "Start date" means the first day an auction for real estate is open for bidding to the public. 80
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Sec. 2329.151. Except as provided in sections 2329.152 to 82
2329.154 of the Revised Code, all public auctions of goods, 83
chattels, or lands levied upon by execution shall be conducted 84
personally by one of the following: 85

(A) An officer of the court; 86

(B) For the public auction of goods and chattels, a 87
resident of this state licensed as an auctioneer under Chapter 88
4707. of the Revised Code; 89

~~(C)~~ (1) For the public auction of lands, a private 90
selling officer who is not affiliated with or employed by either 91
of the following: 92

(a) A mortgagee or mortgage servicer; 93

(b) A subsidiary of a mortgagee or mortgage servicer. 94

(2) As used in division (C) (1) of this section, 95
"affiliated with" a mortgagee or mortgage servicer means a 96
person that, directly or indirectly, through one or more 97
intermediaries, controls, is controlled by, or is under common 98
control with, the specified mortgagee or mortgage servicer. 99

(3) Nothing in this section shall be construed to prohibit 100
a mortgagee or mortgage servicer from engaging in a regular 101
course of business with an independent private selling officer. 102

Sec. 2329.152. (A) In every action demanding the judicial 103
or execution sale of real estate in which the debtor has failed 104
to plead or otherwise defend as provided by the Rules of Civil 105

Procedure, the judgment creditor may elect that the real estate 106
be sold at a public auction by a private selling officer. If the 107
judgment creditor elects to have the real estate sold by the 108
private selling officer, the judgment creditor shall file with 109
the clerk of the court a praecipe directing the issuance of an 110
order of sale to the private selling officer. A judgment 111
creditor may specify multiple private selling officers in the 112
praecipe, any of which may conduct the sale. 113

In every other action demanding the judicial or execution 114
sale of real estate, the county sheriff shall sell the real 115
estate at a public auction, unless the judgment creditor files a 116
motion with the court for an order authorizing a specified 117
private selling officer to sell the real estate at a public 118
auction. If the court authorizes a private selling officer to 119
sell the real estate, the judgment creditor may seek to have the 120
property sold by the private selling officer authorized by the 121
court or by the county sheriff. If the judgment creditor elects 122
to have the property sold by the private selling officer 123
authorized by the court, the judgment creditor shall file with 124
the clerk of the court a praecipe requesting the issuance of an 125
order of ~~appraisal to the sheriff and an order of sale to the~~ 126
private selling officer authorized by the court. ~~Upon~~ 127

Upon the filing of ~~that~~ the praecipe, the clerk of the 128
court shall immediately issue ~~both of the following:~~ 129

~~(1) An order of appraisal to the sheriff, who shall obtain~~ 130
~~an appraisal of the real estate in conformity with sections~~ 131
~~2329.17 and 2329.18 of the Revised Code;~~ 132

~~(2) An an order of sale to the private selling officer,~~ 133
~~who, after the return or determination of the appraisal, shall~~ 134
advertise and sell the real estate in conformity with applicable 135

provisions of sections 2329.01 to 2329.61 of the Revised Code_ 136
using the appraised value established under section 2329.17 of 137
the Revised Code. 138

Within ten days after the issuance of an order of sale to 139
a private selling officer, any lienholder who is a party to the 140
action may file a motion with the court objecting to the use of 141
the private selling officer. If such motion is filed within ten 142
days after the issuance of the order of sale and the court 143
determines there is good and reasonable cause, as defined in 144
this division, the court may order that the sale be reset, 145
republished, and conducted by the county sheriff. 146

As used in this division, "good and reasonable cause" 147
means that the lienholder is more likely to have its lien 148
satisfied, in whole or in part, if the sale is conducted by the 149
county sheriff. 150

(B) (1) As used in this division: 151

(a) "Business day" means a calendar day that is not a 152
Saturday or Sunday or a legal holiday as defined in section 1.14 153
of the Revised Code. 154

(b) "Remote bid" means a bid submitted in writing via 155
facsimile, electronic mail, or overnight delivery or courier. 156

(2) If the sale of the real estate is conducted at a 157
physical location and not online, then each judgment creditor 158
and lienholder who was a party to the action may submit a remote 159
bid to the sheriff or the private selling officer. Each sheriff 160
and private selling officer shall establish and maintain a 161
facsimile number or an electronic mail address for use by 162
judgment creditors and lienholders in submitting remote bids. 163
Each remote bid shall be of a fixed maximum amount and shall be 164

delivered to the sheriff or private selling officer on or before 165
four-thirty p.m. on the business day immediately preceding the 166
~~date of the sale~~ date. 167

