

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 273

Representative Pelanda

Cosponsors: Representatives Rogers, Becker, Grossman, Fedor, Hackett, Young

A BILL

To amend sections 1923.12, 1923.13, and 1923.14 and 1
to enact section 4781.56 of the Revised Code 2
regarding the removal of abandoned or unoccupied 3
manufactured homes, mobile homes, or 4
recreational vehicles from manufactured home 5
parks. 6

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

Section 1. That sections 1923.12, 1923.13, and 1923.14 be 7
amended and section 4781.56 of the Revised Code be enacted to 8
read as follows: 9

Sec. 1923.12. (A) If a resident or a resident's estate has 10
been evicted from a manufactured home park pursuant to a 11
judgment entered under section 1923.09 or 1923.11 of the Revised 12
Code and if the resident or estate has abandoned or otherwise 13
left unoccupied the resident's manufactured home, mobile home, 14
or recreational vehicle on the residential premises of the 15
manufactured home park for a period of three days following the 16
entry of the judgment, the operator of the manufactured home 17
park may provide to the titled owner of the home or vehicle a 18
written notice to remove the home or vehicle from the 19

manufactured home park within fourteen days from the date of the delivery of the notice. The park operator shall deliver or cause the delivery of the notice by personal delivery to the owner or by ordinary mail sent to the last known address of the owner. Except as provided in divisions (D) and (E) of this section, if the owner of the manufactured home, mobile home, or recreational vehicle does not remove it or cause it to be removed from the manufactured home park within fourteen days from the date of the delivery of the notice, the park operator may follow the procedures of division (B) of section 1923.13 and division (B) of section 1923.14 of the Revised Code to permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle.

(B) Every notice provided to the titled owner of a manufactured home, mobile home, or recreational vehicle under this section shall contain the following language printed in a conspicuous manner: "You are being asked to remove your manufactured home, mobile home, or recreational vehicle from the residential premises of, a manufactured home park, in accordance with a judgment of eviction entered in court on against..... If the manufactured home, mobile home, or recreational vehicle is not removed from the manufactured home park within fourteen days from the date of delivery of this notice, the home or vehicle may be sold or destroyed, or its title may be transferred to, pursuant to division (B) of both sections 1923.13 and 1923.14 of the Revised Code. If you are in doubt regarding your legal rights, it is recommended that you seek legal assistance."

(C) Before requesting a writ of execution under division (B) of section 1923.13 of the Revised Code, the park operator

shall conduct or cause to be conducted a search of the 51
appropriate public records that relate to the manufactured home, 52
mobile home, or recreational vehicle, and make or cause to be 53
made reasonably diligent inquiries, for the purpose of 54
identifying any persons who have an outstanding right, title, or 55
interest in the home or vehicle. If the search or inquiries 56
reveal any person who has an outstanding right, title, or 57
interest in the manufactured home, mobile home, or recreational 58
vehicle, the park operator shall list the name and last known 59
address of each person with a right, title, or interest of that 60
nature on its request for the writ of execution. In addition, if 61
personal property has been abandoned on the residential premises 62
and the park operator has knowledge of any person who has an 63
outstanding right, title, or interest in any of the personal 64
property, the park operator shall list the item or items of 65
personal property and the name and last known address of each 66
person with the outstanding right, title, or interest on the 67
request for the writ of execution. The park operator also shall 68
certify on the request that the park operator provided the 69
written notice required by this section. The clerk of the 70
municipal court, county court, or court of common pleas may 71
~~require~~ do either of the following: 72

(1) Require the park operator to pay an advance deposit 73
sufficient to secure payment of the appraisal of the 74
manufactured home, mobile home, or recreational vehicle and the 75
advertisement of the sale of the home or vehicle; 76

(2) Require the sworn testimony of the park operator by 77
notarized affidavit submitted to the court stating that the 78
manufactured home, mobile home, or recreational vehicle is 79
abandoned and worth less than three thousand dollars. 80

