

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

**131st General Assembly**

**Regular Session  
2015-2016**

**Sub. H. B. No. 463**

**Representative Dever**

**Cosponsors: Representatives Becker, Bocchieri, Hambley, Perales, Sprague,  
Terhar, Leland**

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**A BILL**

To amend sections 301.28, 323.47, 1303.38, 2303.26, 1  
2327.01, 2327.02, 2327.04, 2329.01, 2329.151, 2  
2329.17, 2329.18, 2329.19, 2329.20, 2329.21, 3  
2329.26, 2329.271, 2329.28, 2329.30, 2329.31, 4  
2329.33, 2329.34, 2329.39, 2329.45, 2329.52, 5  
2329.56, 2909.07, 5302.01, 5721.371, and 5721.39 6  
and to enact sections 2308.01, 2308.02, 2308.03, 7  
2308.04, 2329.028, 2329.071, 2329.152, 2329.153, 8  
2329.154, 2329.211, 2329.311, 2329.312, 5302.31, 9  
5721.372, and 5721.373 of the Revised Code to 10  
establish expedited actions to foreclose 11  
mortgages on vacant and abandoned residential 12  
properties, to permit private selling officers 13  
to conduct judicial and execution sales of real 14  
property, to state the intent of the General 15  
Assembly regarding mortgage foreclosure actions, 16  
to revise the Commercial Paper Law relating to 17  
lost instruments, and to make other changes 18  
relative to foreclosure actions. 19

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

**Section 1.** That sections 301.28, 323.47, 1303.38, 2303.26, 20  
2327.01, 2327.02, 2327.04, 2329.01, 2329.151, 2329.17, 2329.18, 21  
2329.19, 2329.20, 2329.21, 2329.26, 2329.271, 2329.28, 2329.30, 22  
2329.31, 2329.33, 2329.34, 2329.39, 2329.45, 2329.52, 2329.56, 23  
2909.07, 5302.01, 5721.371, and 5721.39 be amended and sections 24  
2308.01, 2308.02, 2308.03, 2308.04, 2329.028, 2329.071, 25  
2329.152, 2329.153, 2329.154, 2329.211, 2329.311, 2329.312, 26  
5302.31, 5721.372, and 5721.373 of the Revised Code be enacted 27  
to read as follows: 28

**Sec. 301.28.** (A) As used in this section: 29

(1) "Financial transaction device" includes a credit card, 30  
debit card, charge card, or prepaid or stored value card, or 31  
automated clearinghouse network credit, debit, or e-check entry 32  
that includes, but is not limited to, accounts receivable and 33  
internet-initiated, point of purchase, and telephone-initiated 34  
applications or any other device or method for making an 35  
electronic payment or transfer of funds. 36

(2) "County expenses" includes fees, costs, taxes, 37  
assessments, fines, penalties, payments, or any other expense a 38  
person owes or otherwise pays to a county office under the 39  
authority of a county official, other than dog registration and 40  
kennel fees required to be paid under Chapter 955. of the 41  
Revised Code. "County expenses" includes payment to a county 42  
office of money confiscated during the commitment of an 43  
individual to a county jail, of bail, of money for a prisoner's 44  
inmate account, and of money for goods and services obtained by 45  
or for the use of an individual incarcerated by a county 46  
sheriff. "County expenses" includes online credit card payments 47  
made through the official public sheriff sale web site pursuant 48  
to section 2329.153 of the Revised Code. 49

(3) "County official" includes the county auditor, county treasurer, county engineer, county recorder, county prosecuting attorney, county sheriff, county coroner, county park district and board of county commissioners, the clerk of the probate court, the clerk of the juvenile court, the clerks of court for all divisions of the courts of common pleas, and the clerk of the court of common pleas, the clerk of a county-operated municipal court, and the clerk of a county court.

The term "county expenses" includes county expenses owed to the board of health of the general health district or a combined health district in the county. If the board of county commissioners authorizes county expenses to be paid by financial transaction devices under this section, then the board of health and the general health district and the combined health district may accept payments by financial transaction devices under this section as if the board were a "county official" and the district were a county office. However, in the case of a general health district formed by unification of general health districts under section 3709.10 of the Revised Code, this entitlement applies only if all the boards of county commissioners of all counties in the district have authorized payments to be accepted by financial transaction devices.

The term "county expenses" also includes fees for services and the receipt of gifts to the county law library resources fund authorized by rules adopted by the county law library resources board under division (D) of section 307.51 of the Revised Code. If the board of county commissioners authorizes county expenses to be paid by financial transaction devices under this section, then the county law library resources board may accept payments by financial transaction devices under this section as if the board were a "county official."

(B) Notwithstanding any other section of the Revised Code 81  
and except as provided in division (D) of this section, a board 82  
of county commissioners may adopt a resolution authorizing the 83  
acceptance of payments by financial transaction devices for 84  
county expenses. The resolution shall include the following: 85

(1) A specification of those county officials who, and of 86  
the county offices under those county officials that, are 87  
authorized to accept payments by financial transaction devices; 88

(2) A list of county expenses that may be paid for through 89  
the use of a financial transaction device; 90

(3) Specific identification of financial transaction 91  
devices that the board authorizes as acceptable means of payment 92  
for county expenses. Uniform acceptance of financial transaction 93  
devices among different types of county expenses is not 94  
required. 95

(4) The amount, if any, authorized as a surcharge or 96  
convenience fee under division (E) of this section for persons 97  
using a financial transaction device. Uniform application of 98  
surcharges or convenience fees among different types of county 99  
expenses is not required. 100

(5) A specific provision as provided in division (G) of 101  
this section requiring the payment of a penalty if a payment 102  
made by means of a financial transaction device is returned or 103  
dishonored for any reason. 104

The board's resolution shall also designate the county 105  
treasurer as an administrative agent to solicit proposals, 106  
within guidelines established by the board in the resolution and 107  
in compliance with the procedures provided in division (C) of 108  
this section, from financial institutions, issuers of financial 109

transaction devices, and processors of financial transaction 110  
devices, to make recommendations about those proposals to the 111  
board, and to assist county offices in implementing the county's 112  
financial transaction devices program. The county treasurer may 113  
decline this responsibility within thirty days after receiving a 114  
copy of the board's resolution by notifying the board in writing 115  
within that period. If the treasurer so notifies the board, the 116  
board shall perform the duties of the administrative agent. 117

If the county treasurer is the administrative agent and 118  
fails to administer the county financial transaction devices 119  
program in accordance with the guidelines in the board's 120  
resolution, the board shall notify the treasurer in writing of 121  
the board's findings, explain the failures, and give the 122  
treasurer six months to correct the failures. If the treasurer 123  
fails to make the appropriate corrections within that six-month 124  
period, the board may pass a resolution declaring the board to 125  
be the administrative agent. The board may later rescind that 126  
resolution at its discretion. 127

(C) The county shall follow the procedures provided in 128  
this division whenever it plans to contract with financial 129  
institutions, issuers of financial transaction devices, or 130  
processors of financial transaction devices for the purposes of 131  
this section. The administrative agent shall request proposals 132  
from at least three financial institutions, issuers of financial 133  
transaction devices, or processors of financial transaction 134  
devices, as appropriate in accordance with the resolution 135  
adopted under division (B) of this section. Prior to sending any 136  
financial institution, issuer, or processor a copy of any such 137  
request, the county shall advertise its intent to request 138  
proposals in a newspaper of general circulation in the county 139  
once a week for two consecutive weeks or as provided in section 140

7.16 of the Revised Code. The notice shall state that the county 141  
intends to request proposals; specify the purpose of the 142  
request; indicate the date, which shall be at least ten days 143  
after the second publication, on which the request for proposals 144  
will be mailed to financial institutions, issuers, or 145  
processors; and require that any financial institution, issuer, 146  
or processor, whichever is appropriate, interested in receiving 147  
the request for proposals submit written notice of this interest 148  
to the county not later than noon of the day on which the 149  
request for proposals will be mailed. 150