(3) Before the sale, the sheriff or the private selling 168
officer shall confirm receipt of the remote bid by sending 169
notice of such receipt via facsimile or electronic mail to the 170
judgment creditor or lienholder who submitted the remote bid. 171
During the sale, the sheriff or the private selling officer 172
shall place the remote bid on behalf of the judgment creditor or 173
lienholder who submitted the remote bid. After the sale, the 174
sheriff or the private selling officer shall provide notice of 175
the results of the sale not later than the close of business on 176
the day of the sale to all judgment creditors and lienholders 177
who submitted remote bids. Such notice shall be sent via 178
facsimile or electronic mail to the judgment creditor or 179
lienholder or by posting the results of the sale on a public web 180
site. 181

(4) If a sheriff or private selling officer fails to place 182
a remote bid on behalf of a judgment creditor or lienholder to 183
the prejudice of the judgment creditor or lienholder, then, upon 184
the filing of a motion to vacate the sale within ten business 185
days after the sale date, the sale shall be vacated. 186

(C) (1) A judgment creditor that obtains a court order 187
authorizing a specified private selling officer to sell the real 188
estate at a public auction pursuant to division (A) of this 189
section may instruct the private selling officer to postpone the 190
sale of the real estate one or more times, provided, however 191
that all rescheduled sale dates shall be within one hundred 192
eighty days of the initial sale date. Upon receiving this 193
instruction, the private selling officer shall postpone the sale 194

of the real estate by announcing that the sale is postponed. If 195
the sale is at a physical location, this announcement shall be 196
made at the sale and shall include the date, time, and place of 197
the rescheduled sale of the real estate. If the sale is online, 198
this announcement shall be made on the auction web site and 199
shall include the date of the rescheduled sale of real estate. 200
Each such announcement shall be deemed to meet the notice 201
requirement in section 2329.26 of the Revised Code. 202

(2) If the judgment creditor does not wish to postpone the 203
sale of the real estate, the judgment creditor may instruct the 204
private selling officer to cancel the sale of the real estate. 205
Upon receiving this instruction, the private selling officer 206
shall cancel the sale of the real estate by announcing that the 207
sale is canceled. If the sale is at a physical location, this 208
announcement shall be made at the sale. If the sale is online, 209
this announcement shall be made on the auction web site and 210
shall remain posted there until at least the end of the ~~seven-~~ 211
~~calendar-day~~ three-calendar-day bidding period described in 212
division (E) (1) (a) of this section ~~2329.152 of the Revised Code~~. 213

(3) If the sale of the real estate is postponed or 214
canceled as described in divisions (C) (1) and (2) of this 215
section, all bids made on the real estate prior to the 216
postponement or cancellation of the sale shall be void. 217

(D) (1) If the judgment creditor obtains a court order to 218
have the real estate sold by a private selling officer, then: 219

(a) ~~The~~ Except as otherwise provided in division (B) (5) of 220
section 2329.17 of the Revised Code, the cost of the appraisal- 221
appraisals required by that section ~~2329.17 of the Revised Code-~~ 222
shall be taxed as costs in the case. 223

(b) The cost of the advertisement in a newspaper of 224
general circulation as required by section 2329.26 of the 225
Revised Code shall be taxed as costs in the case. 226

(c) The fee charged by the private selling officer and all 227
costs incurred by the private selling officer other than the 228
costs described in divisions (D) (1) (a) and (b) of this section 229
shall be taxed as costs in the case up to an amount equal to one 230
and one-half per cent of the sale price of the real estate. To 231
the extent the fees and costs described in division (D) (1) (c) of 232
this section exceed one and one-half per cent of the sale price 233
of the real estate, they shall not be included in the amount 234
necessary to redeem real estate under section 2329.33 of the 235
Revised Code or in the calculation of any deficiency judgment 236
under section 2329.08 of the Revised Code ~~but rather.~~ Rather, 237
the fees and costs shall be paid by the buyer of the property, 238
the judgment creditor, or from the judgment creditor's portion 239
of the proceeds of the sale in an amount not exceeding ten per 240
cent of the sale price of the real estate. 241

(2) The private selling officer shall file with the court 242
that issued the order of sale an itemized report of all 243
appraisal, publication, marketing, and other expenses of a sale 244
conducted under this section and all fees charged by the private 245
selling officer for marketing the real estate or conducting the 246
sale of the real estate, including the fee charged by the title 247
agent or title insurance company for administrative services, if 248
applicable, and title, escrow, and closing services. Each filing 249
of such itemized report shall be deemed to meet the writ of 250
execution requirement in section 2329.28 of the Revised Code. 251

(E) (1) The private selling officer who conducts a sale 252
under this section may do any of the following: 253