(D) When a deceased resident or a resident's estate has
been evicted from a manufactured home park pursuant to a
judgment entered under section 1923.09 or 1923.11 of the Revised
Code, the removal from the park and potential sale, destruction,
or transfer of ownership of the resident's manufactured home,
mobile home, or recreational vehicle and any personal property
abandoned on the residential premises shall be conducted in the
manner prescribed by the probate court in which letters
testamentary or of administration have been granted for the
estate in accordance with Title XXI of the Revised Code. The
park operator may store the resident's manufactured home, mobile
home, or recreational vehicle at a storage facility or at
another location within the manufactured home park during the
administration of the estate. The park operator shall notify the
executor or administrator of the resident's estate where the
manufactured home, mobile home, or recreational vehicle will be
stored during the administration of the estate. The costs for
the removal and storage of the manufactured home, mobile home,
or recreational vehicle shall be a claim against the resident's
estate without further presentation of the claim to the executor
or administrator.

(E) (1) When the resident who has been evicted from a
manufactured home park pursuant to a judgment entered under
section 1923.09 or 1923.11 of the Revised Code is the titled
owner of a manufactured home, mobile home, or recreational
vehicle and is or becomes deceased prior to the removal of the
home or vehicle from the manufactured home park, and no probate
court has granted ~~letters testamentary or of administration~~ with
respect to the resident's estate within ninety days of the
deceased's death, the park operator may store the home or
vehicle at a storage facility or at another location within the

manufactured home park before and after a probate court grants 112
letters testamentary or of administration with respect to the 113
resident's estate pursuant to Title XXI of the Revised Code. 114

(2) If no probate court grants ~~letters testamentary or of~~ 115
~~administration with respect to the resident's estate within one~~ 116
~~year~~ ninety days of the date of the eviction of the resident 117
from the manufactured home park pursuant to a judgment entered 118
under section 1923.09 or 1923.11 of the Revised Code, the park 119
operator may follow the procedures of division (B) of section 120
1923.13 and division (B) of section 1923.14 of the Revised Code 121
to permit the removal of the manufactured home, mobile home, or 122
recreational vehicle from the park and potential sale, 123
destruction, or transfer of ownership of the home or vehicle. 124

~~(3) If a probate court grants letters testamentary or of~~ 125
~~administration with respect to the resident's estate within one~~ 126
~~year of the date of the eviction of the resident from the park,~~ 127
~~the removal of the manufactured home, mobile home, or~~ 128
~~recreational vehicle from the park and potential sale,~~ 129
~~destruction, or transfer of ownership of the home or vehicle~~ 130
~~shall be conducted pursuant to division (D) of this section.~~ 131

If no estate in probate has been filed within ninety days, 132
the park operator may conduct or cause to be conducted a search 133
of the appropriate public records that relate to the 134
manufactured home, mobile home, or recreational vehicle, and 135
make or cause to be made reasonably diligent inquiries, for the 136
purpose of identifying any persons who have an outstanding 137
right, title, or interest in the home or vehicle. 138

(a) If the search or inquiries reveal any person who has 139
an outstanding right, title, or interest in the manufactured 140
home, mobile home, or recreational vehicle, the park operator 141

may provide to the person a written notice to remove the home or 142
vehicle from the manufactured home park or arrange for the sale 143
of the home or vehicle within fourteen days from the date of the 144
delivery of the notice. The notice shall be in the form 145
described in division (B) of this section. The park operator 146
shall deliver or cause the delivery of the notice by personal 147
delivery to the person or by ordinary mail sent to the last 148
known address of the person. If a sale of the home or vehicle is 149
arranged, the person shall pay any rent due to the park operator 150
during the pendency of the sale. If the person does not remove 151
the home or vehicle or arrange for its sale within fourteen days 152
from the date of the delivery of the notice, the park operator 153
may follow the procedures of division (B) of section 1923.13 and 154
division (B) of section 1923.14 of the Revised Code to permit 155
the removal of the home or vehicle from the manufactured home 156
park, and the potential sale, destruction, or transfer of 157
ownership of the home or vehicle. 158