Upon receiving the proposals, the administrative agent 151  
shall review them and make a recommendation to the board of 152  
county commissioners on which proposals to accept. The board of 153  
county commissioners shall consider the agent's recommendation 154  
and review all proposals submitted, and then may choose to 155  
contract with any or all of the entities submitting proposals, 156  
as appropriate. The board shall provide any financial 157  
institution, issuer, or processor that submitted a proposal, but 158  
with which the board does not enter into a contract, notice that 159  
its proposal is rejected. The notice shall state the reasons for 160  
the rejection, indicate whose proposals were accepted, and 161  
provide a copy of the terms and conditions of the successful 162  
bids. 163

(D) A board of county commissioners adopting a resolution 164  
under this section shall send a copy of the resolution to each 165  
county official in the county who is authorized by the 166  
resolution to accept payments by financial transaction devices. 167  
After receiving the resolution and before accepting payments by 168  
financial transaction devices, a county official shall provide 169  
written notification to the board of county commissioners of the 170  
official's intent to implement the resolution within the 171

official's office. Each county office subject to the board's 172  
resolution adopted under division (B) of this section may use 173  
only the financial institutions, issuers of financial 174  
transaction devices, and processors of financial transaction 175  
devices with which the board of county commissioners contracts, 176  
and each such office is subject to the terms of those contracts. 177

If a county office under the authority of a county 178  
official is directly responsible for collecting one or more 179  
county expenses and the county official determines not to accept 180  
payments by financial transaction devices for one or more of 181  
those expenses, the office shall not be required to accept 182  
payments by financial transaction devices, notwithstanding the 183  
adoption of a resolution by the board of county commissioners 184  
under this section. 185

Any office of a clerk of the court of common pleas that 186  
accepts financial transaction devices on or before July 1, 1999, 187  
and any other county office that accepted such devices before 188  
January 1, 1998, may continue to accept such devices without 189  
being subject to any resolution passed by the board of county 190  
commissioners under division (B) of this section, or any other 191  
oversight by the board of the office's financial transaction 192  
devices program. Any such office may use surcharges or 193  
convenience fees in any manner the county official in charge of 194  
the office determines to be appropriate, and, if the county 195  
treasurer consents, may appoint the county treasurer to be the 196  
office's administrative agent for purposes of accepting 197  
financial transaction devices. In order not to be subject to the 198  
resolution of the board of county commissioners adopted under 199  
division (B) of this section, a county office shall notify the 200  
board in writing within thirty days after March 30, 1999, that 201  
it accepted financial transaction devices prior to January 1, 202

1998, or, in the case of the office of a clerk of the court of common pleas, the clerk has accepted or will accept such devices on or before July 1, 1999. Each such notification shall explain how processing costs associated with financial transaction devices are being paid and shall indicate whether surcharge or convenience fees are being passed on to consumers.

(E) A board of county commissioners may establish a surcharge or convenience fee that may be imposed upon a person making payment by a financial transaction device. The surcharge or convenience fee shall not be imposed unless authorized or otherwise permitted by the rules prescribed by an agreement governing the use and acceptance of the financial transaction device.

If a surcharge or convenience fee is imposed, every county office accepting payment by a financial transaction device, regardless of whether that office is subject to a resolution adopted by a board of county commissioners, shall clearly post a notice in that office and shall notify each person making a payment by such a device about the surcharge or fee. Notice to each person making a payment shall be provided regardless of the medium used to make the payment and in a manner appropriate to that medium. Each notice shall include all of the following:

(1) A statement that there is a surcharge or convenience fee for using a financial transaction device;

(2) The total amount of the charge or fee expressed in dollars and cents for each transaction, or the rate of the charge or fee expressed as a percentage of the total amount of the transaction, whichever is applicable;

(3) A clear statement that the surcharge or convenience



fee is nonrefundable.	232
(F) If a person elects to make a payment to the county by	233
a financial transaction device and a surcharge or convenience	234
fee is imposed, the payment of the surcharge or fee shall be	235
considered voluntary and the surcharge or fee is not refundable.	236
(G) If a person makes payment by financial transaction	237
device and the payment is returned or dishonored for any reason,	238
the person is liable to the county for payment of a penalty over	239
and above the amount of the expense due. The board of county	240
commissioners shall determine the amount of the penalty, which	241
may be either a fee not to exceed twenty dollars or payment of	242
the amount necessary to reimburse the county for banking	243
charges, legal fees, or other expenses incurred by the county in	244
collecting the returned or dishonored payment. The remedies and	245
procedures provided in this section are in addition to any other	246
available civil or criminal remedies provided by law.	247
(H) No person making any payment by financial transaction	248
device to a county office shall be relieved from liability for	249
the underlying obligation except to the extent that the county	250
realizes final payment of the underlying obligation in cash or	251
its equivalent. If final payment is not made by the financial	252
transaction device issuer or other guarantor of payment in the	253
transaction, the underlying obligation shall survive and the	254
county shall retain all remedies for enforcement that would have	255
applied if the transaction had not occurred.	256
(I) A county official or employee who accepts a financial	257
transaction device payment in accordance with this section and	258
any applicable state or local policies or rules is immune from	259
personal liability for the final collection of such payments.	260

**Sec. 323.47.** (A) If land held by tenants in common is sold 261  
upon proceedings in partition, or taken by the election of any 262  
of the parties to such proceedings, or real estate is sold by 263  
administrators, executors, guardians, or trustees, the court 264  
shall order that the taxes, penalties, and assessments then due 265  
and payable, and interest on those taxes, penalties, and 266  
assessments, that are or will be a lien on such land or real 267  
estate ~~at the time the deed is transferred following~~ as of the 268  
date of the sale or election, be discharged out of the proceeds 269  
of such sale or election, but only to the extent of those 270  
proceeds. For purposes of determining such amount, the county 271  
treasurer ~~shall~~ may estimate the amount of taxes, assessments, 272  
interest, and penalties that will be payable ~~at~~ as of the time 273  
~~the deed of the property is transferred to~~ date of the purchaser 274  
sale or election. If the county treasurer's estimate exceeds the 275  
amount of taxes, assessments, interest, and penalties actually 276  
payable ~~when the deed is transferred to the purchaser, the~~ 277  
~~officer who conducted the sale shall~~ as of that date, the 278  
plaintiff in the action resulting in a sale or election, may 279  
request that the county treasurer refund that excess to holders 280  
of the purchaser the difference between the estimate and the 281  
amount actually payable next lien interests according to the 282  
confirmation of sale or election or, if all liens are satisfied, 283  
that the treasurer remit that excess to the court for 284  
distribution. If the amount of taxes, assessments, interest, and 285  
penalties actually payable ~~when the deed is transferred to the~~ 286  
~~purchaser at the time of the sale or election~~ exceeds the county 287  
treasurer's estimate, or the proceeds are insufficient to 288  
satisfy that estimate, the officer who conducted the sale shall 289  
certify the amount of the excess to the treasurer, who shall 290  
enter that amount on the real and public utility property tax 291  
duplicate opposite the property; the amount of the excess shall 292

be payable at the next succeeding date prescribed for payment of 293  
taxes in section 323.12 of the Revised Code. 294

If the plaintiff in an action that results in a sale or 295  
election in accordance with this division is the land's or real 296  
estate's purchaser or electing party, the officer who conducted 297  
the sale shall not deduct the taxes, assessments, interest, and 298  
penalties, the lien for which attaches before the date of sale 299  
or election but that are not yet determined, assessed, and 300  
levied from the proceeds of the sale or election, unless such 301  
deduction is approved by that purchaser or electing party. The 302  
officer shall certify any such amount not paid from the proceeds 303  
to the county treasurer, who shall enter that amount on the real 304  
and public utility property tax duplicate opposite the property; 305  
this amount shall be payable at the next succeeding date 306  
prescribed for payment of taxes in section 323.12 of the Revised 307  
Code. 308

Taxes, assessments, interest, and penalties that are not 309  
paid on the date of that sale or election, including any amount 310  
that becomes due and payable after the date of the sale or 311  
election or that remains unpaid because proceeds of a sale or 312  
election are insufficient to pay those amounts, continue to be a 313  
lien on the property as provided under section 323.11 of the 314  
Revised Code. 315