(a) Market the real estate and conduct the public auction 254
of the real estate online or at any physical location in the 255
county in which the real estate is situated. If the auction 256
occurs online, the auction shall be open for bidding for a 257
minimum of ~~seven~~three calendar days, counted by excluding the 258
day the auction is first open for bidding and, notwithstanding 259
section 1.14 of the Revised Code, including all subsequent days. 260
The online auction shall be conducted in a manner so that all 261
bids are publicly displayed upon entry by the bidder throughout 262
the bidding period described in division (E) (1) (a) of this 263
section. 264

(b) Hire a title insurance agent licensed under Chapter 265
3953. of the Revised Code or title insurance company authorized 266
to do business under that chapter to assist the private selling 267
officer in performing administrative services; 268

(c) Execute to the purchaser, or to the purchaser's legal 269
representatives, a deed of conveyance of the real estate sold; 270

(d) Record on behalf of the purchaser the deed conveying 271
title to the real estate sold, notwithstanding that the deed may 272
not actually have been delivered to the purchaser prior to its 273
recording. 274

(2) By placing a bid at a sale conducted pursuant to this 275
section, a purchaser appoints the private selling officer who 276
conducts the sale as agent of the purchaser for the sole purpose 277
of accepting delivery of the deed. 278

(3) The private selling officer who conducts the sale 279
shall hire a title insurance agent licensed under Chapter 3953. 280
of the Revised Code or title insurance company authorized to do 281
business under that chapter to perform title, escrow, and 282

closing services related to the sale of the real estate.	283
(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.	284 285 286 287 288 289 290
Sec. 2329.153. (A) Not later than ninety days after the effective date of this section <u>September 28, 2016</u> , the department of administrative services shall solicit competitive sealed proposals for the creation, operation, and maintenance of the official public sheriff sale web site and an integrated auction management system. The official public sheriff sale web site and integrated auction management system shall be a single statewide system for use by all county sheriffs in accordance with the requirements of this section.	291 292 293 294 295 296 297 298 299
(B) The official public sheriff sale web site shall meet the following minimum requirements:	300 301
(1) The web site shall have a domain name relevant to the judicial sale of real property.	302 303
(2) The web site shall be limited to the judicial sale of real property located in this state.	304 305
(3) The web site shall not charge a fee for members of the public to view properties for sale.	306 307
(4) The web site shall allow each county sheriff to add text, images, or graphics to the web site for the purpose of identifying the county or sheriff conducting the sale.	308 309 310

(5) The web site shall include industry-standard features 311
and functionality, including user guides, online financial 312
transaction device payments, anti-snipe functionality, watch 313
lists, electronic mail notifications, maximum bid limits, 314
automatic incremental bidding, and search and map features that 315
allow users to search by county, zip code, address, parcel 316
number, appraised value, party name, case number, and other 317
variables relevant to the judicial sale of real property. As 318
used in this section, "financial transaction device" has the 319
same meaning as in section 301.28 of the Revised Code. 320

(6) The web site shall include features that allow for the 321
cancellation of sales as required by law or court order and the 322
postponement of sales in accordance with divisions (E) (2) and 323
(3) of this section. 324

(7) The web site shall provide a secure payment processing 325
system that accepts online payments for property sold via the 326
web site and, in an efficient and cost-effective manner, 327
transfers those payments to the appropriate county official or 328
account. 329

(8) The web site shall include the ability for an attorney 330
or law firm to enter a bid in a representative capacity. 331

(9) The web site shall be integrated with the auction 332
management system described in division (C) of this section. 333

(C) The auction management system shall meet the following 334
minimum requirements: 335

(1) The auction management system shall have a role-based 336
workflow engine to assist in conducting sales on the web site, 337
capturing data, complying with all relevant laws, and managing 338
administrative processes related to the judicial sale of real 339

property in a timely, secure, and accurate manner. 340

(2) The auction management system shall record the data 341
necessary to meet the reporting requirements of section 2329.312 342
of the Revised Code. 343

(3) The auction management system shall be able to 344
generate documents required by the court ordering the sale or 345
related to the judicial sale of real property. 346

(4) The auction management system shall be able to record 347
fees, costs, deposits, and other money items with the objective 348
of ensuring an accurate accounting of moneys received and 349
disbursed in each judicial sale of real property. 350

(5) The auction management system shall be integrated with 351
the web site described in division (B) of this section. 352

(6) The auction management system shall conduct the sale 353
in a manner so that all bids are publicly displayed upon entry 354
by the bidder throughout the bidding period described in 355
division (E) (1) of this section. 356