(b) If the search or inquiries reveal no person who has an 159
outstanding right, title, or interest in the manufactured home, 160
mobile home, or recreational vehicle, the park operator may 161
publish notice of a petition for a writ of execution in a 162
newspaper of general circulation in the county where the home or 163
vehicle has been abandoned. The publication shall contain the 164
name of the deceased and the last known address of the home or 165
vehicle and shall run for three consecutive weeks. The park 166
operator shall provide to the clerk of the court written 167
certification by the newspaper of the dates of the publication 168
and an affidavit signed by the operator attesting to the 169
publication. The park operator may then follow the procedures of 170
division (B) of section 1923.13 and division (B) of section 171
1923.14 of the Revised Code to permit the removal of the home or 172

vehicle from the manufactured home park, and the potential sale, 173
destruction, or transfer of ownership of the home or vehicle. 174

Sec. 1923.13. (A) When a judgment of restitution is 175
entered by a court in an action under this chapter, unless the 176
plaintiff or the plaintiff's agent or attorney proceeds under 177
division (B) of this section, at the request of the plaintiff or 178
the plaintiff's agent or attorney, that court shall issue a writ 179
of execution on the judgment, in the following form, as near as 180
practicable: 181

"The state of Ohio, county: To 182
any constable or police officer of township, 183
city, or village; or To the sheriff 184
of county; or To any authorized 185
bailiff of the (name of court): 186

Whereas, in a certain action for the forcible entry and 187
detention (or the forcible detention, as the case may be), of 188
the following described premises, to wit:, lately 189
tried before this court, wherein was plaintiff, 190
and was defendant, judgment was 191
rendered on the day of,, that 192
the plaintiff have restitution of those premises; and also that 193
the plaintiff recover costs in the sum of, You 194
therefore are hereby commanded to cause the defendant to be 195
forthwith removed from those premises, and the plaintiff to have 196
restitution of them; also, that you levy of the goods and 197
chattels of the defendant, and make the costs previously 198
mentioned and all accruing costs, and of this writ make legal 199
service and due return. 200

Witness my hand, this day 201
of, Judge, 202

(Name of court)" 203

(B) When a judgment of restitution is entered by a court 204
in any action under this chapter against a manufactured home 205
park resident or the estate of a manufactured home park 206
resident, at the request of the plaintiff or the plaintiff's 207
agent or attorney, that court shall issue a writ of execution on 208
the judgment, in the following form, as near as practicable: 209

"The state of Ohio, county; To any constable or 210
police officer of township, city, or village; or To 211
the sheriff of county; or To any authorized bailiff 212
of the (name of court): 213

Whereas, in a certain action for eviction of a resident or 214
a resident's estate from the following described residential 215
premises of a manufactured home park on which the following 216
described manufactured home, mobile home, or recreational 217
vehicle is located, to wit:, lately tried before this 218
court, wherein was plaintiff, and was 219
defendant, judgment was rendered on the 220
day of,, that the plaintiff have 221
restitution of the premises and also that the plaintiff recover 222
costs in the sum of, You therefore are hereby 223
authorized to cause the defendant to be removed from the 224
residential premises, if necessary. Also, you are to levy of the 225
goods and chattels of the defendant, and make the costs 226
previously mentioned and all accruing costs, and of this writ 227
make legal service and due return. 228

Further, you are authorized to cause the manufactured 229
home, mobile home, or recreational vehicle, and all personal 230
property on the residential premises, to be, ~~at your option,~~ 231
~~either (1) removed from the manufactured home park and, if-~~ 232

~~necessary, moved to a storage facility of your choice, or (2)~~ 233
retained at their current location on the residential premises, 234
until they are disposed of in a manner authorized by this writ 235
or the law of this state. 236

