

As Introduced

135th General Assembly

Regular Session

2023-2024

S. B. No. 186

Senators Blessing, Ingram

Cosponsors: Senators Cirino, Sykes, DeMora, Hoagland

A BILL

To amend sections 317.22, 319.20, 323.28, 323.74, 1
5713.18, 5721.19, and 5723.06 and to enact 2
section 319.204 of the Revised Code to require 3
payment of property taxes and assessments when a 4
lot is split or transferred and to generally 5
prohibit tax-delinquent property owners from 6
purchasing tax-foreclosed property. 7

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

Section 1. That sections 317.22, 319.20, 323.28, 323.74, 8
5713.18, 5721.19, and 5723.06 be amended and section 319.204 of 9
the Revised Code be enacted to read as follows: 10

Sec. 317.22. No deed of absolute conveyance of land or any 11
conveyance, absolute or otherwise, of minerals or mineral rights 12
shall be recorded by the county recorder until: 13

(A) The conveyance presented to the county recorder bears 14
the stamp of the county auditor stating the conveyance has been 15
examined and the grantor has complied with ~~section~~ sections 16
319.202 and 319.204 of the Revised Code; 17

(B) Such conveyance has been presented to the county 18

auditor, and by the county auditor indorsed "transferred," or 19
"transfer not necessary." 20

Before any real estate, the title to which has passed 21
under the laws of descent, is transferred from the name of the 22
ancestor to the heir at law or next of kin of such ancestor, or 23
to any grantee of such heir or next of kin; and before any deed 24
or conveyance of real estate made by any such heir or next of 25
kin is presented to or filed for record by the recorder, the 26
heir or next of kin, or that person's grantee, agent, or 27
attorney shall present to the auditor the affidavit of such heir 28
or next of kin, or of two persons resident of this state, each 29
of whom has personal knowledge of the facts. Such affidavit 30
shall set forth the date of the ancestor's death, and the place 31
of residence at the time of death; the fact that the ancestor 32
died intestate; the names, ages, and addresses, so far as known 33
and can be ascertained, of each of such ancestor's heirs at law 34
and next of kin, who, by the ancestor's death, inherited such 35
real estate, the relationship of each to the ancestor, and the 36
part or portion of such real estate inherited by each. Such 37
transfers shall be made by the auditor in accordance with the 38
statement contained in the affidavit, and the auditor shall 39
indorse upon the deed or conveyance the fact that such transfer 40
was made by affidavit. The affidavit shall be filed with the 41
county recorder of the county in which such real estate is 42
situated, at or before the time such deed or conveyance is filed 43
with the county recorder, and shall be recorded by the county 44
recorder of the county in the official records and indexed in 45
the direct and reverse indexes in the county recorder's office, 46
in the name of such ancestor as grantor and of each such heir or 47
next of kin as grantee, in the same manner as if such names 48
occurred in a deed of conveyance from the ancestor to such heirs 49

at law. The county recorder shall receive the same fees for such 50
indexing and recording as provided by section 317.32 of the 51
Revised Code. 52

(C) The record of such affidavit shall, in the trial of 53
any cause, so far as competent, be prima-facie evidence. 54

(D) No county recorder shall record a conveyance if the 55
indorsement, indorsements, or stamps of indorsement of a county 56
auditor indicating compliance with section 319.202 of the 57
Revised Code on the conveyance are in whole or in part defaced, 58
illegible, or incomplete. 59

Sec. 319.20. After complying with sections 315.251, 60
319.202, ~~315.251,~~ and 319.203, and 319.204 of the Revised Code, 61
and on application and presentation of title, with the 62
affidavits required by law, or the proper order of a court or 63
the county board of revision, bearing the last known address of 64
the grantee, or of any one of the grantees named in the title, 65
and a reference to the volume and page of the recording, or 66
other means of identifying the recording, of the next preceding 67
recorded instrument by or through which the grantor claims 68
title, the county auditor shall transfer any land or town lot or 69
part thereof, minerals therein, or mineral rights thereto, 70
charged with taxes on the tax list, from the name in which it 71
stands into the name of the owner, when rendered necessary by a 72
conveyance, partition, devise, descent, or otherwise. If by 73
reason of the conveyance or otherwise, a part only of a tract or 74
lot, minerals therein, or mineral rights thereto, as charged in 75
the tax list, is to be transferred, the auditor shall determine 76
the tax value of the part of a tract or lot of real estate, 77
minerals therein, or mineral rights thereto, so transferred, and 78
the value of the remaining part compared with the value of the 79

whole. 80

Whenever section 319.204 of the Revised Code does not 81
apply, and a part only of a tract or lot of real estate has been 82
transferred by the auditor and the tract or lot bears unpaid 83
taxes, penalties, interest, or special assessments, the unpaid 84
taxes, penalties, interest, or special assessments shall 85
immediately be apportioned, upon demand or request by the 86
transferee or remaining owner, in the following manner: 87

(A) The auditor shall allocate to the part so transferred, 88
and to the remaining part, amounts of any current or delinquent 89
taxes, interest, or penalties that have accrued against the 90
parcel as a whole, proportionate to their respective values. 91

(B) The lien of taxes, penalties, interest, and special 92
assessments, as levied against the original tract, shall extend 93
to the part so transferred and the part remaining only to the 94
extent of the amounts so allocated to the respective parts. 95

This section does not change the total amount of taxes, 96
special assessments, or other charges as originally levied, or 97
the total amount of the balance due. The auditor shall certify 98
such apportionments to the county treasurer. 99

