

**As Reported by the House Financial Institutions, Housing, and Urban
Development Committee**

131st General Assembly

**Regular Session
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Sub. H. B. No. 134

**Representatives Grossman, Curtin
Cosponsors: Representatives Becker, Antonio, Fedor, Lepore-Hagan, Blessing,
Hambley, Sheehy, Schuring**

A BILL

To amend sections 323.47, 1901.18, 1901.185, 1
2303.26, 2329.01, 2329.02, 2329.20, 2329.21, 2
2329.23, 2329.26, 2329.30, 2329.31, 2329.33,
2329.52, and 2909.07 and to enact sections 4
2308.01 to 2308.04, 2329.211, and 2329.311 of
5 the Revised Code to establish summary actions to
6 foreclose mortgages on vacant and abandoned
7 residential properties and to make other changes
8 relative to residential foreclosure actions. 9

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

Section 1. That sections 323.47, 1901.18, 1901.185, 10
2303.26, 2329.01, 2329.02, 2329.20, 2329.21, 2329.23, 2329.26, 11
2329.30, 2329.31, 2329.33, 2329.52, and 2909.07 be amended and 12
sections 2308.01, 2308.02, 2308.03, 2308.04, 2329.211, and 13
2329.311 of the Revised Code be enacted to read as follows: 14

Sec. 323.47. (A) If land held by tenants in common is sold 15
upon proceedings in partition, or taken by the election of any 16
of the parties to such proceedings, or real estate is sold by 17

administrators, executors, guardians, or trustees, the court 18
shall order that the taxes, penalties, and assessments then due 19
and payable, and interest on those taxes, penalties, and 20
assessments, that are or will be a lien on such land or real 21
estate at the time the deed is transferred following the sale, 22
be discharged out of the proceeds of such sale or election. For 23
purposes of determining such amount, the county treasurer shall 24
estimate the amount of taxes, assessments, interest, and 25
penalties that will be payable at the time the deed of the 26
property is transferred to the purchaser. If the county 27
treasurer's estimate exceeds the amount of taxes, assessments, 28
interest, and penalties actually payable when the deed is 29
transferred to the purchaser, the officer who conducted the sale 30
shall refund to the purchaser the difference between the 31
estimate and the amount actually payable. If the amount of 32
taxes, assessments, interest, and penalties actually payable 33
when the deed is transferred to the purchaser exceeds the county 34
treasurer's estimate, the officer shall certify the amount of 35
the excess to the treasurer, who shall enter that amount on the 36
real and public utility property tax duplicate opposite the 37
property; the amount of the excess shall be payable at the next 38
succeeding date prescribed for payment of taxes in section 39
323.12 of the Revised Code. 40

(B) (1) Except as provided in division (B) (3) of this 41
section, if real estate is sold at judicial sale, the court 42
shall order that the total of the following amounts shall be 43
discharged out of the proceeds of the sale but only to the 44
extent of such proceeds: 45

(a) Taxes and assessments the lien for which attaches 46
before the confirmation of sale but that are not yet determined, 47
assessed, and levied for the year in which confirmation occurs, 48

apportioned pro rata to the part of that year that precedes 49
confirmation, and any penalties and interest on those taxes and 50
assessments; 51

(b) All other taxes, assessments, penalties, and interest 52
the lien for which attached for a prior tax year but that have 53
not been paid on or before the date of confirmation. 54

~~(2) Upon the request of the officer who conducted the 55
sale, the county treasurer shall estimate the amount in division 56
(B)(1)(a) of this section. If the county treasurer's estimate 57
exceeds that amount, the officer who conducted the sale shall 58
refund to the purchaser the difference between the estimate and 59
the actual amount. If the actual amount exceeds the county 60
treasurer's estimate, the officer shall certify the amount of 61
the excess to the treasurer, who shall enter that amount on the 62
real and public utility property tax duplicate opposite the 63
property; the amount of the excess shall be payable at the next 64
succeeding date prescribed for payment of taxes in section 65
323.12 of the Revised Code.~~ The purchaser of real estate at a 66
judicial sale is responsible for payment of any and all taxes 67
and assessments, and any penalties and interest on those taxes 68
and assessments, that attach as of the day following the date of 69
the sale, including taxes and assessments levied for the year in 70
which the sale occurred, apportioned pro rata after the date of 71
the judicial sale, and any penalties and interest on those taxes 72
and assessments. 73

(3) The amounts described in division (B)(1) of this 74
section shall not be discharged out of the proceeds of a 75
judicial sale, but shall instead be deemed to be satisfied and 76
extinguished upon confirmation of sale, if both of the following 77
conditions apply: 78

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

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

Sec. 1901.18. (A) Except as otherwise provided in this division or section 1901.181 of the Revised Code, subject to the monetary jurisdiction of municipal courts as set forth in section 1901.17 of the Revised Code, a municipal court has original jurisdiction within its territory in all of the following actions or proceedings and to perform all of the following functions:

(1) In any civil action, of whatever nature or remedy, of which judges of county courts have jurisdiction;

(2) In any action or proceeding at law for the recovery of money or personal property of which the court of common pleas has jurisdiction;

(3) In any action at law based on contract, to determine, preserve, and enforce all legal and equitable rights involved in the contract, to decree an accounting, reformation, or cancellation of the contract, and to hear and determine all legal and equitable remedies necessary or proper for a complete determination of the rights of the parties to the contract;