If the manufactured home, mobile home, or recreational 237
vehicle has been abandoned by the defendant and the requirements 238
of section 1923.12 of the Revised Code have been satisfied and 239
the home is valued at more than three thousand dollars, you are 240
hereby authorized to cause the sale of the home or vehicle and 241
personal property in the home or vehicle in accordance with 242
division (B) (3) of section 1923.14 of the Revised Code. A search 243
of appropriate public records or other reasonably diligent 244
inquiries reveals the following persons, whose last known 245
addresses are listed next to their names, may continue to have 246
an outstanding right, title, or interest in the home or vehicle: 247
..... In addition, the following persons, whose last known 248
addresses are listed next to their names, may continue to have 249
an outstanding right, title, or interest in certain personal 250
property left in the home and listed next to their 251
names: If you are unable to sell the manufactured 252
home, mobile home, or recreational vehicle due to a want of 253
bidders, after it is offered for sale on two occasions, you are 254
hereby commanded to cause the presentation of this writ to a 255
clerk of ~~the this court of common pleas~~ for the issuance of a 256
certificate of title transferring the title of the home or 257
vehicle to the plaintiff, free and clear of all security 258
interests, liens, and encumbrances, in accordance with division 259
(B) (3) of section 1923.14 of the Revised Code. 260

If the manufactured home, mobile home, or recreational 261
vehicle has been so abandoned and has a value of less than three 262
thousand dollars and if the requirements of section 1923.12 of 263

the Revised Code have been satisfied, you are hereby authorized 264
either to cause the sale or destruction of the home or vehicle, 265
or to cause the presentation of this writ to a clerk of ~~the~~this 266
court ~~of common pleas~~ for the issuance of a certificate of title 267
transferring the title of the home or vehicle to the plaintiff, 268
free and clear of all security interests, liens, and 269
encumbrances, in accordance with division (B) (4) of section 270
1923.14 of the Revised Code. 271

Upon this writ's presentation by the levying officer to a 272
clerk of ~~the~~this court ~~of common pleas~~ under the circumstances 273
described in either of the two preceding paragraphs and in 274
accordance with division (B) (3) or (4) of section 1923.14 of the 275
Revised Code, as applicable, the clerk is hereby commanded to 276
issue a certificate of title transferring the title of the 277
manufactured home, mobile home, or recreational vehicle to the 278
plaintiff, free and clear of all security interests, liens, and 279
encumbrances, in the manner prescribed in section 4505.10 of the 280
Revised Code. 281

Witness my hand, this day 282
of,, Judge, (Name 283
of court). " 284

Sec. 1923.14. (A) Except as otherwise provided in this 285
section, within ten days after receiving a writ of execution 286
described in division (A) or (B) of section 1923.13 of the 287
Revised Code, the sheriff, police officer, constable, or bailiff 288
shall execute it by restoring the plaintiff to the possession of 289
the premises, and shall levy and collect ~~the~~reasonable costs 290
and make return, as upon other executions. If an appeal from the 291
judgment of restitution is filed and if, following the filing of 292
the appeal, a stay of execution is obtained and any required 293

bond is filed with the court of common pleas, municipal court, 294
or county court, the judge of that court immediately shall issue 295
an order to the sheriff, police officer, constable, or bailiff 296
commanding the delay of all further proceedings upon the 297
execution. If the premises have been restored to the plaintiff, 298
the sheriff, police officer, constable, or bailiff shall 299
forthwith place the defendant in possession of them, and return 300
the writ with the sheriff's, police officer's, constable's, or 301
bailiff's proceedings and the costs taxed on it. 302