Whenever the state acquires an entire parcel or a part 100
only of a parcel of real property in fee simple, the county 101
auditor, upon application of the grantor or property owner or 102
the state, which application shall contain a description of the 103
property as it appears on the tax list and the date of transfer 104
of ownership, shall prepare an estimate of the taxes that are a 105
lien on the property, but have not been determined, assessed, 106
and levied for the year in which the property was acquired. The 107
county auditor shall thereupon apportion the estimated taxes 108

proportionately between the grantor and the state for the period 109
of the lien year that each had or shall have had ownership or 110
possession of the property, whichever is earlier. The county 111
treasurer shall accept payment from the state for estimated 112
taxes at the time that the real property is acquired. If the 113
state has paid in full in the year in which the property is 114
acquired that proportion of the estimated taxes that the tax 115
commissioner determines are not subject to remission by the 116
county auditor for such year under division (D) of section 117
5713.08 of the Revised Code, the estimated taxes paid shall be 118
considered the tax liability on the exempted property for that 119
year. 120

Section 319.42 of the Revised Code applies to the 121
apportionment of special assessments. 122

Complaint against such values as determined by the auditor 123
or the allocation of assessments by the certifying authority may 124
be filed by the transferee or the remaining owner, and if filed, 125
proceedings including appeals shall be had in the manner and 126
within the time provided by sections 5717.01 to 5717.06 and 127
5715.19 to 5715.22 of the Revised Code, for complaints against 128
valuation or assessment of real property. 129

The auditor shall endorse on the deed or other evidences 130
of title presented to the auditor that the proper transfer of 131
the real estate described in the deed has been made in the 132
auditor's office or that it is not entered for taxation, and 133
sign the auditor's name to the deed. The address of the grantee, 134
or any one of the grantees, set forth in the deed or other 135
evidences of title shall be entered by the auditor on the 136
transfer sheets and on the general tax list of real property 137
prepared pursuant to section 319.28 of the Revised Code. 138

Sec. 319.204. (A) Whenever a lot or tract of real estate 139
is transferred, in whole or in part, or a lot or tract of real 140
estate is subdivided, the grantor or property owner, 141
respectively, shall apply to the county auditor for an estimate 142
of the taxes that are a lien on the entire lot or tract that 143
have not been determined, assessed, and levied for the year in 144
which the property is transferred or subdivided. The application 145
shall contain a description of the entire lot or tract as it 146
appears on the tax list and the date of transfer or subdivision. 147

(B) Upon transfer of a lot or tract of real estate, in 148
whole or in part, or the subdivision of a lot or tract of real 149
estate, the grantor or owner, respectively, shall pay, and the 150
treasurer shall accept, the estimated taxes calculated pursuant 151
to division (A) of this section along with all taxes, as that 152
term is defined in section 323.01 of the Revised Code, charged 153
and payable at the time of transfer or subdivision. Upon payment 154
in full of the estimated taxes, the estimated taxes paid shall 155
be considered the tax liability on the property for that year. 156

(C) This section does not apply to any transfer of a lot 157
or tract in which the state or a political subdivision is the 158
grantee or grantor or to any subdivision of a lot or tract in 159
which the state or a political subdivision is the owner. 160

Sec. 323.28. (A) A finding shall be entered in a 161
proceeding under section 323.25 of the Revised Code for taxes, 162
assessments, penalties, interest, and charges due and payable at 163
the time the deed of real property sold or transferred under 164
this section is transferred to the purchaser or transferee, plus 165
the cost of the proceeding. For purposes of determining such 166
amount, the county treasurer may estimate the amount of taxes, 167
assessments, interest, penalties, charges, and costs that will 168

be payable at the time the deed of the property is transferred 169
to the purchaser or transferee. 170

The court of common pleas, a municipal court with 171
jurisdiction, or the county board of revision with jurisdiction 172
pursuant to section 323.66 of the Revised Code shall order such 173
premises to be transferred pursuant to division (E) of this 174
section or shall order such premises to be sold for payment of 175
the finding, but for not less than either of the following, 176
unless the county treasurer applies for an appraisal: 177

(1) The total amount of such finding; 178

(2) The fair market value of the premises, as determined 179
by the county auditor, plus the cost of the proceeding. 180

If the county treasurer applies for an appraisal, the 181
premises shall be appraised in the manner provided by section 182
2329.17 of the Revised Code, and shall be sold for at least two- 183
thirds of the appraised value. 184

Notwithstanding the minimum sales price provisions of 185
divisions (A) (1) and (2) of this section to the contrary, a 186
parcel sold pursuant to this section shall not be sold for less 187
than the amount described in division (A) (1) of this section if 188
the highest bidder is the owner of record of the parcel 189
immediately prior to the judgment of foreclosure or a member of 190
the following class of parties connected to that owner: a member 191
of that owner's immediate family, a person with a power of 192
attorney appointed by that owner who subsequently transfers the 193
parcel to the owner, a sole proprietorship owned by that owner 194
or a member of the owner's immediate family, or partnership, 195
trust, business trust, corporation, or association in which the 196
owner or a member of the owner's immediate family owns or 197

controls directly or indirectly more than fifty per cent. If a 198
parcel sells for less than the amount described in division (A) 199
(1) of this section, the officer conducting the sale shall 200
require the buyer to complete an affidavit stating that the 201
buyer is not the owner of record immediately prior to the 202
judgment of foreclosure or a member of the specified class of 203
parties connected to that owner, and the affidavit shall become 204
part of the court records of the proceeding. If the county 205
auditor discovers within three years after the date of the sale 206
that a parcel was sold to that owner or a member of the 207
specified class of parties connected to that owner for a price 208
less than the amount so described, and if the parcel is still 209
owned by that owner or a member of the specified class of 210
parties connected to that owner, the auditor within thirty days 211
after such discovery shall add the difference between that 212
amount and the sale price to the amount of taxes that then stand 213
charged against the parcel and is payable at the next succeeding 214
date for payment of real property taxes. As used in this 215
paragraph, "immediate family" means a spouse who resides in the 216
same household and children. 217