(4) In any action or proceeding for the sale of personal property under chattel mortgage, lien, encumbrance, or other

charge, for the foreclosure and marshalling of liens on personal 108
property of that nature, and for the rendering of personal 109
judgment in the action or proceeding; 110

(5) In any action or proceeding to enforce the collection 111
of its own judgments or the judgments rendered by any court 112
within the territory to which the municipal court has succeeded, 113
and to subject the interest of a judgment debtor in personal 114
property to satisfy judgments enforceable by the municipal 115
court; 116

(6) In any action or proceeding in the nature of 117
interpleader; 118

(7) In any action of replevin; 119

(8) In any action of forcible entry and detainer; 120

(9) In any action concerning the issuance and enforcement 121
of temporary protection orders pursuant to section 2919.26 of 122
the Revised Code or protection orders pursuant to section 123
2903.213 of the Revised Code or the enforcement of protection 124
orders issued by courts of another state, as defined in section 125
2919.27 of the Revised Code; 126

(10) If the municipal court has a housing or environmental 127
division, in any action over which the division is given 128
jurisdiction by section 1901.181 of the Revised Code, provided 129
that, except as specified in division (B) of that section, no 130
judge of the court other than the judge of the division shall 131
hear or determine any action over which the division has 132
jurisdiction; 133

(11) In any action brought pursuant to division (I) of 134
section 4781.40 of the Revised Code, if the residential premises 135
that are the subject of the action are located within the 136

territorial jurisdiction of the court; 137

(12) In any civil action as described in division (B)(1) 138
of section 3767.41 of the Revised Code that relates to a public 139
nuisance, and, to the extent any provision of this chapter 140
conflicts or is inconsistent with a provision of that section, 141
the provision of that section shall control in the civil action; 142

(13) In a proceeding brought pursuant to section 955.222 143
of the Revised Code by the owner of a dog that has been 144
designated as a nuisance dog, dangerous dog, or vicious dog. 145

(B) The Cleveland and Toledo municipal ~~court~~ courts also 146
shall have jurisdiction within ~~its~~ their territory in all of the 147
following actions or proceedings and to perform all of the 148
following functions: 149

(1) In all actions and proceedings for the sale of real 150
property under lien of a judgment of the municipal court or a 151
lien for machinery, material, or fuel furnished or labor 152
performed, irrespective of amount, and, in those actions and 153
proceedings, the court may proceed to foreclose and marshal all 154
liens and all vested or contingent rights, to appoint a 155
receiver, and to render personal judgment irrespective of amount 156
in favor of any party. 157

(2) In all actions for the foreclosure of a mortgage on 158
real property given to secure the payment of money or the 159
enforcement of a specific lien for money or other encumbrance or 160
charge on real property, when the amount claimed by the 161
plaintiff does not exceed fifteen thousand dollars and the real 162
property is situated within the territory, and, in those 163
actions, the court may proceed to foreclose all liens and all 164
vested and contingent rights and may proceed to render judgments 165

and make findings and orders between the parties in the same 166
manner and to the same extent as in similar actions in the court 167
of common pleas. 168

(3) In all actions for the recovery of real property 169
situated within the territory to the same extent as courts of 170
common pleas have jurisdiction; 171

(4) In all actions for injunction to prevent or terminate 172
violations of the ordinances and regulations of the city of 173
Cleveland or Toledo enacted or promulgated under the police 174
power of the city of Cleveland or Toledo, pursuant to Section 3 175
of Article XVIII, Ohio Constitution, over which the court of 176
common pleas has or may have jurisdiction, and, in those 177
actions, the court may proceed to render judgments and make 178
findings and orders in the same manner and to the same extent as 179
in similar actions in the court of common pleas. 180

Sec. 1901.185. (A) In addition to jurisdiction otherwise 181
granted in this chapter, the environmental division, where 182
established, of the municipal court shall have jurisdiction 183
within its territory in all of the following actions or 184
proceedings and to perform all of the following functions: 185

~~(A)~~ (1) To exercise exclusive original jurisdiction to hear 186
actions arising under section 3767.50 of the Revised Code and in 187
those actions to make findings and orders pertaining to blighted 188
parcels; 189

~~(B)~~ (2) When in aid of execution of a judgment of the 190
environmental division of the municipal court rendered pursuant 191
to section 3767.50 of the Revised Code, in actions for the 192
foreclosure of a mortgage on real property given to secure the 193
payment of money, or the enforcement of a specific lien for 194

money or other encumbrance or charge on real property, when the 195
real property is situated within the territory, to foreclose all 196
liens and all vested and contingent rights, render judgments, 197
and make findings and orders, between the parties, in the same 198
manner and to the same extent as in similar cases in the court 199
of common pleas. 200

(B) In addition to jurisdiction otherwise granted in this 201
chapter, the housing or environmental division, where 202
established, of the municipal court shall have jurisdiction 203
within its territory to exercise exclusive original jurisdiction 204
to hear actions arising under section 2308.02 of the Revised 205
Code and in those actions to make findings and orders pertaining 206
to vacant and abandoned properties pursuant to section 2308.02 207
of the Revised Code. 208