(D) The license fee for the creation, operation, and 357
maintenance of the official public sheriff sale web site and 358
integrated auction management system shall be determined using a 359
per-transaction license fee model or a per-use license fee 360
model. The addition of a property to the official public sheriff 361
sale web site or the auction management system shall each be 362
deemed a transaction for purposes of determining the license 363
fee. The license fee applicable to each judicial sale of real 364
property shall be taxed as costs in the case. No additional 365
license fees shall be assessed to the county sheriff. 366

(E) (1) Not later than one year after ~~the effective date of~~ 367
~~this section~~ September 28, 2016, in all cases in which the 368

sheriff is ordered to conduct a judicial sale of real property, 369
the following shall occur: 370

(a) For residential property, the sale may be conducted on 371
the official public sheriff sale web site for a five-year period 372
beginning on the date the online system is fully operational. 373
After this five-year period sales shall be conducted on the 374
official public sheriff sale web site. 375

(b) For commercial property, the sale may be conducted on 376
the official public sheriff sale web site. 377

All sales conducted on the official public sheriff sale 378
web site shall be open for bidding for at least ~~seven~~three 379
days. 380

(2) If the sale of the real property is to be conducted on 381
the official public sheriff sale web site, the judgment creditor 382
may instruct the sheriff to postpone the sale of the real 383
property one time for up to one hundred eighty days after the 384
initial sale date. Upon receiving such instruction for 385
postponement, the sheriff shall postpone the sale of the 386
property by announcing on the official public sheriff sale web 387
site that the sale is postponed and giving notice of the 388
rescheduled sale date. This announcement shall be deemed to meet 389
the notice requirement of section 2329.26 of the Revised Code. 390

(3) If the judgment creditor does not wish to postpone the 391
sale of the real property, the judgment creditor may instruct 392
the sheriff to cancel the sale of the property. Upon receiving 393
this instruction, the sheriff shall cancel the sale of the 394
property by announcing on the official public sheriff sale web 395
site that the sale is canceled. This announcement shall remain 396
posted on the official public sheriff sale web site until at 397

least the end of the ~~seven-day~~ three-day bidding period 398
described in division (E) (1) of this section. 399

(4) If the sale of the real property is postponed or 400
canceled according to divisions (E) (2) and (3) of this section, 401
all bids made on the real property prior to the postponement or 402
cancellation of the sale shall be void. 403

(F) Pursuant to their authority in section 9.482 of the 404
Revised Code, counties may elect to enter into a shared services 405
agreement relating to the judicial sale of real property on the 406
official public sheriff sale web site. The shared services 407
agreement may seek to improve efficiency and reduce costs in the 408
judicial sale of real property by consolidating administrative 409
functions and processes. 410

Sec. 2329.17. (A) When execution is levied upon ~~lands and~~ 411
~~tenements~~ real property, the sheriff of the county where the 412
property taken in execution is situated shall call an inquest of 413
acquire appraisals from three disinterested freeholders, who are 414
residents of, and real property owners in, the county where the 415
~~lands~~ property taken in execution ~~are~~ is situated, who shall 416
appraise the property so levied upon, upon actual view. 417

(B) If the property to be appraised is residential 418
property, all of the freeholders following apply: 419

(1) Each appraisal shall be exterior-only. 420

(2) Each appraisal shall be conducted by an individual who 421
is licensed under either Chapter 4735. or 4763. of the Revised 422
Code and is not the sheriff, the private selling officer, or a 423
person affiliated with the sheriff or private selling officer. 424

(3) The cost of the appraisals shall not exceed an amount 425
that the sheriff determines is reasonable and customary for such 426

services. 427

(4) (a) The individuals selected by the sheriff to conduct 428
the appraisal shall return to the sheriff an estimate of the 429
value of the property in money within twenty-one fourteen 430
calendar days of after the issuance of the order of appraisal by 431
the clerk of the court. 432

(b) If the court has ordered or the clerk of the court has 433
issued an order for a private selling officer to advertise and 434
sell the appraised is responsible for the sale of the property, 435
the freeholders individuals selected by the sheriff shall also 436
deliver a an electronic copy of their the individuals' appraisal 437
to the private selling officer contemporaneously with their the 438
individuals' delivery of their the individuals' appraisal to the 439
sheriff. 440

(C) (5) If the freeholders individuals selected by the 441
sheriff under division (B) of this section do not deliver their 442
appraisal the appraisals within twenty-one fourteen calendar 443
days of after the issuance of the order of appraisal by the 444
clerk of the court as required by division (B) of this section, 445
then all both of the following shall occur apply: 446

(1) (a) The cost of the appraisal appraisals by the 447
freeholders individuals shall not be payable paid to the 448
freeholders individuals or taxed as costs in the case. 449