(B) From the proceeds of the sale the costs shall be first 218
paid, next the amount found due for taxes, then the amount of 219
any taxes accruing after the entry of the finding and before the 220
deed of the property is transferred to the purchaser following 221
the sale, all of which taxes shall be deemed satisfied, though 222
the amount applicable to them is deficient, and any balance 223
shall be distributed according to section 5721.20 of the Revised 224
Code. No statute of limitations shall apply to such action. Upon 225
sale, all liens for taxes due at the time the deed of the 226
property is transferred to the purchaser following the sale, and 227
liens subordinate to liens for taxes, shall be deemed satisfied 228

and discharged unless otherwise provided by the order of sale. 229

(C) If the county treasurer's estimate of the amount of 230
the finding under division (A) of this section exceeds the 231
amount of taxes, assessments, interest, penalties, and costs 232
actually payable when the deed is transferred to the purchaser, 233
the officer who conducted the sale shall refund to the purchaser 234
the difference between the estimate and the amount actually 235
payable. If the amount of taxes, assessments, interest, 236
penalties, and costs actually payable when the deed is 237
transferred to the purchaser exceeds the county treasurer's 238
estimate, the officer shall certify the amount of the excess to 239
the treasurer, who shall enter that amount on the real and 240
public utility property tax duplicate opposite the property; the 241
amount of the excess shall be payable at the next succeeding 242
date prescribed for payment of taxes in section 323.12 of the 243
Revised Code, and shall not be deemed satisfied and discharged 244
pursuant to division (B) of this section. 245

(D) Premises ordered to be sold under this section but 246
remaining unsold for want of bidders after being offered for 247
sale on two separate occasions, not less than two weeks apart, 248
or after being offered for sale on one occasion in the case of 249
abandoned land as defined in section 323.65 of the Revised Code, 250
shall be forfeited to the state or to a political subdivision, 251
school district, or county land reutilization corporation 252
pursuant to Chapter 5722. or section 5723.01 of the Revised 253
Code, and shall be disposed of pursuant to Chapter 5722. or 254
5723. of the Revised Code. 255

(E) Notwithstanding section 5722.03 of the Revised Code, 256
if the complaint alleges that the property is delinquent vacant 257
land as defined in section 5721.01 of the Revised Code, 258

abandoned lands as defined in section 323.65 of the Revised 259
Code, or lands described in division (F) of section 5722.01 of 260
the Revised Code, and the value of the taxes, assessments, 261
penalties, interest, and all other charges and costs of the 262
action exceed the auditor's fair market value of the parcel, 263
then the court or board of revision having jurisdiction over the 264
matter on motion of the plaintiff, or on the court's or board's 265
own motion, shall, upon any adjudication of foreclosure, order, 266
without appraisal and without sale, the fee simple title of the 267
property to be transferred to and vested in an electing 268
subdivision as defined in division (A) of section 5722.01 of the 269
Revised Code. For purposes of determining whether the taxes, 270
assessments, penalties, interest, and all other charges and 271
costs of the action exceed the actual fair market value of the 272
parcel, the auditor's most current valuation shall be rebuttably 273
presumed to be, and constitute prima-facie evidence of, the fair 274
market value of the parcel. In such case, the filing for 275
journalization of a decree of foreclosure ordering that direct 276
transfer without appraisal or sale shall constitute confirmation 277
of the transfer and thereby terminate any further statutory or 278
common law right of redemption. 279

(F) Whenever the officer charged to conduct the sale 280
offers any parcel for sale, the officer first shall read aloud a 281
complete legal description of the parcel, or in the alternative, 282
may read aloud only a summary description and a parcel number if 283
the county has adopted a permanent parcel number system and if 284
the advertising notice published prior to the sale includes a 285
complete legal description or indicates where the complete legal 286
description may be obtained. 287

(G) The officer charged with transferring the title to 288
property sold under this section may not transfer the title 289

unless and until the purchaser furnishes the officer with an affidavit and, if applicable, supporting documentation as described in division (J) of section 5721.19 of the Revised Code. Any person who knowingly makes a false statement in that affidavit is guilty of falsification under division (A)(11) of section 2921.13 of the Revised Code. 290
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Sec. 323.74. (A) If a public auction is held for abandoned land pursuant to section 323.73 of the Revised Code, but the land is not sold at the public auction, the county board of revision may order the disposition of the abandoned land in accordance with division (B) or (C) of this section. 296
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(B) The abandoned land offered for sale at a public auction as described in section 323.73 of the Revised Code, but not sold at the auction, may be offered for sale in any usual and customary manner by the sheriff as otherwise provided by law. The subsequent public auction may be held in the same manner as the public auction was held under section 323.73 of the Revised Code, but the minimum bid at an auction held under this division shall be the lesser of fifty per cent of fair market value of the abandoned land as currently shown by the county auditor's latest valuation, or the sum of the impositions against the abandoned land plus the costs apportioned to the land under section 323.75 of the Revised Code. Notice of any subsequent sale pursuant to this section may be given in the original notice of sale listing the time, date, and place of the subsequent sale. 301
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(C) Upon certification from the sheriff that abandoned land was offered for sale at a public auction as described in section 323.73 of the Revised Code but was not purchased, a community development organization or any school district, 316
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municipal corporation, county, or township in which the land is 320
located may request that title to the land be transferred to the 321
community development organization, school district, municipal 322
corporation, county, or township at the time described in this 323
division. The request shall be delivered to the board of 324
revision at any time from the date the complaint for foreclosure 325
is filed under section 323.69 of the Revised Code, but not later 326
than sixty days after the date on which the land was first 327
offered for sale. The request shall include a representation 328
that the organization, district, or political subdivision, not 329
later than thirty days after receiving legal title to the 330
abandoned land, will begin basic exterior improvements that will 331
protect the land from further unreasonable deterioration. The 332
improvements shall include, but are not limited to, the removal 333
of trash and refuse from the exterior of the premises and the 334
securing of open, vacant, or vandalized areas on the exterior of 335
the premises. The representation shall be deemed to have been 336
given if the notice is supplied by an electing subdivision as 337
defined in section 5722.01 of the Revised Code. 338