Sec. 2303.26. The clerk of the court of common pleas shall 209
exercise the powers conferred and perform the duties enjoined 210
upon ~~him~~ the clerk by statute and by the common law; and in the 211
performance of ~~his~~ official duties ~~he~~ the clerk shall be under 212
the direction of ~~his~~ such court. The clerk shall not restrict, 213
prohibit, or otherwise modify the rights of parties to seek 214
service on party defendants allowed by the Rules of Civil 215
Procedure, either singularly or concurrently. 216

Sec. 2308.01. As used in this chapter: 217

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

formed for the purpose of cooperative ownership of residential 225
property. 226

(B) "Residential property" means real property located 227
within this state consisting of land and a structure on that 228
land containing four or fewer dwelling units, each of which is 229
intended for occupancy by a separate household. "Residential 230
property" includes a residential condominium unit owned by an 231
individual, notwithstanding the number of units in the 232
structure, but does not include a manufactured or mobile home 233
that is not taxed as real property. 234

Sec. 2308.02. (A) For purposes of this section, a 235
residential property shall be considered vacant and abandoned if 236
both of the following apply: 237

(1) The owner of the residential property is in default on 238
the residential mortgage loan secured by the residential 239
property. 240

(2) Two or more of the following circumstances apply: 241

(a) At the time of the inspection of the land by the 242
appropriate official of a county, municipal corporation, or 243
township in which the land is located or by the holder of the 244
mortgage note, or the holder's representative, no person is 245
visibly present from an exterior inspection of the property. 246

(b) No utility connections, including water, sewer, 247
natural gas, or electric connections, service the property, or 248
no such utility connections are actively being billed by any 249
utility provider regarding the property. 250

(c) The property is sealed because, immediately prior to 251
being sealed, it was considered by the appropriate official to 252
be open, vacant, or vandalized. 253

(d) Junk, litter, trash, debris, or hazardous, noxious, or 254
unhealthy substances or materials have accumulated on the 255
property. 256

(e) Furnishings, window treatments, and personal items are 257
absent from the structure on the land. 258

(f) Neighbors, delivery persons, or government employees 259
provide statements indicating that the structure on the land is 260
vacant and abandoned. 261

(g) A risk to the health and safety or welfare of the 262
public, or any adjoining or adjacent property owners, exists due 263
to acts of vandalism, loitering, criminal conduct, or the 264
physical destruction or deterioration of the property. 265

(h) A mortgagor issues a written statement expressing 266
clear intent of all mortgagors to abandon the property. 267

(i) Any other reasonable indicia of abandonment exists. 268

(B) In addition to the procedures set forth in sections 269
323.65 to 323.79 and 3767.50 of the Revised Code, if a 270
residential mortgage loan is secured by residential property 271
that appears to be vacant and abandoned pursuant to division (A) 272
(2) of this section, and the owner of the residential property 273
is in default on the loan, the holder of the mortgage note for 274
that residential mortgage loan may bring a summary action in a 275
court of competent jurisdiction to foreclose that residential 276
mortgage loan. The holder of the mortgage note, at the time of 277
filing a foreclosure action or any time thereafter, may file 278
with the court a motion to proceed in a summary manner if the 279
residential property that is the subject of the foreclosure 280
action is believed to be vacant and abandoned. 281

(C) If, at the time that a holder of a mortgage note 282

brings an action to foreclose on a residential mortgage loan, 283
the holder files a motion for summary foreclosure under this 284
section, the court shall hear the motion for summary foreclosure 285
not earlier than before the period to answer the foreclosure 286
complaint has expired and not later than fifteen days after the 287
period to answer the foreclosure complaint has expired. If the 288
holder of the mortgage note files the motion for summary 289
foreclosure after the period to answer the foreclosure complaint 290
has expired, the court shall hear the motion not later than 291
fifteen days after the motion is filed. 292

(D) The hearing on a motion for summary foreclosure shall 293
be given priority by the court and shall be scheduled to be 294
heard within the applicable time period set forth in division 295
(C) of this section. 296

(E) In addition to the service of process required by the 297
Rules of Civil Procedure, to obtain an entry of judgment in a 298
residential mortgage loan foreclosure action under this section, 299
a holder of a mortgage note shall establish that a process 300
server or sheriff has made two unsuccessful attempts to serve 301
the mortgagor or occupant at the residential property. To 302
satisfy the requirement specified in this division, the holder 303
of the mortgage note shall demonstrate that the attempts were at 304
least forty-eight hours apart and during different times of the 305
day. 306

(F) In addition to any notices required to be served by 307
law or the Rules of Civil Procedure, a holder of a mortgage note 308
shall serve a notice that the holder is seeking, on the date 309
fixed by the court, to proceed summarily for entry of judgment 310
in a residential mortgage loan foreclosure action under this 311
section because the property is believed to be vacant and 312

abandoned. This notice shall be served by ordinary mail to the 313
mortgagor's last known address, and the sender shall obtain a 314
certificate of mailing. The notice shall be sent at least seven 315
days before the hearing described in division (C) of this 316
section occurs. Service by ordinary mail is complete when the 317
certificate of mailing is obtained, unless the notice is 318
returned showing failure of delivery. 319

(G) At the hearing held pursuant to division (C) of this 320
section, the court shall determine whether a property is vacant 321
and abandoned pursuant to the standards described in division 322
(A) of this section. The owner of the property may make an 323
appearance at this hearing and submit evidence that the property 324
is not vacant and abandoned. At the end of the hearing, the 325
court shall make a finding on whether the property owner is in 326
default on the residential mortgage loan secured by the 327
residential property and whether two or more of the 328
circumstances listed in division (A) (2) of this section apply to 329
the residential property. 330