(2) (b) The appraised value of the property shall be the 450
most recent appraised value of the property as shown on the 451
records of the county auditor, unless, for good cause shown, the 452
court authorizes a separate appraisal of the property. 453

(3) The advertisement and sale of the property shall 454
proceed immediately in accordance with the order of 455

~~advertisement and sale issued by the clerk of the court.~~ 456

~~If a separate appraisal of the property is obtained, the~~ 457
~~cost of the appraisal shall be included as an expense of the~~ 458
~~sale pursuant to division (D) of section 2329.152 of the Revised~~ 459
~~Code.~~ 460

~~(D)~~(C) If the property to be appraised is commercial 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
in accordance with the timing or other requirements, if any, 464
that may be established for the sale. 465

~~(E)~~(D) The advertisement and sale of real property 466
described in this section shall proceed immediately in 467
accordance with the order of advertisement and sale issued by 468
the clerk of the court. 469

(E) The municipal corporation or township in which the 470
real property is situated may inspect prior to the judicial sale 471
any structures located on ~~lands subject to a writ of execution~~ 472
such real property. 473

Sec. 2329.18. (A) If a court has ordered or the clerk of a 474
court has issued an order for the sheriff to advertise and sell 475
the real estate ~~for which the appraised value has been~~ 476
~~determined pursuant to section 2329.17 of the Revised Code,~~ 477
the sheriff shall ~~deposit a copy of the appraisal with the clerk of~~ 478
~~the court from which the writ was issued, and immediately~~ 479
advertise and sell ~~such the~~ real estate in conformity with 480
sections 2329.01 to 2329.61 of the Revised Code. 481

(B) If the court has ordered or the clerk of the court has 482
issued an order for a private selling officer to advertise and 483
sell the real estate ~~for which the appraised value has been~~ 484

~~determined pursuant to section 2329.17 of the Revised Code,~~ the 485
private selling officer shall immediately advertise and sell the 486
real estate in conformity with sections 2329.01 to 2329.61 of 487
the Revised Code. 488

Sec. 2329.19. ~~Upon the determination of the appraised~~ 489
~~value pursuant to section 2329.17 of the Revised Code, if~~ If it 490
appears that two-thirds of the appraised value, as established 491
pursuant to section 2329.17 of the Revised Code, of the ~~lands~~ 492
~~and tenements~~ real property levied upon is sufficient to satisfy 493
the execution, with costs, the judgment on which the execution 494
issued shall not operate as a lien on the residue of the 495
debtor's estate to the prejudice of any other judgment creditor. 496

Sec. 2329.20. Except as otherwise provided in this section 497
or sections 2329.51 and 2329.52 of the Revised Code, no tract of 498
land shall be sold for less than two-thirds the amount of the 499
appraised value as ~~determined~~ established pursuant to section 500
2329.17 of the Revised Code. In all cases in which a junior 501
mortgage or other junior lien is sought to be enforced against 502
real estate by an order, judgment, or decree of court, subject 503
to a prior lien thereon, and such prior lien, and the claims or 504
obligations secured thereby, are unaffected by such order, 505
judgment, or decree, the court making such order, judgment, or 506
decree, may determine the minimum amount for which such real 507
estate may be sold. In such a case, the minimum amount shall be 508
not less than two-thirds of the difference between the appraised 509
value of the real estate as ~~determined~~ established in that 510
section, and the amount remaining unpaid on the claims or 511
obligations secured by such prior lien. 512

Sec. 2329.211. (A) (1) In every action demanding the 513
judicial or execution sale of residential property, if the 514

judgment creditor is the purchaser at the sale, the purchaser 515
shall not be required to make a sale deposit. All other 516
purchasers shall make a sale deposit as follows: 517

(a) If the appraised value of the residential property is 518
less than or equal to ten thousand dollars, the deposit shall be 519
two thousand dollars. 520

(b) If the appraised value of the residential property is 521
greater than ten thousand dollars but less than or equal to two 522
hundred thousand dollars, the deposit shall be five thousand 523
dollars. 524

(c) If the appraised value of the residential property is 525
greater than two hundred thousand dollars, the deposit shall be 526
ten thousand dollars. 527

(2) The timing of the deposit and other payment 528
requirements shall be established by the court or the person 529
conducting the sale and included in the advertisement of the 530
sale. If the purchaser fails to meet the timing or other 531
requirements of the deposit, the sale shall be invalid and the 532
residential property may be brought to sale on ~~the provisional~~ 533
~~second sale~~ any subsequent start date, if any, described in 534
division (B) of section 2329.52 of the Revised Code, and 535
included in the notice required by division (A) (1) (a) (i) of 536
section 2329.26 of the Revised Code. 537

(3) If the sale is held online, the deposit may be made by 538
a financial transaction device as defined in section 301.28 of 539
the Revised Code. 540