(D) The county board of revision, upon any adjudication of 339
foreclosure and forfeiture against the abandoned land, may order 340
the sheriff to dispose of the abandoned land as prescribed in 341
sections 323.65 to 323.79 of the Revised Code. The order by the 342
board shall include instructions to the sheriff to transfer the 343
land to the specified community development organization, school 344
district, municipal corporation, county, or township after 345
payment of the costs of disposing of the abandoned land pursuant 346
to section 323.75 of the Revised Code or, if any negotiated 347
price has been agreed to between the county treasurer and the 348
community development organization, school district, municipal 349
corporation, county, or township, after payment of that 350

negotiated price as certified by the board to the sheriff. 351

(E) ~~Upon~~ Subject to division (H) of this section, upon 352
receipt of payment under this section, the sheriff shall convey 353
by sheriff's deed the fee simple interest in, and to, the 354
abandoned land. If the abandoned land is transferred pursuant to 355
division (D) of this section and the county treasurer reasonably 356
determines that the transfer will result in the property being 357
occupied, the county treasurer may waive, but is not required to 358
waive, some or all of the impositions against the abandoned land 359
or costs apportioned to the land under section 323.75 of the 360
Revised Code. 361

(F) Upon a transfer under this section, all liens for 362
taxes due at the time the deed of the property is conveyed to a 363
purchaser or transferred to a community development 364
organization, school district, municipal corporation, county, or 365
township, and liens subordinate to liens for taxes, shall be 366
deemed satisfied and discharged. 367

(G) Any parcel that has been advertised and offered for 368
sale pursuant to foreclosure proceedings and has not sold for 369
want of bidders or been otherwise transferred under sections 370
323.65 to 323.79 of the Revised Code shall be forfeited or 371
otherwise disposed of in the same manner as lands under section 372
323.25 or 5721.18 or Chapter 5723. of the Revised Code. 373

(H) The sheriff may not convey a sheriff's deed under 374
division (E) of this section unless and until the purchaser 375
furnishes the sheriff with an affidavit and, if applicable, 376
supporting documentation as described in division (J) of section 377
5721.19 of the Revised Code. Any person who knowingly makes a 378
false statement in that affidavit is guilty of falsification 379
under division (A) (11) of section 2921.13 of the Revised Code. 380

Sec. 5713.18. When any person lays out a municipal 381
corporation, any addition thereto, or any subdivision of any lot 382
or tract of land before the plat thereof is recorded, ~~he~~ the 383
person shall present it to the county auditor, who shall assess 384
and return the taxable valuation of each lot or parcel of land 385
described in such plat in the same manner as other such lots or 386
parcels are valued and, if applicable, provide the information 387
required under section 319.204 of the Revised Code. Thereupon, 388
after the person's compliance with division (B) of that section, 389
such lots or parcels shall be entered on the tax list in lieu of 390
the land included therein. 391

Sec. 5721.19. (A) In its judgment of foreclosure rendered 392
with respect to actions filed pursuant to section 5721.18 of the 393
Revised Code, the court or the county board of revision with 394
jurisdiction pursuant to section 323.66 of the Revised Code 395
shall enter a finding with respect to each parcel of the amount 396
of the taxes, assessments, charges, penalties, and interest, and 397
the costs incurred in the foreclosure proceeding instituted 398
against it, that are due and unpaid. The court or the county 399
board of revision shall order such premises to be transferred 400
pursuant to division (I) of this section or may order each 401
parcel to be sold, without appraisal, for not less than either 402
of the following: 403

(1) The fair market value of the parcel, as determined by 404
the county auditor, plus the costs incurred in the foreclosure 405
proceeding; 406

(2) The total amount of the finding entered by the court 407
or the county board of revision, including all taxes, 408
assessments, charges, penalties, and interest payable subsequent 409
to the delivery to the county prosecuting attorney of the 410

delinquent land tax certificate or master list of delinquent 411
tracts and prior to the transfer of the deed of the parcel to 412
the purchaser following confirmation of sale, plus the costs 413
incurred in the foreclosure proceeding. For purposes of 414
determining such amount, the county treasurer may estimate the 415
amount of taxes, assessments, interest, penalties, and costs 416
that will be payable at the time the deed of the property is 417
transferred to the purchaser. 418

Notwithstanding the minimum sales price provisions of 419
divisions (A) (1) and (2) of this section to the contrary, a 420
parcel sold pursuant to this section shall not be sold for less 421
than the amount described in division (A) (2) of this section if 422
the highest bidder is the owner of record of the parcel 423
immediately prior to the judgment of foreclosure or a member of 424
the following class of parties connected to that owner: a member 425
of that owner's immediate family, a person with a power of 426
attorney appointed by that owner who subsequently transfers the 427
parcel to the owner, a sole proprietorship owned by that owner 428
or a member of that owner's immediate family, or a partnership, 429
trust, business trust, corporation, or association in which the 430
owner or a member of the owner's immediate family owns or 431
controls directly or indirectly more than fifty per cent. If a 432
parcel sells for less than the amount described in division (A) 433
(2) of this section, the officer conducting the sale shall 434
require the buyer to complete an affidavit stating that the 435
buyer is not the owner of record immediately prior to the 436
judgment of foreclosure or a member of the specified class of 437
parties connected to that owner, and the affidavit shall become 438
part of the court records of the proceeding. If the county 439
auditor discovers within three years after the date of the sale 440
that a parcel was sold to that owner or a member of the 441

specified class of parties connected to that owner for a price 442
less than the amount so described, and if the parcel is still 443
owned by that owner or a member of the specified class of 444
parties connected to that owner, the auditor within thirty days 445
after such discovery shall add the difference between that 446
amount and the sale price to the amount of taxes that then stand 447
charged against the parcel and is payable at the next succeeding 448
date for payment of real property taxes. As used in this 449
paragraph, "immediate family" means a spouse who resides in the 450
same household and children. 451

(B) Each parcel affected by the court's finding and order 452
of sale shall be separately sold, unless the court orders any of 453
such parcels to be sold together. 454

Each parcel shall be advertised and sold by the officer to 455
whom the order of sale is directed in the manner provided by law 456
for the sale of real property on execution. The advertisement 457
for sale of each parcel shall be published once a week for three 458
consecutive weeks and shall include the date on which a second 459
sale will be conducted if no bid is accepted at the first sale. 460
Any number of parcels may be included in one advertisement. 461