(B) (1) After a court of common pleas, municipal court, or 303
county court issues a writ of execution described in division 304
(B) of section 1923.13 of the Revised Code, the clerk of the 305
court shall send by regular mail, to the last known address of 306
each person other than the titled owner of the manufactured 307
home, mobile home, or recreational vehicle that is the subject 308
of the writ ~~and to the last known address of each other person~~ 309
who is listed on the writ as having any outstanding right, 310
title, or interest in the home, vehicle, or personal property 311
and to the auditor and treasurer of the county in which the 312
court is located, a written notice that the home or vehicle 313
potentially may be sold, destroyed, or have its title 314
transferred under the circumstances described in division (B) (3) 315
or (4) of this section. A person having any outstanding right, 316
title, or interest in the home, vehicle, or personal property is 317
not required to consent to the notice required under this 318
division in order for the writ to be executed. 319

(2) Except as otherwise provided in this division, after 320
receiving a writ of execution described in division (B) of 321
section 1923.13 of the Revised Code, and after causing the 322
defendant to be removed from the residential premises of the 323
manufactured home park, if necessary, in accordance with the 324

writ, the sheriff, police officer, constable, or bailiff may 325
cause the manufactured home, mobile home, or recreational 326
vehicle that is the subject of the writ, and all personal 327
property on the residential premises, at the sheriff's, police 328
officer's, constable's, or bailiff's option, ~~either to be~~ 329
~~removed from the manufactured home park and, if necessary, moved~~ 330
~~to a storage facility of the sheriff's, police officer's,~~ 331
~~constable's, or bailiff's choice, or to be retained at their~~ 332
current location on the residential premises, until they are 333
claimed by the defendant or they are disposed of in a manner 334
authorized by division (B) (3), (4), or (6) of this section or by 335
another section of the Revised Code. ~~The sheriff, police~~ 336
~~officer, constable, or bailiff shall not cause the manufactured~~ 337
~~home, mobile home, or recreational vehicle that is the subject~~ 338
~~of the writ, or the personal property, to be removed from the~~ 339
~~manufactured home park or moved to a storage facility if the~~ 340
~~holder of any outstanding lien, right, title, or interest in the~~ 341
~~home or vehicle, other than the titled owner of the home or~~ 342
~~vehicle, meets the conditions set forth in division (B) (6) or~~ 343
~~(7) of this section.~~ 344

~~The sheriff, police officer, constable, or bailiff who~~ 345
~~removes the manufactured home, mobile home, or recreational~~ 346
~~vehicle, or the abandoned personal property, from the~~ 347
~~residential premises shall be immune from civil liability~~ 348
~~pursuant to section 2744.03 of the Revised Code for any damage~~ 349
~~caused to the home, vehicle, or any personal property during the~~ 350
~~removal.~~ 351

The park operator shall not be liable for any damage 352
caused by the park operator's removal of the manufactured home, 353
mobile home, or recreational vehicle or the removal of the 354
personal property from the residential premises, or for any 355

damage to the home, vehicle, or personal property during the 356
time the home, vehicle, or property remains abandoned or stored 357
in the manufactured home park, unless the damage is the result 358
of acts that the park operator or the park operator's agents or 359
employees performed with malicious purpose, in bad faith, or in 360
a wanton or reckless manner. The reasonable costs for a removal 361
of the manufactured home, mobile home, or recreational vehicle 362
and personal property and, as applicable, the reasonable costs 363
for its storage shall constitute a lien upon the home or vehicle 364
payable by the titled owner of the home or vehicle or payable 365
pursuant to division (B) (3) of this section to the park 366
operator. 367