(B) In every action demanding the judicial or execution 541
sale of commercial property, the purchaser at the sale shall 542
make a deposit pursuant to the requirements, if any, established 543

for the sale. 544

Sec. 2329.26. (A) Lands and tenements taken in execution 545
shall not be sold until all of the following occur: 546

(1) (a) Except as otherwise provided in division (A) (1) (b) 547
of this section, the judgment creditor who seeks the sale of the 548
lands and tenements or the judgment creditor's attorney does 549
both of the following: 550

(i) Causes a written notice to be served in accordance 551
with divisions (A) and (B) of Civil Rule 5 upon the judgment 552
debtor and upon each other party to the action in which the 553
judgment giving rise to the execution was rendered. Such notice 554
shall include the start date, time, and place of the sale if the 555
sale is to be held at a physical location or the start date and 556
web site address of the sale if the sale is to be held online. 557
Such notice shall also include ~~the provisional second sale~~ any 558
subsequent start date described in division (B) of section 559
2329.52 of the Revised Code, if applicable. 560

(ii) At least seven calendar days prior to the sale date 561
~~of the sale~~, files with the clerk of the court that rendered the 562
judgment giving rise to the execution a copy of the written 563
notice described in division (A) (1) (a) (i) of this section with 564
proof of service endorsed on the copy in the form described in 565
division (B) of Civil Rule 5. 566

(b) Service of the written notice described in division 567
(A) (1) (a) (i) of this section is not required to be made upon any 568
party who is in default for failure to appear in the action in 569
which the judgment giving rise to the execution was rendered. 570

(2) One of the following applies: 571

(a) The officer taking the lands and tenements gives 572

public notice once a week for at least three consecutive weeks 573
~~before the day of sale if the sale is to be held at a physical~~ 574
~~location or the start date of the sale if the sale is to be~~ 575
~~conducted online~~ date. The last date of publication shall be four 576
or more calendar days prior to the sale date. 577

~~Such~~ Except as otherwise provided in division (C) of this 578
section, the first such notice, occurring at least three weeks 579
before the sale date, shall be by advertisement in a newspaper 580
of general circulation in the county. The newspaper shall meet 581
the requirements of section 7.12 of the Revised Code. The court 582
ordering the sale may designate in the order of sale the 583
newspaper in which this public notice shall be published. 584

Subsequent notices required by division (A) (2) (a) of this 585
section may be made on the web site of the officer conducting 586
the sale, a web site maintained by the officer for that purpose, 587
or, at the sole discretion of the officer, in a newspaper of 588
general circulation in the county. 589

The ~~notice~~ notices shall include all the following 590
information: 591

(i) The date, time, and place of the sale if the sale is 592
to be held at a physical location; 593

(ii) The start date, the minimum duration, and web site 594
address of the sale if the sale is to be held online; 595

(iii) The deposit required by section 2329.211 of the 596
Revised Code; 597

(iv) That the purchaser shall be responsible for those 598
costs, allowances, and taxes that the proceeds of the sale are 599
insufficient to cover; 600

(v) The Information meeting the requirements of division 601
(A) (2) (a) (i) or (ii) of this section, as applicable to where the 602
sale is to be held, for any subsequent provisional ~~second~~-sale 603
date described in division (B) of section 2329.52 of the Revised 604
Code, if applicable; provided, however, that no sale shall be 605
invalid, nor shall the court vacate any sale, if the notice 606
described in division (A) (1) (a) (i) of this section or the public 607
notice described in division (A) (2) of this section fails to 608
include the provisional sale date for a ~~second~~-subsequent sale 609
of the property and the property is sold on the initial sale 610
date. 611

(vi) The notices required by division (A) (2) of this 612
section need not include a description of the property in metes 613
and bounds. 614

(b) If-Except as provided in division (B) of this section, 615
if a private selling officer has been ordered to sell the lands 616
and tenements, the private selling officer shall give the public 617
notice described in division (A) (2) (a) of this section-in the 618
newspaper designated by the court. If the court has not- 619
designated a newspaper, the private selling officer shall give- 620
this public notice in the newspaper customarily used or- 621
designated by the county sheriff, except that the online notices 622
required by that division may be posted to the private selling 623
officer's web site, or a web site maintained by the private 624
selling officer for those purposes, rather than the sheriff's 625
web site, or a web site maintained by the sheriff for those 626
purposes. No sale that otherwise complies with division (A) (2) 627
of this section shall be invalid. 628

(B) Any officer taking lands and tenements in execution 629
that are advertised and offered for sale but unsold for want of 630

bidders may advertise any subsequent sale in any method the 631
officer finds suitable, which may include online advertisement 632
instead of print. Any such advertisement of a subsequent sale 633
shall be deemed to meet the notice requirement in division (A) 634
of this section. 635