The notice of the advertisement shall be substantially in 462
the form of the notice set forth in section 5721.191 of the 463
Revised Code. In any county that has adopted a permanent parcel 464
number system, the parcel may be described in the notice by 465
parcel number only, instead of also with a complete legal 466
description, if the prosecuting attorney determines that the 467
publication of the complete legal description is not necessary 468
to provide reasonable notice of the foreclosure sale to 469
potential bidders. If the complete legal description is not 470
published, the notice shall indicate where the complete legal 471

description may be obtained. 472

(C) (1) Whenever the officer charged to conduct the sale 473
offers any parcel for sale the officer first shall read aloud a 474
complete legal description of the parcel, or in the alternative, 475
may read aloud only a summary description, including the 476
complete street address of the parcel, if any, and a parcel 477
number if the county has adopted a permanent parcel number 478
system and if the advertising notice prepared pursuant to this 479
section includes a complete legal description or indicates where 480
the complete legal description may be obtained. Whenever the 481
officer charged to conduct the sale offers any parcel for sale 482
and no bids are made equal to the lesser of the amounts 483
described in divisions (A) (1) and (2) of this section, the 484
officer shall adjourn the sale of the parcel to the second date 485
that was specified in the advertisement of sale. The second date 486
shall be not less than two weeks or more than six weeks from the 487
day on which the parcel was first offered for sale. The second 488
sale shall be held at the same place and commence at the same 489
time as set forth in the advertisement of sale. The officer 490
shall offer any parcel not sold at the first sale. Upon the 491
conclusion of any sale, or if any parcel remains unsold after 492
being offered at two sales, the officer conducting the sale 493
shall report the results to the court. 494

(2) (a) If a parcel remains unsold after being offered at 495
two sales, or one sale in the case of abandoned lands foreclosed 496
under sections 323.65 to 323.79 of the Revised Code, or if a 497
parcel sells at any sale but the amount of the price is less 498
than the costs incurred in the proceeding instituted against the 499
parcel under section 5721.18 of the Revised Code, then the clerk 500
of the court shall certify to the county auditor the amount of 501
those costs that remains unpaid. At the next semiannual 502

apportionment of real property taxes that occurs following any 503
such certification, the auditor shall reduce the real property 504
taxes that the auditor otherwise would distribute to each taxing 505
district. In making the reductions, the auditor shall subtract 506
from the otherwise distributable real property taxes to a taxing 507
district an amount that shall be determined by multiplying the 508
certified costs by a fraction the numerator of which shall be 509
the amount of the taxes, assessments, charges, penalties, and 510
interest on the parcel owed to that taxing district at the time 511
the parcel first was offered for sale pursuant to this section, 512
and the denominator of which shall be the total of the taxes, 513
assessments, charges, penalties, and interest on the parcel owed 514
to all the taxing districts at that time. The auditor promptly 515
shall pay to the clerk of the court the amounts of the 516
reductions. 517

(b) If reductions occur pursuant to division (C) (2) (a) of 518
this section, and if at a subsequent time a parcel is sold at a 519
foreclosure sale or a forfeiture sale pursuant to Chapter 5723. 520
of the Revised Code, then, notwithstanding other provisions of 521
the Revised Code, except section 5721.17 of the Revised Code, 522
governing the distribution of the proceeds of a foreclosure or 523
forfeiture sale, the proceeds first shall be distributed to 524
reimburse the taxing districts subjected to reductions in their 525
otherwise distributable real property taxes. The distributions 526
shall be based on the same proportions used for purposes of 527
division (C) (2) (a) of this section. 528

(3) The court, in its discretion, may order any parcel not 529
sold pursuant to the original order of sale to be advertised and 530
offered for sale at a subsequent foreclosure sale. For such 531
purpose, the court may direct the parcel to be appraised and fix 532
a minimum price for which it may be sold. 533

(D) Except as otherwise provided in division (B) (1) of 534
section 5721.17 of the Revised Code, upon the confirmation of a 535
sale, the proceeds of the sale shall be applied as follows: 536

(1) The costs incurred in any proceeding filed against the 537
parcel pursuant to section 5721.18 of the Revised Code shall be 538
paid first. 539

(2) Following the payment required by division (D) (1) of 540
this section, the part of the proceeds that is equal to five per 541
cent of the taxes and assessments due shall be deposited in 542
equal shares into each of the delinquent tax and assessment 543
collection funds created pursuant to section 321.261 of the 544
Revised Code. If a county land reutilization corporation is 545
operating in the county, the board of county commissioners, by 546
resolution, may provide that an additional amount, not to exceed 547
five per cent of such taxes and assessments, shall be credited 548
to the county land reutilization corporation fund created by 549
section 321.263 of the Revised Code to pay for the corporation's 550
expenses. If such a resolution is in effect, the percentage of 551
such taxes and assessments so provided shall be credited to that 552
fund. 553

(3) Following the payment required by division (D) (2) of 554
this section, the amount found due for taxes, assessments, 555
charges, penalties, and interest shall be paid, including all 556
taxes, assessments, charges, penalties, and interest payable 557
subsequent to the delivery to the county prosecuting attorney of 558
the delinquent land tax certificate or master list of delinquent 559
tracts and prior to the transfer of the deed of the parcel to 560
the purchaser following confirmation of sale. If the proceeds 561
available for distribution pursuant to division (D) (3) of this 562
section are sufficient to pay the entire amount of those taxes, 563

assessments, charges, penalties, and interest, the portion of 564
the proceeds representing taxes, interest, and penalties shall 565
be paid to each claimant in proportion to the amount of taxes 566
levied by the claimant in the preceding tax year, and the amount 567
representing assessments and other charges shall be paid to each 568
claimant in the order in which they became due. If the proceeds 569
are not sufficient to pay that entire amount, the proportion of 570
the proceeds representing taxes, penalties, and interest shall 571
be paid to each claimant in the same proportion that the amount 572
of taxes levied by the claimant against the parcel in the 573
preceding tax year bears to the taxes levied by all such 574
claimants against the parcel in the preceding tax year, and the 575
proportion of the proceeds representing items of assessments and 576
other charges shall be credited to those items in the order in 577
which they became due. 578