(B) (1) Except as provided in division (B) (3) of this 316  
section, if real estate is sold at judicial sale, the court 317  
shall order that the total of the following amounts shall be 318  
discharged out of the proceeds of the sale but only to the 319  
extent of such proceeds: 320

(a) ~~Taxes and~~, assessments, interest, and penalties, the 321  
lien for which attaches before the ~~confirmation date~~ of sale but 322

that are not yet determined, assessed, and levied for the year 323  
~~in which confirmation occurs that includes the date of sale,~~ 324  
apportioned pro rata to the part of that year that precedes 325  
~~confirmation, and any penalties and interest on those taxes and~~ 326  
~~assessments the date of sale;~~ 327

(b) All other taxes, assessments, penalties, and interest 328  
the lien for which attached for a prior tax year but that have 329  
not been paid on or before the date of ~~confirmation~~ sale. 330

(2) ~~Upon the request of the officer who conducted the~~ 331  
~~sale, the~~ The county treasurer shall may estimate the amount in 332  
division (B) (1) (a) of this section before the confirmation of 333  
sale or an amended entry confirming the sale is filed. If the 334  
county treasurer's estimate exceeds ~~that the amount in division~~ 335  
(B) (1) (a) of this section, the ~~officer who conducted the sale~~ 336  
~~shall plaintiff may request that the county treasurer refund~~ 337  
that excess to holders of the purchaser the difference between 338  
the estimate and the actual amount next lien interests according 339  
to the confirmation of sale or, if all liens are satisfied, that 340  
the treasurer remit that excess to the court for distribution. 341  
If the actual amount exceeds the county treasurer's estimate, 342  
the officer shall certify the amount of the excess to the 343  
treasurer, who shall enter that amount on the real and public 344  
utility property tax duplicate opposite the property; the amount 345  
of the excess shall be payable at the next succeeding date 346  
prescribed for payment of taxes in section 323.12 of the Revised 347  
Code. 348

If the plaintiff in an action that results in a sale in 349  
accordance with division (B) of this section is the real 350  
estate's purchaser, the officer who conducted the sale shall not 351  
deduct the taxes, assessments, interest, and penalties, the lien 352

for which attaches before the date of sale but that are not yet 353  
determined, assessed, and levied from the proceeds of the sale 354  
or election, unless such deduction is approved by that 355  
purchaser. The officer shall certify any such amount not paid 356  
from the proceeds to the county treasurer, who shall enter that 357  
amount on the real and public utility property tax duplicate 358  
opposite the property; this amount shall be payable at the next 359  
succeeding date prescribed for payment of taxes in section 360  
323.12 of the Revised Code. 361

Taxes, assessments, interest, and penalties that are not 362  
paid on the date of that sale, including any amount that becomes 363  
due and payable after the date of the sale, continue to be a 364  
lien on the property as provided under section 323.11 of the 365  
Revised Code. 366

(3) The amounts described in division (B)(1) of this 367  
section shall not be discharged out of the proceeds of a 368  
judicial sale, but shall instead be deemed to be satisfied and 369  
extinguished upon confirmation of sale, if both of the following 370  
conditions apply: 371

(a) The real estate is sold pursuant to a foreclosure 372  
proceeding other than a tax foreclosure proceeding initiated by 373  
the county treasurer under section 323.25, sections 323.65 to 374  
323.79, or Chapter 5721. of the Revised Code. 375

(b) A county land reutilization corporation organized 376  
under Chapter 1724. of the Revised Code is both the purchaser of 377  
the real estate and the judgment creditor or assignee of all 378  
rights, title, and interest in the judgment arising from the 379  
foreclosure proceeding. 380

**Sec. 1303.38.** (A) A person not in possession of an 381

instrument is entitled to enforce the instrument if all of the 382  
following apply: 383

(1) The person seeking to enforce the instrument was ~~in-~~ 384  
entitled to enforce the instrument when loss of possession 385  
occurred or has directly or indirectly acquired ownership of the 386  
instrument and from a person who was entitled to enforce it-the 387  
instrument when loss of possession occurred. 388

(2) The loss of possession was not the result of a 389  
transfer by the person or a lawful seizure. 390

(3) The person cannot reasonably obtain ~~possession-~~ 391  
possession of the instrument because the instrument was 392  
destroyed, its whereabouts cannot be determined, or it is in the 393  
wrongful possession of an unknown person or a person that cannot 394  
be found or is not amenable to service of process. 395

(B) A person seeking enforcement of an instrument under 396  
division (A) of this section must prove the terms of the 397  
instrument and the person's right to enforce the instrument. If 398  
that proof is made, divisions (A) and (B) of section 1303.36 of 399  
the Revised Code applies to the case as if the person seeking 400  
enforcement had produced the instrument. The court may not enter 401  
judgment in favor of the person seeking enforcement unless it 402  
finds that the person required to pay the instrument is 403  
adequately protected against loss that might occur by reason of 404  
a claim by another person to enforce the instrument. Adequate 405  
protection for the person required to pay the instrument may be 406  
provided by any reasonable means. 407

**Sec. 2303.26.** The clerk of the court of common pleas shall 408  
exercise the powers conferred and perform the duties enjoined 409  
upon ~~him~~ the clerk by statute and by the common law; and in the 410

performance of ~~his official~~ duties ~~he the clerk~~ shall be under 411  
the direction of ~~his~~ the court. The clerk shall not restrict, 412  
prohibit, or otherwise modify the rights of parties to seek 413  
service on party defendants allowed by the Rules of Civil 414  
Procedure, either singularly or concurrently. 415

**Sec. 2308.01.** As used in this chapter: 416

(A) "Manufactured home" has the same meaning as in section 417  
3781.06 of the Revised Code. 418

(B) "Mobile home" has the same meaning as in section 419  
4501.01 of the Revised Code. 420

(C) "Residential condominium unit" means a "residential 421  
unit" as defined in section 5311.01 of the Revised Code. 422

(D) "Residential mortgage loan" means a loan or agreement 423  
to extend credit, including the renewal, refinancing, or 424  
modification of such a loan or agreement, that is made to a 425  
person and that is primarily secured by a mortgage, deed of 426  
trust, or other lien upon any interest in residential property 427  
or any certification of stock or other evidence of ownership in, 428  
and a proprietary lease from, a corporation or partnership 429  
formed for the purpose of cooperative ownership of residential 430  
property. 431

(E) "Residential property" means real property located 432  
within this state consisting of land and a structure on that 433  
land containing four or fewer dwelling units, each of which is 434  
intended for occupancy by a separate household. "Residential 435  
property" includes a residential condominium unit, 436  
notwithstanding the number of units in the structure, but 437  
includes a manufactured or mobile home only if it is taxed as 438  
real property. 439

Sec. 2308.02. (A) A mortgagee who files a foreclosure 440  
action on a residential property may file a motion with the 441  
court to proceed in an expedited manner under this section on 442  
the basis that the property is vacant and abandoned. In order to 443  
proceed in an expedited manner, upon commencement of the 444  
foreclosure action, the mortgagee must be a person entitled to 445  
enforce the instrument secured by the mortgage under division 446  
(A) (1) or (2) of section 1303.31 of the Revised Code or a person 447  
with the right to enforce the obligation secured by the mortgage 448  
pursuant to law outside of Chapter 1303. of the Revised Code. 449

(B) If a motion to proceed in an expedited manner is filed 450  
before the last answer period has expired, the court shall 451  
decide the motion not later than twenty-one days, or within the 452  
time consistent with the local rules, after the last answer 453  
period has expired. If a motion to proceed in an expedited 454  
manner is filed after the last answer period has expired, the 455  
court shall decide the motion not later than twenty-one days, or 456  
within the time consistent with local rules, after the motion is 457  
filed. 458

(C) In deciding the motion to proceed in an expedited 459  
manner, the court shall deem the property to be vacant and 460  
abandoned if all of the following apply: 461

(1) The court finds by a preponderance of the evidence 462  
that the residential mortgage loan is in monetary default. 463

(2) The court finds by a preponderance of the evidence 464  
that the mortgagee is a person entitled to enforce the 465  
instrument secured by the mortgage under division (A) (1) or (2) 466  
of section 1303.31 of the Revised Code or a person with the 467  
right to enforce the obligation secured by the mortgage pursuant 468  
to law outside of Chapter 1303. of the Revised Code. 469