(1) Not earlier than the expiration of the period of time 331
to answer the foreclosure complaint or the period of time to 332
respond to a motion for judgment under the Rules of Civil 333
Procedure, whichever period expires later, the court shall enter 334
a final judgment of foreclosure and order the sheriff to sell 335
the property in accordance with division (I) of this section if 336
the court finds by clear and convincing evidence that both of 337
the following apply: 338

(a) The property owner is in default on the residential 339
mortgage loan secured by the residential property. 340

(b) Two or more of the circumstances listed in division 341
(A) (2) of this section apply to the residential property and 342

those circumstances are not outweighed by the evidence submitted 343
by the property owner. 344

(2) A court shall not enter a final judgment in a 345
residential mortgage loan foreclosure action under this section 346
if a court finds that any of the following apply: 347

(a) The residential property is not vacant or abandoned 348
because either less than two of the circumstances listed in 349
division (A)(2) of this section apply or because the evidence 350
submitted by the property owner outweighs the circumstances 351
established. 352

(b) The mortgagor or any other defendant has filed an 353
answer, appearance, or other written objection that is not 354
withdrawn and the defenses or objection asserted provide cause 355
to preclude the entry of a final judgment. 356

(c) The property owner is not in default on the 357
residential mortgage loan secured by the residential property. 358

(H) Nothing in this section shall supersede or limit other 359
procedures adopted by the court to resolve residential mortgage 360
loan foreclosure actions, including foreclosure mediation. 361

(I) If the court enters a judgment on a residential 362
mortgage loan foreclosure action and orders a sale of the 363
property under division (G) of this section, the sheriff shall 364
sell the property within seventy-five days after the sheriff's 365
receipt of any writ of execution issued by the court in 366
accordance with the procedures specified in this chapter and 367
Chapter 2329. of the Revised Code. 368

(J) If a residential property becomes vacant and abandoned 369
after a decree of foreclosure has been entered, upon good cause 370
shown, the plaintiff may file a motion that the court determine 371

the property to be vacant and abandoned as described in division 372
(A) of this section and order the sheriff to sell it pursuant to 373
division (I) of this section. If a court finds that the 374
residential property is vacant and abandoned, the court shall 375
enter a judgment on the residential mortgage loan foreclosure 376
action under this section and the sheriff shall sell the 377
property in accordance with division (I) of this section. 378

Sec. 2308.03. (A) Except as otherwise provided in division 379
(B) of this section, if a residential property is found to be 380
vacant and abandoned under section 2308.02 of the Revised Code, 381
a holder of a mortgage note on the residential property may 382
enter that property to secure and protect it from damage. 383

(B) A holder of a mortgage note who has not filed a 384
residential mortgage loan foreclosure action on a property for 385
which the holder holds a mortgage may enter and secure that 386
property only if the mortgage contract or other documents 387
provide for such an entry. 388

(C) The equitable and statutory rights to redemption of a 389
mortgage on a property found to be vacant and abandoned pursuant 390
to section 2308.02 of the Revised Code expire upon the 391
confirmation of sale of the property. 392

Sec. 2308.04. A person who is an owner of residential 393
property who knowingly causes physical harm to that property 394
after the person has been personally served with a summons and 395
complaint in a residential mortgage loan foreclosure action 396
relating to that property is guilty of criminal mischief in 397
violation of section 2909.07 of the Revised Code. 398

Sec. 2329.01. (A) Lands and tenements, including vested 399
legal interests therein, permanent leasehold estates renewable 400

forever, and goods and chattels, not exempt by law, shall be 401
subject to the payment of debts, and liable to be taken on 402
execution and sold as provided in sections 2329.02 to 2329.61,~~—~~ 403
~~inclusive,~~ of the Revised Code. 404

(B) As used in sections 2329.02 to 2329.61 of the Revised 405
Code, "residential mortgage loan" and "residential property" 406
have the same meanings as in section 2308.01 of the Revised 407
Code. 408

Sec. 2329.02. (A) Any judgment or decree rendered by any 409
court of general jurisdiction, including district courts of the 410
United States, within this state shall be a lien upon lands and 411
tenements of each judgment debtor within any county of this 412
state from the time there is filed in the office of the clerk of 413
the court of common pleas of such county a certificate of such 414
judgment, setting forth the court in which the same was 415
rendered, the title and number of the action, the names of the 416
judgment creditors and judgment debtors, the amount of the 417
judgment and costs, the rate of interest, if the judgment 418
provides for interest, and the date from which such interest 419
accrues, the date of rendition of the judgment, and the volume 420
and page of the journal entry thereof. 421

(B) No such judgment or decree shall be a lien upon any 422
lands, whether or not situated within the county in which such 423
judgment is rendered, registered under sections 5309.02 to 424
5309.98,~~inclusive,~~ and 5310.01 to 5310.21,~~inclusive,~~ of the 425
Revised Code, until a certificate under the hand and official 426
seal of the clerk of the court in which the same is entered or 427
of record, stating the date and purport of the judgment, giving 428
the number of the case, the full names of the parties, plaintiff 429
and defendant, and the volume and page of the journal or record 430

in which it is entered, or a certified copy of such judgment, 431
stating such facts, is filed and noted in the office of the 432
county recorder of the county in which the land is situated, and 433
a memorial of the same is entered upon the register of the last 434
certificate of title to the land to be affected. 435