(E) If the proceeds from the sale of a parcel are 579
insufficient to pay in full the amount of the taxes, 580
assessments, charges, penalties, and interest which are due and 581
unpaid; the costs incurred in the foreclosure proceeding 582
instituted against it which are due and unpaid; and, if division 583
(B) (1) of section 5721.17 of the Revised Code is applicable, any 584
notes issued by a receiver pursuant to division (F) of section 585
3767.41 of the Revised Code and any receiver's lien as defined 586
in division (C) (4) of section 5721.18 of the Revised Code, the 587
court, pursuant to section 5721.192 of the Revised Code, may 588
enter a deficiency judgment against the owner of record of the 589
parcel for the unpaid amount. If that owner of record is a 590
corporation, the court may enter the deficiency judgment against 591
the stockholder holding a majority of that corporation's stock. 592

If after distribution of proceeds from the sale of the 593
parcel under division (D) of this section the amount of proceeds 594

to be applied to pay the taxes, assessments, charges, penalties, interest, and costs is insufficient to pay them in full, and the court does not enter a deficiency judgment against the owner of record pursuant to this division, the taxes, assessments, charges, penalties, interest, and costs shall be deemed satisfied.

(F) (1) Upon confirmation of a sale, a spouse of the party charged with the delinquent taxes or assessments shall thereby be barred of the right of dower in the property sold, though such spouse was not a party to the action. No statute of limitations shall apply to such action. When the land or lots stand charged on the tax duplicate as certified delinquent, it is not necessary to make the state a party to the foreclosure proceeding, but the state shall be deemed a party to such action through and be represented by the county treasurer.

(2) Except as otherwise provided in divisions (F) (3) and (G) of this section, unless such land or lots were previously redeemed pursuant to section 5721.25 of the Revised Code, upon the filing of the entry of confirmation of any sale or the expiration of the alternative redemption period as defined in section 323.65 of the Revised Code, if applicable, the title to such land or lots shall be incontestable in the purchaser and shall be free and clear of all liens and encumbrances, except a federal tax lien notice of which is properly filed in accordance with section 317.09 of the Revised Code prior to the date that a foreclosure proceeding is instituted pursuant to division (B) of section 5721.18 of the Revised Code and the easements and covenants of record running with the land or lots that were created prior to the time the taxes or assessments, for the nonpayment of which the land or lots are sold at foreclosure, became due and payable.

(3) When proceedings for foreclosure are instituted under 626
division (C) of section 5721.18 of the Revised Code, unless the 627
land or lots were previously redeemed pursuant to section 628
5721.25 of the Revised Code or before the expiration of the 629
alternative redemption period, upon the filing of the entry of 630
confirmation of sale or after the expiration of the alternative 631
redemption period, as may apply to the case, the title to such 632
land or lots shall be incontestable in the purchaser and shall 633
be free of any receiver's lien as defined in division (C)(4) of 634
section 5721.18 of the Revised Code and, except as otherwise 635
provided in division (G) of this section, the liens for land 636
taxes, assessments, charges, interest, and penalties for which 637
the lien was foreclosed and in satisfaction of which the 638
property was sold. All other liens and encumbrances with respect 639
to the land or lots shall survive the sale. 640

(4) The title shall not be invalid because of any 641
irregularity, informality, or omission of any proceedings under 642
this chapter, or in any processes of taxation, if such 643
irregularity, informality, or omission does not abrogate the 644
provision for notice to holders of title, lien, or mortgage to, 645
or other interests in, such foreclosed lands or lots, as 646
prescribed in this chapter. 647

(G) If a parcel is sold under this section for the amount 648
described in division (A)(2) of this section, and the county 649
treasurer's estimate exceeds the amount of taxes, assessments, 650
interest, penalties, and costs actually payable when the deed is 651
transferred to the purchaser, the officer who conducted the sale 652
shall refund to the purchaser the difference between the 653
estimate and the amount actually payable. If the amount of 654
taxes, assessments, interest, penalties, and costs actually 655
payable when the deed is transferred to the purchaser exceeds 656

the county treasurer's estimate, the officer shall certify the 657
amount of the excess to the treasurer, who shall enter that 658
amount on the real and public utility property tax duplicate 659
opposite the property; the amount of the excess shall be payable 660
at the next succeeding date prescribed for payment of taxes in 661
section 323.12 of the Revised Code. 662

(H) If a parcel is sold or transferred under this section 663
or sections 323.28 and 323.65 to 323.79 of the Revised Code, the 664
officer who conducted the sale or made the transfer of the 665
property shall collect the recording fee and any associated 666
costs to cover the recording from the purchaser or transferee at 667
the time of the sale or transfer and, following confirmation of 668
the sale or transfer, shall execute and record the deed 669
conveying title to the parcel to the purchaser or transferee. 670
For purposes of recording such deed, by placement of a bid or 671
making a statement of interest by any party ultimately awarded 672
the parcel, that purchaser or transferee thereby appoints the 673
officer who makes the sale or is charged with executing and 674
delivering the deed as agent for the purchaser or transferee for 675
the sole purpose of accepting delivery of the deed. For such 676
purposes, the confirmation of any such sale or order to transfer 677
the parcel without appraisal or sale shall be deemed delivered 678
upon the confirmation of such sale or transfer. 679