(3) Except as provided in divisions (B) (4), (5), and (6) 368
of this section and division (D) of section 1923.12 of the 369
Revised Code, within sixty days after receiving a writ of 370
execution described in division (B) of section 1923.13 of the 371
Revised Code for a manufactured home, mobile home, or 372
recreational vehicle, determined to have a value of three 373
thousand dollars or more, the sheriff, police officer, 374
constable, or bailiff shall commence proceedings for the sale of 375
the manufactured home, mobile home, or recreational vehicle that 376
is the subject of the writ, and the abandoned personal property 377
on the residential premises, if the home or vehicle is 378
determined to be abandoned in accordance with the procedures for 379
the sale of goods on execution under Chapter 2329. of the 380
Revised Code. In addition to all notices required to be given 381
under section 2329.13 of the Revised Code, the sheriff, police 382
officer, constable, or bailiff shall serve at their respective 383
last known addresses a written notice of the date, time, and 384
place of the sale upon all persons who are listed on the writ of 385
execution as having any outstanding right, title, or interest in 386

the abandoned manufactured home, mobile home, or recreational 387
vehicle and the personal property and shall provide written 388
notice to the auditor and the treasurer of the county in which 389
the court issuing the writ is located. 390

Unless the proceedings are governed by division (D) of 391
section 1923.12 of the Revised Code, notwithstanding any 392
statutory provision to the contrary, including, but not limited 393
to, section 2329.66 of the Revised Code, there shall be no stay 394
of execution or exemption from levy or sale on execution 395
available to the titled owner of the abandoned manufactured 396
home, mobile home, or recreational vehicle in relation to a sale 397
under this division. Except as otherwise provided in sections 398
2113.031, 2117.25, and 5162.21 of the Revised Code in a case 399
involving a deceased resident or resident's estate, the sheriff, 400
police officer, constable, or bailiff shall distribute the 401
proceeds from the sale of an abandoned manufactured home, mobile 402
home, or recreational vehicle and any personal property under 403
this division in the following manner: 404

(a) The sheriff, police officer, constable, or bailiff 405
shall first pay the costs for any moving of and any storage 406
outside the manufactured home park of the home or vehicle and 407
any personal property pursuant to division (B)(2) of this 408
section, the costs of the sale, including reimbursing the park 409
operator for the deposit that the park operator paid to the 410
clerk of court under division (C) of section 1923.12 of the 411
Revised Code and any advertising expenses paid by the park 412
operator for the sale of the manufactured home, mobile home, or 413
recreational vehicle under division (B)(3) of this section, and 414
any unpaid court costs assessed against the defendant in the 415
underlying action. 416

(b) Following the payment required by division (B) (3) (a) 417
of this section, the sheriff, police officer, constable, or 418
bailiff shall pay all outstanding tax liens on the home or 419
vehicle. 420

(c) Following the payment required by division (B) (3) (b) 421
of this section, the sheriff, police officer, constable, or 422
bailiff shall pay all other outstanding security interests, 423
liens, or encumbrances on the home or vehicle by priority of 424
filing or other priority. 425

(d) Following the payment required by division (B) (3) (c) 426
of this section, the sheriff, police officer, constable, or 427
bailiff shall pay any outstanding monetary judgment rendered 428
under section 1923.09 or 1923.11 of the Revised Code in favor of 429
the plaintiff and any costs associated with retaining the home 430
or vehicle prior to the sale at its location on the residential 431
premises within the manufactured home park pursuant to division 432
(B) (2) of this section. 433

(e) After complying with divisions (B) (3) (a) to (d) of 434
this section, the sheriff, police officer, constable, or bailiff 435
shall report any remaining money as unclaimed funds pursuant to 436
Chapter 169. of the Revised Code. 437

Upon the return of any writ of execution for the 438
satisfaction of which an abandoned manufactured home, mobile 439
home, or recreational vehicle has been sold under this division, 440
on careful examination of the proceedings of the sheriff, police 441
officer, constable, or bailiff conducting the sale, if the court 442
that issued the writ finds that the sale was made, in all 443
respects, in conformity with ~~the relevant provisions of Chapter~~ 444
~~2329. of the Revised Code and with this division,~~ it shall 445
direct the clerk of the court to make an entry on the journal 446