Such certificate shall be made by the clerk of the court 436
in which the judgment was rendered, under the seal of said 437
court, upon the order of any person in whose favor such judgment 438
was rendered or upon the order of any person claiming under ~~him~~ 439
a person in whose favor such judgment was rendered, and shall be 440
delivered to the party so ordering the same; and the fee 441
therefor shall be taxed in the costs of the action. 442

(C) When any such certificate is delivered to the clerk of 443
the court of common pleas of any county in this state, the same 444
shall be filed by such clerk, and ~~he~~ the clerk shall docket and 445
index it under the names of the judgment creditors and the 446
judgment debtors in a judgment docket, which shall show as to 447
each judgment all of the matters set forth in such certificate 448
as required by this section. The fee for such filing, docketing, 449
and indexing shall be taxed as increased costs of such judgment 450
upon such judgment docket and shall be included in the lien of 451
the judgment. 452

(D) When the clerk of any court, other than that rendering 453
the judgment, in whose office any such certificate is filed, has 454
docketed and indexed the same, ~~he~~ the clerk shall indorse upon 455
such certificate the fact of such filing with the date thereof 456
and the volume and page of the docket entry of such certificate 457
and shall return the same so indorsed to the clerk of the court 458
in which the judgment was rendered, who shall note upon the 459
original docket the fact of the filing of said certificate, 460

showing the county in which the same was filed and the date of 461
such filing. When such certificate is filed, docketed, and 462
indexed in the office of the clerk of the court which rendered 463
the judgment, such clerk shall likewise indorse the certificate 464
and make like notation upon the original docket. 465

Each such judgment shall be deemed to have been rendered 466
in the county in which is kept the journal of the court 467
rendering the same, in which journal such judgment is entered. 468

(E) Certificates or certified copies of judgments or 469
decrees of any courts of general jurisdiction, including 470
district courts of the United States, within this state, may be 471
filed, registered, noted, and memorials thereof entered, in the 472
office of the recorder of any county in which is situated land 473
registered under sections 5309.02 to 5309.98, ~~inclusive,~~ and 474
5310.01 to 5310.21, ~~inclusive,~~ of the Revised Code, for the 475
purpose of making such judgments liens upon such registered 476
land. 477

(F) Notwithstanding any other provision of the Revised 478
Code, any judgment issued in a court of record may be 479
transferred to any other court of record. Any proceedings for 480
collection may be had on such judgment the same as if it had 481
been issued by the transferee court. 482

(G) When a clerk files a judgment of foreclosure in a 483
residential mortgage loan foreclosure action, the clerk shall 484
provide notice of that filing to the judgment debtor, the 485
judgment creditor, and any lienholder who has appeared in the 486
action. 487

Sec. 2329.20. No Except as otherwise provided in this 488
section or sections 2329.51 and 2329.52 of the Revised Code, no 489

tract of land shall be sold for less than two-thirds of the 490
value returned in the inquest required by section 2329.17 of the 491
Revised Code, ~~except that in~~. In all cases where in which a 492
junior mortgage or other junior lien is sought to be enforced 493
against real estate by an order, judgment, or decree of court, 494
subject to a prior lien thereon, and such prior lien, and the 495
claims or obligations secured thereby, are unaffected by such 496
order, judgment, or decree, the court making such order, 497
judgment, or decree, may determine the minimum amount for which 498
such real estate may be sold, such minimum amount to be not less 499
than two-thirds of the difference between the value of the real 500
estate appraised as provided in such section, and the amount 501
remaining unpaid on the claims or obligations secured by such 502
prior lien. The price at which a foreclosed residential property 503
sells at a sheriff's auction shall not be used as a basis for 504
establishing the market value of any other property. 505

Sec. 2329.21. If the sum bid by the purchaser for the real 506
estate sold under section 2329.20 of the Revised Code relating 507
to the enforcement of junior liens is insufficient to pay the 508
costs and allowance which the court has determined prior to such 509
sale should be paid out of the proceeds thereof, pursuant to the 510
terms of the mortgage or lien sought to be enforced, then the 511
purchaser, in addition to the amount of ~~his~~ the purchaser's bid, 512
must pay a sum which with the amount so bid will be sufficient 513
to pay the costs and allowances. The court may fix the amount 514
remaining unpaid on such claims or obligations for the purpose 515
of the sale, and to that end require the parties to the suit to 516
furnish to it satisfactory evidence of such unpaid amount. The 517
advertisement for the sale of real estate sold under section 518
2329.20 of the Revised Code shall state that the purchaser shall 519
be responsible for those costs and allowances that the proceeds 520

of the sale are insufficient to cover. 521

Sec. 2329.211. A successful purchaser at a sale of lands 522
and tenements taken in execution shall make a deposit in the 523
amount of five per cent of the appraised value of the property, 524
but not less than five thousand dollars or more than ten 525
thousand dollars, to the officer conducting the sale. The 526
deposit is due at the time of sale, unless the purchaser is the 527
plaintiff in the action or the judgment creditor. In that case, 528
the deposit shall be tendered to the officer by the close of 529
business the day of the sale. Failure of the purchaser to timely 530
make its deposit shall invalidate the sale. 531

