



January 22, 2024

The Honorable Nathan Manning
Judiciary Committee Chair
Ohio Statehouse
Columbus, Ohio 43215

Chair Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson and members of the Senate Judiciary Committee, thank you for allowing the Coalition of Ohio Daily Law Journals, which represents the interests of the daily legal newspapers in Ohio, to address our concerns regarding Senate Bill 25.

This bill originally included a provision to eliminate the requirement that notice of a foreclosure or execution be published in a newspaper of general circulation in the county in which the property is located, stating that the sale could be advertised “in any method that the (private selling) officer finds suitable,” which may include online-only advertisements.

Recently, an amendment was proposed to alter that portion of the bill to state that a newspaper could print the first insertion of a notice ... but it would have to do so for under \$50, and if no newspaper would provide the service for that amount the private selling officer could post the notice on his own website. Since it is highly unlikely that newspapers would be able to take ads at such a rate, the amendment effectively precludes any chance of future printed notices covered by this legislation. It’s doubtful the private selling officer is willing to take a flat dollar amount for his work, much less a flat dollar amount that is a fraction of the value of his service. Why then would such a stipulation be made for newspaper advertising? There is only one answer. The private selling officer does not want to advertise in a newspaper: He wants to advertise on his own website, at virtually no cost and retain as much profit as he can.

Currently, these notices are published in newspapers of general circulation — generally at very reasonable costs for the product/services rendered — and the newspapers then submit the notices to the one state legislature-mandated public notice website which allows free access to all. Keep in mind that at least some of the newspapers create the notices, send them to the customers for approval/corrections and ultimately file notarized affidavits with the courts ensuring that this important step of due process was performed according to law.

The printed notice is a long-recognized and accepted method of informing Ohioans that they are at risk of losing their property. It is proof that due process was provided in an accurate and timely manner. Providing unbiased third-party oversight, printed newspapers create a permanent, unalterable record of public notices. This is absolutely not possible with online-only notices on any website, much less potentially dozens of private selling officers’ websites throughout the state.

The elimination of printed notices will not save the taxpayer — nor government entities — any money; those costs are included in basic court costs paid by the party initiating the action. The entities saving money are the private selling officers organizing and conducting the sales who are being given the liberty of advertising in whatever manner they choose, whether it is to the detriment of the land owner or not. The

structured sheriff's sale process that was known and understood by many for decades, if not centuries, now has commercial competition that seemingly is changing the rules of due process.

Executions and foreclosures cannot in good conscience be advertised "in any method that the officer finds suitable." We urge you to strike SB 25's clauses eliminating print publication of these vital notifications or setting pricing structures for such and to allow newspapers to continue serving as a primary source for informing Ohioans of their civil rights. We provide public notices both in print and online, and interested parties know they can turn to us to find information that affects their daily lives.'

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in blue ink that reads "Cindy Shillingburg". The signature is written in a cursive, flowing style.

Cindy Shillingburg
Publisher, The Daily Reporter (Columbus, Ohio)
Representing the Coalition of Ohio Daily Law Journals