- (3) The court finds by clear and convincing evidence that 470  
at least three of the following factors are true: 471
- (a) Gas, electric, sewer, or water utility services to the 472  
property have been disconnected. 473
- (b) Windows or entrances to the property are boarded up or 474  
closed off, or multiple window panes are broken and unrepaired. 475
- (c) Doors on the property are smashed through, broken off, 476  
unhinged, or continuously unlocked. 477
- (d) Junk, litter, trash, debris, or hazardous, noxious, or 478  
unhealthy substances or materials have accumulated on the 479  
property. 480
- (e) Furnishings, window treatments, or personal items are 481  
absent from the structure on the land. 482
- (f) The property is the object of vandalism, loitering, or 483  
criminal conduct, or there has been physical destruction or 484  
deterioration of the property. 485
- (g) A mortgagor has made a written statement expressing 486  
the intention of all mortgagors to abandon the property. 487
- (h) Neither an owner nor a tenant appears to be residing 488  
in the property at the time of an inspection of the property by 489  
the appropriate official of a county, municipal corporation, or 490  
township in which the property is located or by the mortgagee. 491
- (i) The appropriate official of a county, municipal 492  
corporation, or township in which the property is located 493  
provides a written statement or statements indicating that the 494  
structure on the land is vacant and abandoned. 495
- (j) The property is sealed because, immediately prior to 496

being sealed, it was considered by the appropriate official of a 497  
county, municipal corporation, or township in which the property 498  
is located to be open, vacant, or vandalized. 499

(k) Other reasonable indicia of abandonment exist. 500

(4) No mortgagor or other defendant has filed an answer or 501  
objection setting forth a defense or objection that, if proven, 502  
would preclude the entry of a final judgment and decree of 503  
foreclosure. 504

(5) No mortgagor or other defendant has filed a written 505  
statement with the court indicating that the property is not 506  
vacant and abandoned. 507

(6) (a) If a government official has not verified the real 508  
property is vacant and abandoned pursuant to division (C) (3) (h), 509  
(i), or (j) of this section, but the court makes a preliminary 510  
finding that the residential real property is vacant and 511  
abandoned pursuant to division (C) of this section, then within 512  
seven days of the preliminary finding, the court shall order the 513  
appropriate official of a county, municipal corporation, or 514  
township in which the property is located to verify the property 515  
is vacant and abandoned. 516

(b) Any court costs assessed in connection with the 517  
inspection conducted pursuant to division (C) (6) (a) of this 518  
section shall not be more than fifty dollars. 519

(D) If the court decides after an oral hearing that the 520  
property is vacant and abandoned and that the mortgagee who 521  
filed the motion to proceed in an expedited manner is entitled 522  
to judgment, the court shall enter a final judgment and decree 523  
of foreclosure and order the property to be sold in accordance 524  
with division (E) of this section. If the court does not decide 525

that the property is vacant and abandoned, the seventy-five-day 526  
deadline established in division (E) of this section shall not 527  
apply to the sale of the property. 528

(E) If the court decides that the property is vacant and 529  
abandoned and enters a final judgment and decree of foreclosure 530  
under division (D) of this section, the property shall be 531  
offered for sale not later than seventy-five days after the 532  
issuance of the order of sale. The sale of the property shall be 533  
conducted in accordance with the requirements in Chapter 2329. 534  
of the Revised Code, including possible postponement of the sale 535  
pursuant to division (C) of section 2329.152 of the Revised 536  
Code. 537

(F) Nothing in this section shall supersede or limit other 538  
procedures adopted by the court to resolve the residential 539  
mortgage loan foreclosure action, including foreclosure 540  
mediation. 541

**Sec. 2308.03.** (A) Except as otherwise provided in division 542  
(B) of this section, if a residential property is found to be 543  
vacant and abandoned under section 2308.02 of the Revised Code, 544  
a mortgagee on the residential property may enter that property 545  
to secure and protect it from damage. 546

(B) A mortgagee that has not filed a residential mortgage 547  
loan foreclosure action on a property for which the mortgagee 548  
holds a mortgage may enter and secure that property only if the 549  
mortgage contract or other documents provide for such an entry. 550

(C) The equitable and statutory rights to redemption of a 551  
mortgage on a property found to be vacant and abandoned pursuant 552  
to section 2308.02 of the Revised Code expire upon the 553  
confirmation of sale of the property. 554

Sec. 2308.04. (A) A person is guilty of criminal mischief 555  
in violation of division (A) (1) of section 2909.07 of the 556  
Revised Code if all of the following apply: 557

(1) The person knowingly and with purpose to diminish the 558  
value or enjoyment of the residential real property moves, 559  
defaces, damages, destroys, or otherwise improperly tampers with 560  
the person's own residential real property. 561

(2) The residential real property is subject to a 562  
mortgage. 563

(3) The person has been served with a summons and 564  
complaint in a pending residential mortgage loan foreclosure 565  
action relating to that residential real property. 566

(B) As used in this section, "pending" includes the time 567  
between judgment entry and confirmation of sale. 568

Sec. 2327.01. (A) As used in this chapter, "private 569  
selling officer" has the same meaning as in section 2329.01 of 570  
the Revised Code. 571

(B) (1) An execution is a process of a court, issued by its 572  
clerk, the court itself, or the county board of revision with 573  
jurisdiction pursuant to section 323.66 of the Revised Code, and 574  
directed to the sheriff of the county. 575

(2) An execution includes a process of a court, issued by 576  
its clerk or the court itself, and directed to a private selling 577  
officer authorized in accordance with section 2329.151, 578  
2329.152, or 5721.39 of the Revised Code. 579

(3) Executions may be issued to the sheriffs of different 580  
counties or different private selling officers at the same time. 581

Sec. 2327.02. (A) Executions are of three kinds: 582

(1) Against the property of the judgment debtor, including 583  
orders of sale or orders to transfer property pursuant to 584  
sections 323.28, 323.65 to 323.78, and 5721.19 of the Revised 585  
Code; 586

(2) Against the person of the judgment debtor; 587

(3) For the delivery of the possession of real property, 588  
including real property sold under orders of sale or transferred 589  
under orders to transfer property pursuant to sections 323.28, 590  
323.65 to 323.78, and 5721.19 of the Revised Code. 591

(B) The writ shall contain a specific description of the 592  
property, and a command to the sheriff or private selling 593  
officer to deliver it to the person entitled to the property. It 594  
also may require the sheriff to make the damages recovered for 595  
withholding the possession and costs, or costs alone, out of the 596  
property of the person who so withholds it. 597

(C) In the case of foreclosures of real property, 598  
including foreclosures for taxes, mortgages, judgment liens, and 599  
other valid liens, the description of the property, the order of 600  
sale, order to transfer, and any deed or deed forms may be 601  
prepared, adopted, and otherwise approved in advance by the 602  
court having jurisdiction or the county board of revision with 603  
jurisdiction pursuant to section 323.66 of the Revised Code, 604  
directly commanding the sheriff or the private selling officer 605  
to sell, convey, or deliver possession of the property as 606  
commanded in that order. In those cases, the clerk shall 607  
journalize the order and deliver that writ or order to the 608  
sheriff or private selling officer for execution. If the 609  
property is sold under an order of sale or transferred under an 610  
order to transfer, the officer who conducted the sale or made 611  
the transfer of the property shall collect the recording fee and 612

any associated costs to cover the recording from the purchaser 613  
or transferee at the time of the sale or transfer and, following 614  
confirmation of the sale or transfer and the payment of the 615  
balance due on the purchase price of the property, shall execute 616  
and record the deed conveying title to the property to the 617  
purchaser or transferee. For purposes of recording that deed, by 618  
placement of a bid or making a statement of interest by any 619  
party ultimately awarded the property, the purchaser or 620  
transferee thereby appoints the officer who makes the sale or is 621  
charged with executing and delivering the deed as agent for that 622  
purchaser or transferee for the sole purpose of accepting 623  
delivery of the deed. 624