Sec. 2329.23. All notices and advertisements for the sale 532
of lands and tenements located in a municipal corporation, made 533
by virtue of the proceedings in a court of record, in addition 534
to a description of the lands and tenements, shall contain the 535
street number of the buildings erected on the lands, or the 536
street number of the lots offered for sale. If no such number 537
exists, then the notice or advertisement shall contain the name 538
of the street or road upon which the lands and tenements are 539
located together with the names of the streets or roads 540
immediately north and south or east and west of the lands and 541
tenements that cross or intersect the street or road upon which 542
they are located. The notice or advertisement shall, if 543
applicable, include the web site address of the officer who 544
makes the sale that allows a person to obtain a complete legal 545
description of the lands and tenements. 546

All notices and advertisements for the sale of residential 547
property located in a municipal corporation, made by virtue of 548
the proceeding in a court of record pursuant to a mortgage loan 549
foreclosure action, shall include the provisional date for a 550

second sale of the property, should the property not sell for 551
the minimum bid established pursuant to section 2329.20 of the 552
Revised Code. 553

Sec. 2329.26. (A) Lands and tenements taken in execution 554
shall not be sold until all of the following occur: 555

(1) (a) Except as otherwise provided in division (A) (1) (b) 556
of this section, the judgment creditor who seeks the sale of the 557
lands and tenements or the judgment creditor's attorney does 558
both of the following: 559

(i) Causes a written notice of the date, time, and place 560
of the sale, and of the provisional second sale described in 561
division (B) of section 2329.52 of the Revised Code, if 562
applicable, to be served in accordance with divisions (A) and 563
(B) of Civil Rule 5 upon the judgment debtor and upon each other 564
party to the action in which the judgment giving rise to the 565
execution was rendered; 566

(ii) At least seven calendar days prior to the date of the 567
sale, files with the clerk of the court that rendered the 568
judgment giving rise to the execution a copy of the written 569
notice described in division (A) (1) (a) (i) of this section with 570
proof of service endorsed on the copy in the form described in 571
division (D) of Civil Rule 5. 572

(b) Service of the written notice described in division 573
(A) (1) (a) (i) of this section is not required to be made upon any 574
party who is in default for failure to appear in the action in 575
which the judgment giving rise to the execution was rendered. 576

(2) The officer taking the lands and tenements gives 577
public notice of the date, time, and place of the sale, and of 578
the provisional second sale described in division (B) of section 579

2329.52 of the Revised Code, if applicable, once a week for at 580
least three consecutive weeks before the day of sale by 581
advertisement in a newspaper of general circulation in the 582
county. The newspaper shall meet the requirements of section 583
7.12 of the Revised Code. The court ordering the sale may 584
designate in the order of sale the newspaper in which this 585
public notice shall be published. 586

(3) The officer taking the lands and tenements shall 587
collect the purchaser's information required by section 2329.271 588
of the Revised Code. 589

(B) A sale of lands and tenements taken in execution may 590
be set aside in accordance with division (A) or (B) of section 591
2329.27 of the Revised Code. 592

Sec. 2329.30. The court from which an execution or order 593
of sale issues, upon notice and motion of the officer who makes 594
the sale or of an interested party, may punish any purchaser of 595
lands and tenements who fails to pay within thirty days of the 596
confirmation of the sale the balance due on the purchase price 597
of the lands and tenements by forfeiting the sale of the lands 598
and tenements and returning any deposit paid in connection with 599
the sale of the lands and tenements, by forfeiting any deposit 600
paid in connection with the sale of the lands and tenements, as 601
for contempt, or in any other manner the court considers 602
appropriate. Upon motion, the court shall order the return of 603
any remaining portion of the deposit of the purchaser, less the 604
costs of a subsequent sale and any other remedy the court 605
considers appropriate. The effect of an order for contempt for 606
failure of the purchaser to pay shall be considered an order to 607
void the confirmation of sale and transfer. 608

Sec. 2329.31. (A) Upon the return of any writ of execution 609

for the satisfaction of which lands and tenements have been 610
sold, on careful examination of the proceedings of the officer 611
making the sale, if the court of common pleas finds that the 612
sale was made, in all respects, in conformity with sections 613
2329.01 to 2329.61 of the Revised Code, it shall, within thirty 614
days of the return of the writ, direct the clerk of the court of 615
common pleas to make an entry on the journal that the court is 616
satisfied of the legality of such sale ~~and that the attorney who~~ 617
~~filed the writ of execution make to the purchaser a deed for the~~ 618
~~lands and tenements. Nothing in this section prevents the court~~ 619
~~of common pleas from staying the confirmation of the sale to~~ 620
~~permit a property owner time to redeem the property or for any~~ 621
~~other reason that it determines is appropriate. In those~~ 622
~~instances, the sale shall be confirmed within thirty days after~~ 623
~~the termination of any stay of confirmation.~~ 624

(B) The officer making the sale shall require the 625
purchaser, including a lienholder, to pay within thirty days of 626
the confirmation of the sale the balance due on the purchase 627
price of the lands and tenements. 628

(C) The officer making the sale shall record the prepared 629
deed required by section 2329.36 of the Revised Code within 630
fourteen days after the confirmation of sale or payment of the 631
balance due, whichever is later. If the deed is not prepared or 632
recorded within the fourteen-day period, the recording of the 633
order of confirmation of sale by the purchaser shall serve to 634
transfer the title of the property to the purchaser as described 635
in division (D) of this section. The confirmation of sale shall 636
include a statement that it serves to transfer title if the deed 637
is not transferred within fourteen days after the confirmation 638
of sale or payment of the balance due. 639