that the court is satisfied with the legality of the sale and 447
~~the court shall direct the clerk of the court of common pleas of~~ 448
~~the county in which the writ was issued to issue a certificate~~ 449
of title, free and clear of all security interests, liens, and 450
encumbrances, to the purchaser of the home or vehicle. ~~The clerk~~ 451
~~of the court of common pleas shall issue the new certificate of~~ 452
~~title to the purchaser of the home or vehicle regardless of~~ 453
~~whether the writ was issued by the court of common pleas or~~ 454
~~another court duly authorized to issue the writ.~~ If the 455
manufactured home, mobile home, or recreational vehicle sold 456
under this division is located in a manufactured home park, the 457
purchaser of the home or vehicle shall have no right to maintain 458
the home or vehicle in the manufactured home park without the 459
park operator's consent and the sheriff, police officer, 460
constable, or bailiff conducting the sale shall notify all 461
prospective purchasers of this fact prior to the commencement of 462
the sale. 463

If, after it is offered for sale on two occasions under 464
this division, the abandoned manufactured home, mobile home, or 465
recreational vehicle cannot be sold due to a want of bidders, 466
the sheriff, police officer, constable, or bailiff shall present 467
the writ of execution unsatisfied to the clerk of the court ~~of~~ 468
~~common pleas of the county in which that issued the writ was~~ 469
~~issued~~ for the issuance by the clerk in the manner prescribed in 470
section 4505.10 of the Revised Code of a certificate of title 471
transferring the title of the home or vehicle to the plaintiff, 472
free and clear of all security interests, liens, and 473
encumbrances. ~~The clerk of the court of common pleas shall issue~~ 474
~~the new certificate of title transferring the title of the~~ 475
~~manufactured home, mobile home, or recreational vehicle to the~~ 476
~~plaintiff regardless of whether the writ was issued by the court~~ 477

~~of common pleas or another court duly authorized to issue the writ.~~ If any taxes are owed on the home or vehicle at this time, the county auditor shall remove the delinquent taxes from the manufactured home tax list and the delinquent manufactured home tax list and remit any penalties for late payment of manufactured home taxes. Acceptance of the certificate of title by the plaintiff terminates all further proceedings under this section.

(4) Except as provided in division (B) (5) or (6) of this section and division (D) of section 1923.12 of the Revised Code, within ~~sixty~~ thirty days after receiving a writ of execution described in division (B) of section 1923.13 of the Revised Code, if the manufactured home, mobile home, or recreational vehicle is determined to be abandoned and to have a value of less than three thousand dollars, ~~the sheriff, police officer, constable, or bailiff shall serve at their respective last known addresses a written notice of potential action as described in this division upon all persons who are listed on the writ as having any outstanding right, title, or interest in the home or vehicle. This notice shall be in addition to all notices required to be given under section 2329.13 of the Revised Code. Subject to the fulfillment of these notice requirements, the~~ sheriff, police officer, constable, or bailiff shall take one of the following actions with respect to the abandoned manufactured home, mobile home, or recreational vehicle with the consent of the park:

(a) Cause its destruction if there is no person having an outstanding right, title, or interest in the home or vehicle, other than the titled owner of the home or vehicle;

(b) Proceed with its sale under division (B) (3) of this

section; 508

(c) If there is no person having an outstanding right, 509
title, or interest in the home or vehicle other than the titled 510
owner of the home or vehicle, ~~or if there is an outstanding~~ 511
~~right, title, or interest in the home or vehicle and the~~ 512
~~lienholder consents in writing,~~ present the writ of execution to 513
the clerk of the court ~~of common pleas of the county in which~~ 514
~~that issued the writ was issued~~ for the issuance by the clerk in 515
the manner prescribed in section 4505.10 of the Revised Code of 516
a certificate of title transferring the title of the home or 517
vehicle to the plaintiff, free and clear of all security 518
interests, liens, and encumbrances. ~~The clerk of the court of~~ 519
~~common pleas shall issue the new certificate of title~~ 520
~~transferring the title of the home or vehicle regardless of~~ 521
~~whether the writ was issued by the court of common pleas or~~ 522
~~another court duly authorized to issue the writ.~~ If any taxes 523
are owed on the home or vehicle at this time, the county auditor 524
shall remove the delinquent taxes from the manufactured home tax 525
list and the delinquent manufactured home tax list and remit any 526
penalties for late payment of manufactured home taxes. 527
Acceptance of the certificate of title by the plaintiff 528
terminates all further proceedings under this section. 529