**Sec. 2327.04.** When, in the exercise of its authority, a 625  
court orders the deposit or delivery of money or other thing, 626  
and the order is disobeyed, besides punishing the disobedience 627  
as for a contempt, the court may make an order requiring the 628  
sheriff or private selling officer to take the money or thing 629  
and deposit or deliver it in conformity with the court's 630  
direction. 631

**Sec. 2329.01.** (A) Lands and tenements, including vested 632  
legal interests therein, permanent leasehold estates renewable 633  
forever, and goods and chattels, not exempt by law, shall be 634  
subject to the payment of debts, and liable to be taken on 635  
execution and sold as provided in sections 2329.02 to 2329.61, ~~—~~ 636  
~~inclusive,~~ of the Revised Code. 637

(B) As used in sections 2329.02 to 2329.61 of the Revised 638  
Code: 639

(1) "Commercial property" means any property that is not 640  
residential property. 641

(2) "Private selling officer" means a resident of this 642  
state licensed as both an auctioneer under Chapter 4707. of the 643  
Revised Code and as a real estate broker or real estate 644  
salesperson under Chapter 4735. of the Revised Code. 645

(3) "Residential mortgage loan" and "residential property" 646  
have the same meanings as in section 2308.01 of the Revised 647  
Code. 648

**Sec. 2329.028.** A judgment creditor in connection with a 649  
residential real property foreclosure action shall not make a 650  
misleading statement orally or in writing to a mortgagor that 651  
would discourage a reasonable person from participating in loss 652  
mitigation or foreclosure resolution. 653

**Sec. 2329.071.** (A) If a decree of foreclosure has been 654  
entered with respect to residential real property but the 655  
property has not been sold or a sale of the property is not 656  
underway, then, beginning twelve months after the entry of the 657  
decree of foreclosure, either of the following may occur: 658

(1) The local political subdivision may request, by motion 659  
or resolution, or by other means, that the county prosecuting 660  
attorney file a motion with the court for the sale of the 661  
property. 662

(2) Upon receiving such a request, or upon the prosecuting 663  
attorney's own motion, the prosecuting attorney of the county in 664  
which the action was filed may file a motion with the court for 665  
authorization to sell the property in the same manner as if the 666  
prosecuting attorney were the attorney for the party in whose 667  
favor the decree of foreclosure and order of sale was entered. 668

(B) (1) The prosecuting attorney, pursuant to division (A) 669  
of this section, shall serve a copy of the motion on all parties 670

who entered an appearance in the foreclosure action in 671  
accordance with the Rules of Civil Procedure. 672

(2) The court shall decide the motion described in 673  
division (A) of this section not sooner than thirty days after 674  
the date of the filing of the motion. Unless the court finds 675  
good cause as to why the property should not be sold, the court 676  
shall grant the motion and order the prosecuting attorney to 677  
issue a praecipe for order of sale and sell the property at the 678  
next available public auction with no set minimum bid and in 679  
accordance with the terms of the order of sale and applicable 680  
provisions of the Revised Code. 681

(C) The judgment creditor and mortgagor in the foreclosure 682  
action each have the right to redeem the property within 683  
fourteen days after the sale by paying the purchase price. The 684  
redeeming party shall pay the purchase price to the clerk of the 685  
court in which the judgment was rendered or the order of sale 686  
was made. Upon timely payment, the court shall proceed as 687  
described in section 2329.31 of the Revised Code, with the 688  
redeeming party considered the successful purchaser at sale. 689

**Sec. 2329.151.** All-Except as provided in sections 2329.152 690  
to 2329.154 of the Revised Code, all public auctions of goods, 691  
chattels, or lands levied upon by execution shall be conducted 692  
personally by an-one of the following: 693

(A) An officer of the court-or by an-auctioneer licensed- 694  
under Chapter 4707. of the Revised Code; 695

(B) For the public auction of goods and chattels, a 696  
resident of this state licensed as an auctioneer under Chapter 697  
4707. of the Revised Code; 698

(C) For the public auction of lands, a private selling 699



officer. 700

**Sec. 2329.152.** (A) In every action demanding the judicial 701  
or execution sale of real estate, the county sheriff shall sell 702  
the real estate at a public auction, unless the judgment 703  
creditor files a motion with the court for an order authorizing 704  
a specified private selling officer to sell the real estate at a 705  
public auction. If the court authorizes a private selling 706  
officer to sell the real estate, the judgment creditor may seek 707  
to have the property sold by the private selling officer 708  
authorized by the court or by the county sheriff. If the 709  
judgment creditor elects to have the property sold by the 710  
private selling officer authorized by the court, the judgment 711  
creditor shall file with the clerk of the court a praecipe 712  
requesting the issuance of an order of appraisal to the sheriff 713  
and an order of sale to the private selling officer authorized 714  
by the court. Upon the filing of that praecipe, the clerk of the 715  
court shall immediately issue both of the following: 716

(1) An order of appraisal to the sheriff, who shall obtain 717  
an appraisal of the real estate in conformity with sections 718  
2329.17 and 2329.18 of the Revised Code; 719

(2) An order of sale to the private selling officer, who, 720  
after the return or determination of the appraisal, shall 721  
advertise and sell the real estate in conformity with applicable 722  
provisions of sections 2329.01 to 2329.61 of the Revised Code. 723

(B) (1) As used in this division: 724

(a) "Business day" means a calendar day that is not a 725  
Saturday or Sunday or a legal holiday as defined in section 1.14 726  
of the Revised Code. 727

(b) "Remote bid" means a bid submitted in writing via 728

facsimile, electronic mail, or overnight delivery or courier. 729

(2) If the sale of the real estate is conducted at a 730  
physical location and not online, then each judgment creditor 731  
and lienholder who was a party to the action may submit a remote 732  
bid to the sheriff or the private selling officer. Each sheriff 733  
and private selling officer shall establish and maintain a 734  
facsimile number or an electronic mail address for use by 735  
judgment creditors and lienholders in submitting remote bids. 736  
Each remote bid shall be of a fixed maximum amount and shall be 737  
delivered to the sheriff or private selling officer on or before 738  
four-thirty p.m. on the business day immediately preceding the 739  
date of the sale. 740

(3) Before the sale, the sheriff or the private selling 741  
officer shall confirm receipt of the remote bid by sending 742  
notice of such receipt via facsimile or electronic mail to the 743  
judgment creditor or lienholder who submitted the remote bid. 744  
During the sale, the sheriff or the private selling officer 745  
shall place the remote bid on behalf of the judgment creditor or 746  
lienholder who submitted the remote bid. After the sale, the 747  
sheriff or the private selling officer shall provide notice of 748  
the results of the sale not later than the close of business on 749  
the day of the sale to all judgment creditors and lienholders 750  
who submitted remote bids. Such notice shall be sent via 751  
facsimile or electronic mail to the judgment creditor or 752  
lienholder or by posting the results of the sale on a public web 753  
site. 754

(4) If a sheriff or private selling officer fails to place 755  
a remote bid on behalf of a judgment creditor or lienholder to 756  
the prejudice of the judgment creditor or lienholder, then, upon 757  
the filing of a motion to vacate the sale within ten business 758

days after the sale date, the sale shall be vacated. 759

(C) (1) A judgment creditor that obtains a court order 760  
authorizing a specified private selling officer to sell the real 761  
estate at a public auction pursuant to division (A) of this 762  
section may instruct the private selling officer to postpone the 763  
sale of the real estate one or more times, provided, however 764  
that all rescheduled sale dates shall be within one hundred 765  
eighty days of the initial sale date. Upon receiving this 766  
instruction, the private selling officer shall postpone the sale 767  
of the real estate by announcing that the sale is postponed. If 768  
the sale is at a physical location, this announcement shall be 769  
made at the sale and shall include the date, time, and place of 770  
the rescheduled sale of the real estate. If the sale is online, 771  
this announcement shall be made on the auction web site and 772  
shall include the date of the rescheduled sale of real estate. 773  
Each such announcement shall be deemed to meet the notice 774  
requirement in section 2329.26 of the Revised Code. 775