(D) The order of confirmation shall, upon the expiration 640
of the fourteen-day period described in division (C) of this 641
section and unless stayed by the court pending timely appeal 642
along with the posting of an adequate supersedeas bond, serve to 643
transfer the title of the property to the purchaser. The 644
plaintiff, or the plaintiff's attorney, shall cause a certified 645
copy of the order of confirmation to be recorded in the office 646
of the county recorder. The clerk shall issue a copy of the 647
order to the county auditor to transfer record ownership of the 648
property for the purpose of real estate taxes. Real estate taxes 649
coming due after the date of the confirmation of sale shall not 650
prohibit the auditor from transferring ownership of the property 651
on its records or cause the recorder to deny recording. The real 652
estate taxes shall become the responsibility of the new title 653
holder of the property. The sheriff shall not require the 654
confirmation of sale to be amended for taxes not due and payable 655
as of the date of the sale. 656

Sec. 2329.311. In sales of residential properties taken in 657
execution or order of sale that are sold at an auction with no 658
set minimum bid pursuant to division (B) of section 2329.52 of 659
the Revised Code, the judgment creditor and the first lienholder 660
each have the right to redeem the property within fourteen days 661
after the sale by paying the purchase price. The redeeming party 662
shall pay the purchase price to the clerk of the court in which 663
the judgment was rendered or the order of sale was made. Upon 664
timely payment, the court shall proceed as described in section 665
2329.31 of the Revised Code, with the redeeming party considered 666
the successful purchaser at sale. 667

Sec. 2329.33. ~~In~~ Except as provided in division (C) of 668
section 2308.03 or any other section of the Revised Code, in 669
sales of real estate on execution or order of sale, at any time 670

before the confirmation thereof, the debtor may redeem it from 671
sale by depositing in the hands of the clerk of the court of 672
common pleas to which such execution or order is returnable, the 673
amount of the judgment or decree upon which such lands were 674
sold, with all costs, including poundage, and interest at the 675
rate of eight per cent per annum on the purchase money from the 676
day of sale to the time of such deposit, except where the 677
judgment creditor is the purchaser, the interest at such rate on 678
the excess above ~~his~~ the judgment creditor's claim. ~~The~~ 679
Redemption of the debtor is a satisfaction of the judgment 680
against the debtor only and shall not serve to discharge the 681
judgment debtor of the judgment creditor's advancements for real 682
estate taxes, insurance premium, and property protection if such 683
a requirement was included in the judgment. Upon successful 684
redemption, the judgment debtor may petition the court to 685
require the judgment creditor to provide an itemization of those 686
advances within a reasonable amount of time for payment by the 687
judgment debtor. Should the judgment debtor pay all sums 688
required by this section, the court of common pleas thereupon 689
shall make an order setting aside such sale, and apply the 690
deposit to the payment of such judgment or decree and costs, and 691
award such interest to the purchaser, who shall receive from the 692
officer making the sale the purchase money paid by ~~him~~ the 693
purchaser, and the interest from the clerk. This section does 694
not take away the power of the court to set aside such sale for 695
any reason for which it might have been set aside prior to April 696
16, 1888. 697

Sec. 2329.52. ~~When~~ (A) Except as otherwise provided in 698
division (B) of this section, when premises are ordered to be 699
sold, if said premises, or a part thereof, remain unsold for 700
want of bidders after having been once appraised, advertised, 701

and offered for sale, the court from which the order of sale 702
issued may, on motion of the plaintiff or defendant and from 703
time to time until said premises are disposed of, order a new 704
appraisement and sale or direct the amount for which said 705
premises, or a part thereof, may be sold. 706

The court may order that the premises be sold as follows: 707
One third cash in hand, one third in nine months from the day of 708
sale, and the remaining one third in eighteen months from the 709
day of sale, the deferred payments to draw interest at six per 710
cent and be secured by a mortgage on the premises. 711

(B) When a residential property is ordered to be sold 712
pursuant to a residential mortgage loan foreclosure action, if 713
the property remains unsold after the first auction with a 714
minimum bid of two-thirds of the appraised value as established 715
pursuant to section 2329.17 of the Revised Code, a second 716
auction shall be held with no set minimum bid, and the 717
residential property shall be sold to the highest bidder. This 718
second auction shall be held not earlier than seven days and not 719
later than thirty days after the first auction. As a condition 720
of the second auction, the purchaser shall pay, in addition to 721
the amount bid, a deposit to the sheriff to be used to pay the 722
costs and allowances of the sale. This deposit shall be not less 723
than five thousand dollars and not more than ten thousand 724
dollars, as determined by the sheriff. The sheriff shall return 725
the deposit, less the amount used for costs and allowances, to 726
the purchaser within fourteen days after the transfer of sale. A 727
residential property that remains unsold after two auctions may 728
be subsequently offered for sale from time to time with no set 729
minimum bid or disposed of in any other manner pursuant to this 730
chapter or any other provision of the Revised Code. 731

Sec. 2909.07. (A) No person shall: 732

(1) Without privilege to do so, knowingly move, deface, 733
damage, destroy, or otherwise improperly tamper with the 734
property of another or one's own property after a foreclosure 735
complaint is filed against that property; 736