(I) Notwithstanding section 5722.03 of the Revised Code, 680
if the complaint alleges that the property is delinquent vacant 681
land as defined in section 5721.01 of the Revised Code, 682
abandoned lands as defined in section 323.65 of the Revised 683
Code, or lands described in division (F) of section 5722.01 of 684
the Revised Code, and the value of the taxes, assessments, 685
penalties, interest, and all other charges and costs of the 686
action exceed the auditor's fair market value of the parcel, 687

then the court or board of revision having jurisdiction over the 688
matter on motion of the plaintiff, or on the court's or board's 689
own motion, shall, upon any adjudication of foreclosure, order, 690
without appraisal and without sale, the fee simple title of the 691
property to be transferred to and vested in an electing 692
subdivision as defined in division (A) of section 5722.01 of the 693
Revised Code. For purposes of determining whether the taxes, 694
assessments, penalties, interest, and all other charges and 695
costs of the action exceed the actual fair market value of the 696
parcel, the auditor's most current valuation shall be rebuttably 697
presumed to be, and constitute prima-facie evidence of, the fair 698
market value of the parcel. In such case, the filing for 699
journalization of a decree of foreclosure ordering that direct 700
transfer without appraisal or sale shall constitute confirmation 701
of the transfer and thereby terminate any further statutory or 702
common law right of redemption. 703

(J) (1) The officer charged with transferring title to 704
property sold under this section may not transfer the title to a 705
purchaser unless and until the purchaser or the purchaser's 706
authorized representative furnishes the officer with an 707
affidavit stating all of the following, as applicable: 708

(a) If the purchaser is not a pass-through entity, that 709
the affiant has made, or caused to be made, an inquiry with the 710
county treasurer in each county in which the purchaser, or a 711
pass-through entity in which the purchaser directly or 712
indirectly owns or holds at least a ten per cent interest, owns 713
property and has been informed by each treasurer that the 714
purchaser or pass-through entity does not own property in the 715
county against which delinquent taxes are assessed and that, to 716
the best of the affiant's knowledge, neither the purchaser nor a 717
pass-through entity in which the purchaser directly or 718

indirectly owns or holds at least a ten per cent interest owns 719
property in the state against which delinquent taxes are 720
assessed. 721

The affiant may, as applicable, alternatively state either 722
of the following: 723

(i) That the affiant was informed by one or more county 724
treasurers that the purchaser, or a pass-through entity in which 725
the purchaser directly or indirectly owns or holds at least a 726
ten per cent interest, owns property in the applicable county or 727
counties against which delinquent taxes are assessed, but that 728
the amounts due have since been paid; 729

(ii) That the affiant was informed by one or more county 730
treasurers that the purchaser, or a pass-through entity in which 731
the purchaser directly or indirectly owns or holds at least a 732
ten per cent interest, owns property in the applicable county or 733
counties against which delinquent taxes are assessed, and that 734
one of the following applies: 735

(I) The delinquency has been misassigned to the purchaser 736
due to a name change, pending property transfer, or 737
administrative or scrivener's error by the purchaser or county 738
recorder. If error on the part of the county recorder is stated, 739
an affidavit or other documentation from the county recorder 740
supporting that statement shall be submitted with the affidavit. 741

(II) The property against which delinquent taxes are 742
assessed is the subject of litigation or other proceedings that 743
challenge the ownership and that may absolve the taxpayer of the 744
delinquency. 745

(III) There are other circumstances the affiant believes 746
demonstrate that the delinquency does not result from 747

intentional action or inaction on the part of the purchaser. If 748
such circumstances are stated, the affiant shall submit 749
supporting documentation with the affidavit. 750

The officer shall review the affidavit and any submitted 751
documentation, and may approve or deny the transfer based on the 752
validity of the circumstances presented in the affidavit and 753
documentation. 754

(b) If the purchaser is a pass-through entity, that the 755
affiant has made, or caused to be made, an inquiry with the 756
county treasurer in each county in which the purchaser, or a 757
person who directly or indirectly owns or holds at least a ten 758
per cent interest in the purchaser, owns property and has been 759
informed by each treasurer that neither the purchaser nor a 760
person that directly or indirectly owns or holds a ten per cent 761
interest in the purchaser owns property in the county against 762
which delinquent taxes are assessed and that, to the best of the 763
affiant's knowledge, neither the purchaser nor a person that 764
directly or indirectly owns or holds a ten per cent interest in 765
the purchaser owns property in the state against which 766
delinquent taxes are assessed. 767

The affiant may, as applicable, alternatively state either 768
of the following: 769

(i) That the affiant was informed by one or more county 770
treasurers that the purchaser, or person who directly or 771
indirectly owns or holds at least a ten per cent interest in the 772
purchaser, owns property in the county against which delinquent 773
taxes are assessed, but that the amounts due have since been 774
paid; 775

(ii) That the affiant was informed by one or more county 776

treasurers that the purchaser, or a person who directly or 777
indirectly owns or holds at least a ten per cent interest in the 778
purchaser, owns property in the applicable county or counties 779
against which delinquent taxes are assessed, and that one of the 780
following applies: 781

(I) The delinquency has been misassigned to the purchaser 782
due to a name change, pending property transfer, or 783
administrative or scrivener's error by the purchaser or county 784
recorder. If error on the part of the county recorder is stated, 785
an affidavit or other documentation from the county recorder 786
supporting that statement shall be submitted with the affidavit. 787

(II) The property against which delinquent taxes are 788
assessed is the subject of litigation or other proceedings that 789
challenge the ownership and that may absolve the taxpayer of the 790
delinquency. 791

(III) There are other circumstances the affiant believes 792
demonstrate that the delinquency does not result from 793
intentional action or inaction on the part of the purchaser. If 794
such circumstances are stated, the affiant shall submit 795
supporting documentation with the affidavit. 796

The officer shall review the affidavit and any submitted 797
documentation, and may approve or deny the transfer based on the 798
validity of the circumstances presented in the affidavit and 799
documentation. 800

(c) If the purchaser is an individual, the address of the 801
purchaser's primary residence; 802

(d) If the purchaser is not an individual, the name and 803
address of the purchaser's statutory agent. 804

(2) As used in division (J) of this section: 805

(a) "Pass-through entity" has the same meaning as in 806
section 5733.04 of the Revised Code. 807