(2) If the judgment creditor does not wish to postpone the 776  
sale of the real estate, the judgment creditor may instruct the 777  
private selling officer to cancel the sale of the real estate. 778  
Upon receiving this instruction, the private selling officer 779  
shall cancel the sale of the real estate by announcing that the 780  
sale is canceled. If the sale is at a physical location, this 781  
announcement shall be made at the sale. If the sale is online, 782  
this announcement shall be made on the auction web site and 783  
shall remain posted there until at least the end of the seven- 784  
day bidding period described in division (E) (1) (a) of section 785  
2329.152 of the Revised Code. 786

(3) If the sale of the real estate is postponed or 787  
canceled as described in divisions (C) (1) and (2) of this 788

section, all bids made on the real estate prior to the 789  
postponement or cancellation of the sale shall be void. 790

(D) (1) If the judgment creditor obtains a court order to 791  
have the real estate sold by a private selling officer, then: 792

(a) The cost of the appraisal required by section 2329.17 793  
of the Revised Code shall be taxed as costs in the case. 794

(b) The cost of the advertisement required by section 795  
2329.26 of the Revised Code shall be taxed as costs in the case. 796

(c) The fee charged by the private selling officer and all 797  
costs incurred by the private selling officer other than the 798  
costs described in divisions (D) (1) (a) and (b) of this section 799  
shall be taxed as costs in the case up to an amount equal to one 800  
and one-half per cent of the sale price of the real estate. To 801  
the extent the fees and costs described in division (D) (1) (c) of 802  
this section exceed one and one-half per cent of the sale price 803  
of the real estate, they shall not be included in the amount 804  
necessary to redeem real estate under section 2329.33 of the 805  
Revised Code or in the calculation of any deficiency judgment 806  
under section 2329.08 of the Revised Code but rather shall be 807  
paid by the judgment creditor or from the judgment creditor's 808  
portion of the proceeds of the sale. 809

(2) The private selling officer shall file with the court 810  
that issued the order of sale an itemized report of all 811  
appraisal, publication, marketing, and other expenses of a sale 812  
conducted under this section and all fees charged by the private 813  
selling officer for marketing the real estate or conducting the 814  
sale of the real estate, including the fee charged by the title 815  
agent or title insurance company for administrative services, if 816  
applicable, and title, escrow, and closing services. 817

(E) (1) The private selling officer who conducts a sale 818  
under this section may do any of the following: 819

(a) Market the real estate and conduct the public auction 820  
of the real estate online or at any physical location in the 821  
county in which the real estate is situated. If the auction 822  
occurs online, the auction shall be open for bidding for a 823  
minimum of seven days. 824

(b) Hire a title insurance agent licensed under Chapter 825  
3953. of the Revised Code or title insurance company authorized 826  
to do business under that chapter to assist the private selling 827  
officer in performing administrative services; 828

(c) Execute to the purchaser, or to the purchaser's legal 829  
representatives, a deed of conveyance of the real estate sold; 830

(d) Record on behalf of the purchaser the deed conveying 831  
title to the real estate sold, notwithstanding that the deed may 832  
not actually have been delivered to the purchaser prior to its 833  
recording. 834

(2) By placing a bid at a sale conducted pursuant to this 835  
section, a purchaser appoints the private selling officer who 836  
conducts the sale as agent of the purchaser for the sole purpose 837  
of accepting delivery of the deed. 838

(3) The private selling officer who conducts the sale 839  
shall hire a title insurance agent licensed under Chapter 3953. 840  
of the Revised Code or title insurance company authorized to do 841  
business under that chapter to perform title, escrow, and 842  
closing services related to the sale of the real estate. 843

(F) The fee charged by the title agent or title insurance 844  
company for services provided under divisions (E) (1) (b) and (3) 845  
of this section shall be taxed as costs in the case provided 846

they are reasonable. Fees less than or equal to five hundred 847  
dollars are presumed to be reasonable. Fees exceeding five 848  
hundred dollars shall be paid only if authorized by a court 849  
order. 850

**Sec. 2329.153.** (A) Not later than thirty days after the 851  
effective date of this section, the department of administrative 852  
services shall solicit competitive sealed proposals for the 853  
creation, operation, and maintenance of the official public 854  
sheriff sale web site and an integrated auction management 855  
system. The official public sheriff sale web site and integrated 856  
auction management system shall be a single statewide system for 857  
use by all county sheriffs in accordance with the requirements 858  
of this section. 859

(B) The official public sheriff sale web site shall meet 860  
the following minimum requirements: 861

(1) The web site shall have a domain name relevant to the 862  
judicial sale of real property. 863

(2) The web site shall be limited to the judicial sale of 864  
real property located in this state. 865

(3) The web site shall not charge a fee for members of the 866  
public to view properties for sale. 867

(4) The web site shall allow each county sheriff to add 868  
text, images, or graphics to the web site for the purpose of 869  
identifying the county or sheriff conducting the sale. 870

(5) The web site shall include industry-standard features 871  
and functionality, including user guides, online credit card 872  
payments, anti-snipe functionality, watch lists, electronic mail 873  
notifications, maximum bid limits, automatic incremental 874  
bidding, and search and map features that allow users to search 875

by county, zip code, address, parcel number, appraised value, 876  
party name, case number, and other variables relevant to the 877  
judicial sale of real property. 878

(6) The web site shall include features that allow for the 879  
cancellation of sales as required by law or court order and the 880  
postponement of sales in accordance with divisions (E) (2) and 881  
(3) of this section. 882

(7) The web site shall provide a secure payment processing 883  
system that accepts online payments for property sold via the 884  
web site and, in an efficient and cost effective manner, 885  
transfers those payments to the appropriate county official or 886  
account. 887

(8) The web site shall include the ability for an attorney 888  
or law firm to enter a bid in a representative capacity. 889

(9) The web site shall be integrated with the auction 890  
management system described in division (C) of this section. 891

(C) The auction management system shall meet the following 892  
minimum requirements: 893

(1) The auction management system shall have a role-based 894  
workflow engine to assist in conducting sales on the web site, 895  
capturing data, complying with all relevant laws, and managing 896  
administrative processes related to the judicial sale of real 897  
property in a timely, secure, and accurate manner. 898

(2) The auction management system shall record the data 899  
necessary to meet the reporting requirements of section 2329.312 900  
of the Revised Code. 901

(3) The auction management system shall be able to 902  
generate documents required by the court ordering the sale or 903

related to the judicial sale of real property. 904

(4) The auction management system shall be able to record 905  
fees, costs, deposits, and other money items with the objective 906  
of ensuring an accurate accounting of moneys received and 907  
disbursed in each judicial sale of real property. 908

(5) The auction management system shall be integrated with 909  
the web site described in division (B) of this section. 910

(D) The license fee for the creation, operation, and 911  
maintenance of the official public sheriff sale web site and 912  
integrated auction management system shall be determined using a 913  
per-transaction license fee model or a per-use license fee 914  
model. The addition of a property to the official public sheriff 915  
sale web site or the auction management system shall each be 916  
deemed a transaction for purposes of determining the license 917  
fee. The license fee applicable to each judicial sale of real 918  
property shall be taxed as costs in the case. No additional 919  
license fees shall be assessed to the county sheriff. 920

(E) (1) Not later than one year after the effective date of 921  
this section, in all cases in which the sheriff is ordered to 922  
conduct a judicial sale of real property, the following shall 923  
occur: 924

(a) For residential property, the sale may be conducted on 925  
the official public sheriff sale web site for a five-year period 926  
beginning on the date the online system is fully operational. 927  
After this five-year period sales shall be conducted on the 928  
official public sheriff sale web site. 929

(b) For commercial property, the sale may be conducted on 930  
the official public sheriff sale web site. 931

All sales conducted on the official public sheriff sale 932



web site shall be open for bidding for at least seven days. 933

(2) If the sale of the real property is to be conducted on 934  
the official public sheriff sale web site, the judgment creditor 935  
may instruct the sheriff to postpone the sale of the real 936  
property one time for up to one hundred eighty days after the 937  
initial sale date. Upon receiving such instruction for 938  
postponement, the sheriff shall postpone the sale of the 939  
property by announcing on the official public sheriff sale web 940  
site that the sale is postponed and giving notice of the 941  
rescheduled sale date. This announcement shall be deemed to meet 942  
the notice requirement of section 2329.26 of the Revised Code. 943