(5) At any time prior to the issuance of the writ of 530
execution described in division (B) of section 1923.13 of the 531
Revised Code, the titled owner of the manufactured home, mobile 532
home, or recreational vehicle that would be the subject of the 533
writ may remove the abandoned home or vehicle from the 534
manufactured home park ~~or other place of storage~~ upon payment to 535
the county auditor of all outstanding tax liens on the home or 536
vehicle and, unless the owner is indigent, payment to the clerk 537
of court of all unpaid court costs assessed against the 538

defendant in the underlying action. After the issuance of the writ of execution, the titled owner of the home or vehicle may remove the abandoned home or vehicle from the manufactured home park ~~or other place of storage~~ at any time up to the day before the scheduled sale, destruction, or transfer of the home or vehicle pursuant to division (B) (3) or (4) of this section upon payment of all of the following:

(a) All costs ~~for moving and storage of the home or vehicle pursuant to division (B) (2) of this section and all costs~~ incurred by the sheriff, police officer, constable, or bailiff up to and including the date of the removal of the home or vehicle;

(b) All outstanding tax liens on the home or vehicle;

(c) Unless the owner is indigent, all unpaid court costs assessed against the defendant in the underlying action.

(6) At any time after the issuance of the writ of execution described in division (B) of section 1923.13 of the Revised Code, the holder of any outstanding lien, right, title, or interest in the manufactured home, mobile home, or recreational vehicle, other than the titled owner of the home or vehicle, may stop the sheriff, police officer, constable, or bailiff from proceeding with the sale under this division by doing both of the following:

(a) Commencing a proceeding to repossess the home or vehicle pursuant to Chapters 1309. and 1317. of the Revised Code;

(b) Paying to the park operator all monthly rental payments for the lot on which the home or vehicle is located from the time of the issuance of the writ of execution until the

time that the home or vehicle is sold pursuant to Chapters 1309. 568
and 1317. of the Revised Code. 569

(7) (a) At any time prior to the day before the scheduled 570
sale of the property pursuant to division (B) (3) of this 571
section, the defendant may remove any personal property of the 572
defendant from the abandoned home or vehicle or other place of 573
storage. 574

(b) If personal property owned by a person other than the 575
defendant is abandoned on the residential premises and has not 576
previously been removed, the owner of the personal property may 577
remove the personal property from the abandoned home or vehicle 578
or other place of storage up to the day before the scheduled 579
sale of the property pursuant to division (B) (3) of this section 580
upon presentation of proof of ownership of the property that is 581
satisfactory to the sheriff, police officer, constable, or 582
bailiff conducting the sale. 583

Sec. 4781.56. The manufactured homes commission may 584
contract with the board of health of a city or general health 585
district to permit the commission to abate and remove, in 586
accordance with sections 3707.01 to 3707.021 of the Revised 587
Code, any abandoned or unoccupied manufactured home, mobile 588
home, or recreational vehicle that constitutes a nuisance and 589
that is located in a manufactured home park within the board of 590
health's jurisdiction. Under the contract, the commission may 591
receive complaints of abandoned or unoccupied manufactured 592
homes, mobile homes, or recreational vehicles that constitute a 593
nuisance and may, by order, compel the park operator to abate 594
and remove the nuisance. The park operator shall pay any costs 595
for the removal. 596

Section 2. That existing sections 1923.12, 1923.13, and 597

1923.14 of the Revised Code are hereby repealed.

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