(b) "Property against which delinquent taxes are assessed" 808
does not include property with delinquent taxes that are, at the 809
time the affidavit is executed, being paid in installments 810
pursuant to a delinquent tax contract executed pursuant to 811
section 323.31 of the Revised Code, provided the contract has 812
not become void under that section. 813

(K) Any person who knowingly makes a false statement in 814
the affidavit furnished under division (J) of this section is 815
guilty of falsification under division (A) (11) of section 816
2921.13 of the Revised Code. 817

Sec. 5723.06. (A) (1) The county auditor, on the day set 818
for the sale of forfeited lands provided in section 5723.04 of 819
the Revised Code, shall attend at the courthouse and offer for 820
sale the whole of each tract of land as contained in the list 821
provided for in such section, at public auction, to the highest 822
bidder, for an amount sufficient to pay the lesser of the 823
amounts described in divisions (A) (1) and (2) of section 5721.16 824
of the Revised Code. 825

The county auditor shall offer each tract separately, 826
beginning with the first tract contained in the list. 827

(2) If no bid is received for any of the tracts in an 828
amount sufficient to pay the required amount, and no notice is 829
given under section 5722.04 of the Revised Code or division (B) 830
of this section, the auditor may offer such tract for sale 831
forthwith, and sell it for the best price obtainable. The county 832
auditor shall continue through such list and may adjourn the 833
sale from day to day until the county auditor has disposed of or 834

offered for sale each tract of land specified in the notice. The 835
county auditor may offer a tract of land two or more times at 836
the same sale. 837

(3) Notwithstanding the minimum sales price provisions of 838
divisions (A) (1) and (2) of this section to the contrary, 839
forfeited lands sold pursuant to this section shall not be sold 840
in either of the following circumstances: 841

(a) To any person that is delinquent on real property 842
taxes in this state; 843

(b) For less than the total amount of the taxes, 844
assessments, penalties, interest, and costs that stand charged 845
against the land if the highest bidder is the owner of record of 846
the parcel immediately prior to the judgment of foreclosure or 847
foreclosure and forfeiture, or a member of the following class 848
of parties connected to that owner: a member of that owner's 849
immediate family, a person with a power of attorney appointed by 850
that owner who subsequently transfers the parcel to the owner, a 851
sole proprietorship owned by that owner or a member of that 852
owner's immediate family, or a partnership, trust, business 853
trust, corporation, or association in which the owner or a 854
member of the owner's immediate family owns or controls directly 855
or indirectly more than fifty per cent. 856

If a parcel sells for less than the total amount of the 857
taxes, assessments, penalties, interest, and costs that stand 858
charged against it, the officer conducting the sale shall 859
require the buyer to complete an affidavit prepared by the 860
officer stating that the buyer is not the owner of record 861
immediately prior to the judgment of foreclosure or foreclosure 862
and forfeiture, or a member of the specified class of parties 863
connected to that owner, and the affidavit shall become part of 864

the court records of the proceeding. If the county auditor 865
discovers within three years after the date of the sale that a 866
parcel was sold to that owner or a member of the specified class 867
of parties connected to that owner for a price less than the 868
amount so described, and if the parcel is still owned by that 869
owner or a member of the specified class of parties connected to 870
that owner, the auditor within thirty days after such discovery 871
shall add the difference between that amount and the sale price 872
to the amount of taxes that then stand charged against the 873
parcel and is payable at the next succeeding date for payment of 874
real property taxes. As used in this paragraph, "immediate 875
family" means a spouse who resides in the same household and 876
children. 877

(B) The director of natural resources may give written 878
notice to the auditor prior to the time of the sale of the 879
director's intention to purchase forfeited land for the state. 880
Such notice is a legal minimum bid at the time of the sale, and, 881
if no bid is received in an amount sufficient to pay the lesser 882
of the amounts described in divisions (A) (1) and (2) of section 883
5721.16 of the Revised Code, the land is deemed sold to the 884
state for no consideration. The director of natural resources 885
shall record the deed. 886

(C) The sale of forfeited land under this section conveys 887
the title to the tract or parcel of land, divested of all 888
liability for any taxes, assessments, charges, penalties, 889
interest, and costs due at the time of sale that remain after 890
applying the amount for which it was sold, except as otherwise 891
provided in division (D) of this section. 892

(D) If the parcel is sold for the amount described in 893
division (A) (2) of section 5721.16 of the Revised Code, and the 894

county treasurer's estimate of that amount exceeds the amount of 895
taxes, assessments, interest, penalties, and costs actually 896
payable when the deed is transferred to the purchaser, the 897
county auditor shall refund to the purchaser the difference 898
between the estimate and the amount actually payable. If the 899
amount of taxes, assessments, interest, penalties, and costs 900
actually payable when the deed is transferred to the purchaser 901
exceeds the county treasurer's estimate, the county auditor 902
shall certify the amount of the excess to the treasurer, who 903
shall enter that amount on the real and public utility property 904
tax duplicate opposite the property; the amount of the excess 905
shall be payable at the next succeeding date prescribed for 906
payment of taxes in section 323.12 of the Revised Code. 907

(E) A county auditor may not transfer title to a tract of 908
land sold under this section to a purchaser unless and until the 909
purchaser furnishes the auditor with an affidavit and, if 910
applicable, supporting documentation as described in division 911
(J) of section 5721.19 of the Revised Code. Any person who 912
knowingly makes a false statement in that affidavit is guilty of 913
falsification under division (A)(11) of section 2921.13 of the 914
Revised Code. 915

Section 2. That existing sections 317.22, 319.20, 323.28, 916
323.74, 5713.18, 5721.19, and 5723.06 of the Revised Code are 917
hereby repealed. 918

Section 3. The amendment or enactment by this act of 919
sections 317.22, 319.20, 319.204, and 5713.18 of the Revised 920
Code applies to transfers, in whole or in part, of tracts or 921
lots of real estate occurring on or after the effective date of 922
this section or subdivisions of tracts or lots of real estate 923
presented to the county auditor under section 5713.18 of the 924

Revised Code after that effective date.

925