(3) If the judgment creditor does not wish to postpone the 944  
sale of the real property, the judgment creditor may instruct 945  
the sheriff to cancel the sale of the property. Upon receiving 946  
this instruction, the sheriff shall cancel the sale of the 947  
property by announcing on the official public sheriff sale web 948  
site that the sale is canceled. This announcement shall remain 949  
posted on the official public sheriff sale web site until at 950  
least the end of the seven-day bidding period described in 951  
division (E) (1) of this section. 952

(4) If the sale of the real property is postponed or 953  
canceled according to divisions (E) (2) and (3) of this section, 954  
all bids made on the real property prior to the postponement or 955  
cancellation of the sale shall be void. 956

(F) Pursuant to their authority in section 9.482 of the 957  
Revised Code, counties may elect to enter into a shared services 958  
agreement relating to the judicial sale of real property on the 959  
official public sheriff sale web site. The shared services 960  
agreement may seek to improve efficiency and reduce costs in the 961  
judicial sale of real property by consolidating administrative 962

functions and processes. 963

**Sec. 2329.154.** (A) If property is sold online, the sheriff 964  
or private selling officer shall require persons seeking to bid 965  
to register online with the web site as a condition of being 966  
authorized to bid. The registration form shall include 967  
information relevant to the objective of enabling the sheriff or 968  
private selling officer to identify the bidder, contact the 969  
bidder, and complete the sale of the property. 970

(B) If an attorney or a law firm that represents the 971  
plaintiff or a party to the action bids on property in a 972  
representative capacity, the attorney or law firm shall register 973  
as the representative of the plaintiff or party, either as an 974  
individual or entity. 975

(C) (1) If the person registering to bid is an individual, 976  
the information required by division (A) of this section shall 977  
include the individual's name, mailing address, which shall not 978  
be a post office box address, electronic mail address, telephone 979  
number, and, if applicable, credit card information. 980

(2) If the person registering to bid is an entity, the 981  
information required by division (A) of this section shall 982  
include the entity's legal name, trade name if different from 983  
its legal name, state and date of formation, active status with 984  
the office of the secretary of state, mailing address, telephone 985  
number, credit card information if applicable, the name of an 986  
individual contact person for the entity, and the contact 987  
person's title, mailing address, which shall not be a post 988  
office box address, electronic mail address, and telephone 989  
number. 990

(D) The registration form on the web site shall require 991

the person registering to bid to state, to the best of the 992  
person's knowledge and belief, that the information provided by 993  
the person is true, correct, and complete under penalties of 994  
perjury. 995

(E) The electronic mail address, telephone number, and, if 996  
applicable, credit card information required in division (C) of 997  
this section are confidential and not public records for 998  
purposes of section 149.43 of the Revised Code. 999

**Sec. 2329.17.** (A) When execution is levied upon lands and 1000  
tenements, the ~~officer who makes the levy~~ sheriff shall call an 1001  
inquest of three disinterested freeholders, who are residents 1002  
of, and real property owners in, the county where the lands 1003  
taken in execution are situated, ~~and administer to them an oath~~ 1004  
~~impartially to who shall~~ appraise the property so levied upon, 1005  
upon actual view. ~~They forthwith shall return to such officer,~~ 1006  
~~under their hands, an estimate of the real value of the property~~ 1007  
~~in money.~~ 1008

(B) If the property to be appraised is residential 1009  
property, the freeholders selected by the sheriff shall return 1010  
to the sheriff an estimate of the value of the property in money 1011  
within twenty-one calendar days of the issuance of the order of 1012  
appraisal by the clerk of the court. If the court has ordered or 1013  
the clerk of the court has issued an order for a private selling 1014  
officer to advertise and sell the appraised property, the 1015  
freeholders selected by the sheriff shall also deliver a copy of 1016  
their appraisal to the private selling officer contemporaneously 1017  
with their delivery of their appraisal to the sheriff. 1018

(C) If the freeholders selected by the sheriff under 1019  
division (B) of this section do not deliver their appraisal 1020  
within twenty-one calendar days of the issuance of the order of 1021

appraisal by the clerk of the court as required by division (B) 1022  
of this section, then all of the following shall occur: 1023

(1) The cost of the appraisal by the freeholders shall not 1024  
be payable to the freeholders or taxed as costs in the case. 1025

(2) The appraised value of the property shall be the fair 1026  
market value of the property as shown on the records of the 1027  
county auditor, unless, for good cause shown, the court 1028  
authorizes a separate appraisal of the property. 1029

(3) The advertisement and sale of the property shall 1030  
proceed immediately in accordance with the order of 1031  
advertisement and sale issued by the clerk of the court. 1032

If a separate appraisal of the property is obtained, the 1033  
cost of the appraisal shall be included as an expense of the 1034  
sale pursuant to division (D) of section 2329.152 of the Revised 1035  
Code. 1036

(D) If the property to be appraised is commercial 1037  
property, the freeholders selected by the sheriff shall return 1038  
to the sheriff an estimate of the value of the property in money 1039  
in accordance with the timing or other requirements, if any, 1040  
that may be established for the sale. 1041

(E) The municipal corporation or township in which the 1042  
real property is situated may inspect prior to the judicial sale 1043  
any structures located on lands subject to a writ of execution. 1044

**Sec. 2329.18.** ~~When an officer receives the return provided~~ 1045  
~~for in division (A) of~~ (A) If a court has ordered or the clerk 1046  
of a court has issued an order for the sheriff to advertise and 1047  
sell the real estate for which the appraised value has been 1048  
determined pursuant to section 2329.17 of the Revised Code, the 1049  
~~officer forthwith sheriff~~ shall deposit a copy of it ~~the~~ 1050

appraisal with the clerk of the court from which the writ was 1051  
issued, and immediately advertise and sell such real estate in 1052  
conformity with sections 2329.01 to 2329.61 of the Revised Code. 1053

(B) If the court has ordered or the clerk of the court has 1054  
issued an order for a private selling officer to advertise and 1055  
sell the real estate for which the appraised value has been 1056  
determined pursuant to section 2329.17 of the Revised Code, the 1057  
private selling officer shall immediately advertise and sell the 1058  
real estate in conformity with sections 2329.01 to 2329.61 of 1059  
the Revised Code. 1060

**Sec. 2329.19.** Upon the ~~return~~determination of the 1061  
~~estimate provided for in division (A) of~~appraised value 1062  
pursuant to section 2329.17 of the Revised Code, if it appears 1063  
~~by the inquisition~~ that two-thirds of the appraised value of the 1064  
lands and tenements levied upon is sufficient to satisfy the 1065  
execution, with costs, the judgment on which the execution 1066  
issued shall not operate as a lien on the residue of the 1067  
debtor's estate to the prejudice of any other judgment creditor. 1068

**Sec. 2329.20.** ~~No~~Except as otherwise provided in this 1069  
section or sections 2329.51 and 2329.52 of the Revised Code, no 1070  
tract of land shall be sold for less than two-thirds the amount 1071  
of the appraised value ~~returned in the inquest required by~~as 1072  
determined pursuant to section 2329.17 of the Revised Code;~~—~~ 1073  
~~except that in~~. In all cases ~~where~~in which a junior mortgage 1074  
or other junior lien is sought to be enforced against real 1075  
estate by an order, judgment, or decree of court, subject to a 1076  
prior lien thereon, and such prior lien, and the claims or 1077  
obligations secured thereby, are unaffected by such order, 1078  
judgment, or decree, the court making such order, judgment, or 1079  
decree, may determine the minimum amount for which such real 1080

estate may be sold. In such a case, the minimum amount ~~to shall~~ 1081  
be not less than two-thirds of the difference between the 1082  
appraised value of the real estate ~~appraised as provided~~ 1083  
determined in such that section, and the amount remaining unpaid 1084  
on the claims or obligations secured by such prior lien. 1085