(2) With purpose to interfere with the use or enjoyment of 737
property of another, employ a tear gas device, stink bomb, smoke 738
generator, or other device releasing a substance that is harmful 739
or offensive to persons exposed or that tends to cause public 740
alarm; 741

(3) Without privilege to do so, knowingly move, deface, 742
damage, destroy, or otherwise improperly tamper with a bench 743
mark, triangulation station, boundary marker, or other survey 744
station, monument, or marker; 745

(4) Without privilege to do so, knowingly move, deface, 746
damage, destroy, or otherwise improperly tamper with any safety 747
device, the property of another, or the property of the offender 748
when required or placed for the safety of others, so as to 749
destroy or diminish its effectiveness or availability for its 750
intended purpose; 751

(5) With purpose to interfere with the use or enjoyment of 752
the property of another, set a fire on the land of another or 753
place personal property that has been set on fire on the land of 754
another, which fire or personal property is outside and apart 755
from any building, other structure, or personal property that is 756
on that land; 757

(6) Without privilege to do so, and with intent to impair 758
the functioning of any computer, computer system, computer 759
network, computer software, or computer program, knowingly do 760

any of the following: 761

(a) In any manner or by any means, including, but not 762
limited to, computer hacking, alter, damage, destroy, or modify 763
a computer, computer system, computer network, computer 764
software, or computer program or data contained in a computer, 765
computer system, computer network, computer software, or 766
computer program; 767

(b) Introduce a computer contaminant into a computer, 768
computer system, computer network, computer software, or 769
computer program. 770

(B) As used in this section, "safety device" means any 771
fire extinguisher, fire hose, or fire axe, or any fire escape, 772
emergency exit, or emergency escape equipment, or any life line, 773
life-saving ring, life preserver, or life boat or raft, or any 774
alarm, light, flare, signal, sign, or notice intended to warn of 775
danger or emergency, or intended for other safety purposes, or 776
any guard railing or safety barricade, or any traffic sign or 777
signal, or any railroad grade crossing sign, signal, or gate, or 778
any first aid or survival equipment, or any other device, 779
apparatus, or equipment intended for protecting or preserving 780
the safety of persons or property. 781

(C) (1) Whoever violates this section is guilty of criminal 782
mischief, and shall be punished as provided in division (C) (2) 783
or (3) of this section. 784

(2) Except as otherwise provided in this division, 785
criminal mischief committed in violation of division (A) (1), 786
(2), (3), (4), or (5) of this section is a misdemeanor of the 787
third degree. Except as otherwise provided in this division, if 788
the violation of division (A) (1), (2), (3), (4), or (5) of this 789

section creates a risk of physical harm to any person, criminal 790
mischief committed in violation of division (A) (1), (2), (3), 791
(4), or (5) of this section is a misdemeanor of the first 792
degree. If the property involved in the violation of division 793
(A) (1), (2), (3), (4), or (5) of this section is an aircraft, an 794
aircraft engine, propeller, appliance, spare part, fuel, 795
lubricant, hydraulic fluid, any other equipment, implement, or 796
material used or intended to be used in the operation of an 797
aircraft, or any cargo carried or intended to be carried in an 798
aircraft, criminal mischief committed in violation of division 799
(A) (1), (2), (3), (4), or (5) of this section is one of the 800
following: 801

(a) If the violation creates a risk of physical harm to 802
any person, except as otherwise provided in division (C) (2) (b) 803
of this section, criminal mischief committed in violation of 804
division (A) (1), (2), (3), (4), or (5) of this section is a 805
felony of the fifth degree. 806

(b) If the violation creates a substantial risk of 807
physical harm to any person or if the property involved in a 808
violation of this section is an occupied aircraft, criminal 809
mischief committed in violation of division (A) (1), (2), (3), 810
(4), or (5) of this section is a felony of the fourth degree. 811

(3) Except as otherwise provided in this division, 812
criminal mischief committed in violation of division (A) (6) of 813
this section is a misdemeanor of the first degree. Except as 814
otherwise provided in this division, if the value of the 815
computer, computer system, computer network, computer software, 816
computer program, or data involved in the violation of division 817
(A) (6) of this section or the loss to the victim resulting from 818
the violation is one thousand dollars or more and less than ten 819

thousand dollars, or if the computer, computer system, computer network, computer software, computer program, or data involved in the violation of division (A) (6) of this section is used or intended to be used in the operation of an aircraft and the violation creates a risk of physical harm to any person, criminal mischief committed in violation of division (A) (6) of this section is a felony of the fifth degree. If the value of the computer, computer system, computer network, computer software, computer program, or data involved in the violation of division (A) (6) of this section or the loss to the victim resulting from the violation is ten thousand dollars or more, or if the computer, computer system, computer network, computer software, computer program, or data involved in the violation of division (A) (6) of this section is used or intended to be used in the operation of an aircraft and the violation creates a substantial risk of physical harm to any person or the aircraft in question is an occupied aircraft, criminal mischief committed in violation of division (A) (6) of this section is a felony of the fourth degree.

Section 2. That existing sections 323.47, 1901.18, 1901.185, 2303.26, 2329.01, 2329.02, 2329.20, 2329.21, 2329.23, 2329.26, 2329.30, 2329.31, 2329.33, 2329.52, and 2909.07 of the Revised Code are hereby repealed.