(C) (1) A sheriff or private selling officer shall not 636
charge or include as an expense of the sale any amount for 637
publishing notice on the sheriff's or private selling officer's 638
web site or a web site maintained by the sheriff or private 639
selling officer for those purposes. 640

(2) If the court ordering the sale designates the 641
newspaper in which the public notice is to be published, and the 642
sheriff or private selling officer is unable to publish notice 643
in that newspaper, then the sheriff or private selling officer 644
may publish notice in another newspaper of general circulation 645
in the county. 646

(3) If the sheriff or private selling officer, despite 647
reasonable efforts, is unable to find a newspaper of general 648
circulation in the county that will publish notice of the sale, 649
subject to division (C) (1) of this section, the sheriff or 650
private selling officer may instead publish notice of the sale 651
on a sheriff's or private selling officer's web site, or a web 652
site maintained by the sheriff or private selling officer for 653
those purposes. 654

(D) The sheriff or private selling officer taking the 655
lands and tenements shall collect the purchaser's information 656
required by section 2329.271 of the Revised Code. 657

~~(C)~~ (E) A sale of lands and tenements taken in execution 658
may be set aside in accordance with ~~division (A) or (B) of~~ 659

section 2329.27 of the Revised Code. 660

Sec. 2329.27. (A) ~~When the public notice required by~~ 661
~~division (A) (2) of section 2329.26 of the Revised Code is made~~ 662
~~in a newspaper published weekly, it is sufficient to insert it~~ 663
~~for three consecutive weeks. If both a daily and weekly edition~~ 664
~~of the paper are published and the circulation of the daily in~~ 665
~~the county exceeds that of the weekly in the county, or if the~~ 666
~~lands and tenements taken in execution are situated in a city,~~ 667
~~both a daily and weekly edition of the paper are published, and~~ 668
~~the circulation of the daily in that city exceeds the~~ 669
~~circulation of the weekly in that city, it is sufficient to~~ 670
~~publish the public notice in the daily once a week for three~~ 671
~~consecutive weeks before the day of sale, each insertion to be~~ 672
~~on the same day of the week. The expense of that publication in~~ 673
~~a daily shall not exceed the cost of publishing it in a weekly.~~ 674

~~(B) (1) Subject~~ Except as provided in division (B) of 675
section 2329.26 of the Revised Code and subject to divisions ~~(B)~~ 676
~~(2) (B) and (3) (C)~~ of this section, all sales of lands and 677
tenements taken in execution that are made without compliance 678
with the written notice requirements of division (A) (1) (a) of 679
section 2329.26 of the Revised Code, the public notice 680
requirements of division (A) (2) of that section, and the notice 681
requirements of section 2329.261 of the Revised Code, the 682
purchaser information requirements of section 2329.271 of the 683
Revised Code, ~~and division (A) of this section~~ shall be set 684
aside, on motion by any interested party, by the court to which 685
the execution is returnable. 686

~~(2) (B)~~ Proof of service endorsed upon a copy of the 687
written notice required by division (A) (1) (a) of section 2329.26 688
of the Revised Code shall be conclusive evidence of the service 689

of the written notice in compliance with the requirements of 690
that division, unless a party files a motion to set aside the 691
sale of the lands and tenements pursuant to division ~~(B) (1)~~ (A) 692
of this section and establishes by a preponderance of the 693
evidence that the proof of service is fraudulent. 694

~~(3)~~ (C) If the court to which the execution is returnable 695
enters its order confirming the sale of the lands and tenements, 696
the order shall have both of the following effects: 697

~~(a)~~ (1) The order shall be deemed to constitute a judicial 698
finding as follows: 699

~~(i)~~ (a) That the sale of the lands and tenements complied 700
with the written notice requirements of division (A) (1) (a) of 701
section 2329.26 of the Revised Code and the public notice 702
requirements of division (A) (2) of that section, and section 703
2329.261 of the Revised Code, ~~and division (A) of this section,~~ 704
or that compliance of that nature did not occur but the failure 705
to give a written notice to a party entitled to notice under 706
division (A) (1) (a) of section 2329.26 of the Revised Code has 707
not prejudiced that party; 708

~~(ii)~~ (b) That all parties entitled to notice under 709
division (A) (1) (a) of section 2329.26 of the Revised Code 710
received adequate notice of the date, time, and place of the 711
sale of the lands and tenements; 712

~~(iii)~~ (c) That the purchaser has submitted the contact 713
information required by section 2329.271 of the Revised Code. 714

~~(b)~~ (2) The order bars the filing of any further motions 715
to set aside the sale of the lands and tenements. 716

Sec. 2329.312. (A) All levying officers appointed or 717
authorized by a court under this chapter to conduct the judicial 718

or execution sale of residential property consisting of one to 719
four single-family units shall submit quarterly reports to the 720
attorney general. The reports shall include data on each such 721
sale conducted by the officer, including data showing whether or 722
not the deadlines required under division (E) of section 723
2308.02, ~~division (B) of section 2329.17,~~ and sections 2329.30 724
and 2329.31 of the Revised Code are met. 725

(B) The attorney general shall make the information 726
included in the reports described in division (A) of this 727
section publicly available. 728

Sec. 2329.52. (A) Except as otherwise provided in division 729
(B) of this section, when premises are ordered to be sold, if 730
said premises, or a part thereof, remain unsold for want of 731
bidders after having been once appraised, advertised, and 732
offered for sale, the court from which the order of sale issued 733
may, on motion of the plaintiff or defendant and from time to 734
time until said premises are disposed of, order a new 735
appraisement and sale or direct the amount for which said 736
premises, or a part thereof, may be sold. 737

The court may order that the premises be sold as follows: 738
One third cash in hand, one third in nine months from the day of 739
sale, and the remaining one third in eighteen months from the 740
day of sale, the deferred payments to draw interest at six per 741
cent and be secured by a mortgage on the premises. 742

(B) (1) When a residential property is ordered to be sold 743
pursuant to a residential mortgage loan foreclosure action, if 744
the property remains unsold after the first auction, then a 745
~~second~~ subsequent auction shall be held and the property shall 746
be sold to the highest bidder without regard to the minimum bid 747
requirement in section 2329.20 of the Revised Code, but subject 748

to section 2329.21 of the Revised Code relating to costs, 749
allowances, and real estate taxes, or disposed of in any other 750
manner pursuant to this chapter or any other provision of the 751
Revised Code. ~~This second~~ Any subsequent auction shall be held 752
not earlier than ~~seven~~ three days and not later than thirty days 753
after the ~~first~~ previous auction sale date. ~~A residential~~ 754
~~property that remains unsold after two auctions may be~~ 755
~~subsequently offered for sale without regard to the minimum bid~~ 756
~~requirement in section 2329.20 of the Revised Code, but subject~~ 757
~~to section 2329.21 of the Revised Code relating to costs,~~ 758
~~allowances, and real estate taxes, or disposed of in any other~~ 759
~~manner pursuant to this chapter or any other provision of the~~ 760
~~Revised Code.~~ 761

(2) For purposes of division (B)(1) of this section, the 762
first day an online auction is open for bidding shall be 763
considered the start date ~~of the auction~~. 764

Sec. 5721.10. Except as otherwise provided under section 765
2127.38 or 5301.93, or sections 5721.30 to 5721.43 of the 766
Revised Code, the state shall have the first lien on the lands 767
and lots described in the delinquent land list, for the amount 768
of taxes, assessments, interest, and penalty charged prior to 769
the delivery of such list. If the taxes have not been paid for 770
one year after having been certified as delinquent, the state 771
shall institute foreclosure proceedings in the manner provided 772
by section 323.25, sections 323.65 to 323.79, or sections 773
5721.01 to 5721.28 of the Revised Code, unless a tax certificate 774
respecting that property has been sold or assigned under section 775
5721.32 or 5721.33 of the Revised Code, or unless such taxes are 776
the subject of a valid delinquent tax contract under section 777
323.31 of the Revised Code for which the county treasurer has 778
not made certification to the county auditor that the delinquent 779

tax contract has become void. The court shall levy, as costs in 780
the foreclosure proceedings instituted on the certification of 781
delinquency, the cost of an abstract or certificate of title to 782
the property described in the certification, if it is required 783
by the court, to be paid into the general fund of the county. 784
Sections 5721.01 to 5721.28 of the Revised Code do not prevent 785
the partial payment of such delinquent taxes, assessments, 786
interest, and penalty during the period the delinquency is being 787
discharged in accordance with a delinquent tax contract under 788
section 323.31 of the Revised Code, but the partial payments may 789
be made and received as provided by law without prejudice to the 790
right of the state to institute foreclosure proceedings for any 791
amount then remaining unpaid, if the county treasurer certifies 792
to the county auditor that the delinquent tax contract has 793
become void. 794

Section 2. That existing sections 2127.38, 2329.01, 795
2329.151, 2329.152, 2329.153, 2329.17, 2329.18, 2329.19, 796
2329.20, 2329.211, 2329.26, 2329.27, 2329.312, 2329.52, and 797
5721.10 of the Revised Code are hereby repealed. 798