**Sec. 2329.21.** If the sum bid by the purchaser for the real 1086  
estate sold under section 2329.20 of the Revised Code relating 1087  
to the enforcement of junior liens is insufficient to pay the 1088  
~~costs and allowance,~~ allowances, and taxes, which the court has 1089  
determined prior to such sale should be paid out of the proceeds 1090  
thereof, pursuant to the terms of the mortgage or lien sought to 1091  
be enforced, then the purchaser, in addition to the amount of 1092  
~~his~~ the purchaser's bid, must pay a sum which, with the amount 1093  
so bid, will be sufficient to pay the ~~costs and,~~ allowances, 1094  
and taxes. The court may fix the amount remaining unpaid on such 1095  
claims or obligations for the purpose of the sale, and to that 1096  
end require the parties to the suit to furnish to it 1097  
satisfactory evidence of such unpaid amount. The advertisement 1098  
for the sale of real estate sold under section 2329.20 of the 1099  
Revised Code shall state that the purchaser shall be responsible 1100  
for those costs, allowances, and taxes that the proceeds of the 1101  
sale are insufficient to cover. 1102

**Sec. 2329.211.** (A) In every action demanding the judicial 1103  
or execution sale of residential property, if the judgment 1104  
creditor is the purchaser at the sale, the purchaser shall not 1105  
be required to make a sale deposit. All other purchasers shall 1106  
make a sale deposit as follows: 1107

(1) If the appraised value of the residential property is 1108  
less than or equal to ten thousand dollars, the deposit shall be 1109  
two thousand dollars. 1110

(2) If the appraised value of the residential property is 1111  
greater than ten thousand dollars but less than or equal to two 1112  
hundred thousand dollars, the deposit shall be five thousand 1113  
dollars. 1114

(3) If the appraised value of the residential property is 1115  
greater than two hundred thousand dollars, the deposit shall be 1116  
ten thousand dollars. 1117

The timing of the deposit and other payment requirements 1118  
shall be established by the court or the person conducting the 1119  
sale and included in the advertisement of the sale. If the 1120  
purchaser fails to meet the timing or other requirements of the 1121  
deposit, the sale shall be invalid. 1122

(B) In every action demanding the judicial or execution 1123  
sale of commercial property, the purchaser at the sale shall 1124  
make a deposit pursuant to the requirements, if any, established 1125  
for the sale. 1126

**Sec. 2329.26.** (A) Lands and tenements taken in execution 1127  
shall not be sold until all of the following occur: 1128

(1) (a) Except as otherwise provided in division (A) (1) (b) 1129  
of this section, the judgment creditor who seeks the sale of the 1130  
lands and tenements or the judgment creditor's attorney does 1131  
both of the following: 1132

(i) ~~Causes a written notice of the date, time, and place~~ 1133  
~~of the sale to be served in accordance with divisions (A) and~~ 1134  
(B) of Civil Rule 5 upon the judgment debtor and upon each other 1135  
party to the action in which the judgment giving rise to the 1136  
execution was rendered. Such notice shall include the date, 1137  
time, and place of the sale if the sale is to be held at a 1138  
physical location or the start date and web site address of the 1139

sale if the sale is to be held online. Such notice shall also 1140  
include the provisional second sale date described in division 1141  
(B) of section 2329.52 of the Revised Code, if applicable. 1142

(ii) At least seven calendar days prior to the date of the 1143  
sale, files with the clerk of the court that rendered the 1144  
judgment giving rise to the execution a copy of the written 1145  
notice described in division (A) (1) (a) (i) of this section with 1146  
proof of service endorsed on the copy in the form described in 1147  
division ~~(D)~~ (B) of Civil Rule 5. 1148

(b) Service of the written notice described in division 1149  
(A) (1) (a) (i) of this section is not required to be made upon any 1150  
party who is in default for failure to appear in the action in 1151  
which the judgment giving rise to the execution was rendered. 1152

(2) One of the following applies: 1153

(a) The officer taking the lands and tenements gives 1154  
public notice ~~of the date, time, and place of the sale~~ once a 1155  
week for at least three consecutive weeks before the day of sale 1156  
if the sale is to be held at a physical location or the start 1157  
date of the sale if the sale is to be conducted online. 1158

Such notice shall be by advertisement in a newspaper of 1159  
general circulation in the county. The newspaper shall meet the 1160  
requirements of section 7.12 of the Revised Code. The court 1161  
ordering the sale may designate in the order of sale the 1162  
newspaper in which this public notice shall be published. The 1163  
notice shall include all the following information: 1164

(i) The date, time, and place of the sale if the sale is 1165  
to be held at a physical location; 1166

(ii) The start date, the minimum duration, and web site 1167  
address of the sale if the sale is to be held online; 1168



(iii) The deposit required by section 2329.211 of the Revised Code; 1169  
1170

(iv) That the purchaser shall be responsible for those costs, allowances, and taxes that the proceeds of the sale are insufficient to cover; 1171  
1172  
1173

(v) The provisional second sale date described in division (B) of section 2329.52 of the Revised Code, if applicable; provided, however, that no sale shall be invalid, nor shall the court vacate any sale, if the notice described in division (A) (1) (a) (i) of this section or the public notice described in division (A) (2) of this section fails to include the provisional date for a second sale of the property and the property is sold on the initial sale date. 1174  
1175  
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1177  
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(b) If a private selling officer has been ordered to sell the lands and tenements, the private selling officer shall give the public notice described in division (A) (2) (a) of this section in the newspaper designated by the court. If the court has not designated a newspaper, the private selling officer shall give this public notice in the newspaper customarily used or designated by the county sheriff. No sale that otherwise complies with division (A) (2) of this section shall be invalid. 1182  
1183  
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~~(3)~~ (B) The officer taking the lands and tenements shall collect the purchaser's information required by section 2329.271 of the Revised Code. 1190  
1191  
1192

~~(B)~~ (C) A sale of lands and tenements taken in execution may be set aside in accordance with division (A) or (B) of section 2329.27 of the Revised Code. 1193  
1194  
1195

**Sec. 2329.271.** (A) (1) Subject to division (A) (2) of this section, the purchaser of lands and tenements taken in execution 1196  
1197

shall submit to the officer who makes the sale the following 1198  
information: 1199

(a) ~~The~~ (i) If the purchaser is an individual, the 1200  
information shall include the individual's name, mailing 1201  
address, and which shall not be a post office box, electronic 1202  
mail address, telephone number, and credit card information of 1203  
the purchaser; 1204

(ii) If the purchaser is an entity, the information shall 1205  
include the entity's legal name, trade name if different from 1206  
its legal name, state and date of formation, active status with 1207  
the office of the secretary of state, mailing address, telephone 1208  
number, credit card information, the name of an individual 1209  
contact person for the entity, and the contact person's title, 1210  
mailing address, which shall not be a post office box, 1211  
electronic mail address, and telephone number. 1212

(b) An attorney or a law firm that represents a purchaser 1213  
may submit the information required under division (A)(1)(a) of 1214  
this section in a representative capacity, either as an 1215  
individual or entity. 1216

(c) If the lands and tenements taken in execution are 1217  
residential rental property and the residential rental property 1218  
is purchased by a trust, business trust, estate, partnership, 1219  
limited partnership, limited liability company, association, 1220  
corporation, or any other business entity, the name, address, 1221  
and telephone number of the following with the provision that 1222  
the purchaser be readily accessible through the identified 1223  
contact person: 1224

(i) A trustee, in the case of a trust or business trust; 1225

(ii) The executor or administrator, in the case of an 1226

estate; 1227

(iii) A general partner, in the case of a partnership or a 1228  
limited partnership; 1229

(iv) A member, manager, or officer, in the case of a 1230  
limited liability company; 1231

(v) An associate, in the case of an association; 1232

(vi) An officer, in the case of a corporation; 1233

(vii) A member, manager, or officer, in the case of any 1234  
other business entity. 1235

~~(e)~~(d) A statement indicating whether the purchaser will 1236  
occupy the lands and tenements. 1237

(2) If the lands and tenements taken in execution are not 1238  
residential rental property and the purchaser of those lands and 1239  
tenements is a corporation, partnership, association, estate, 1240  
trust, or other business organization the only place of business 1241  
of which is in the county in which the real property is located, 1242  
the information required by divisions (A) (1) (a) and ~~(e)~~(d) of 1243  
this section shall be the contact information for the office of 1244  
an employee of the purchasing entity that is located in that 1245  
county and that the purchasing entity has designated to receive 1246  
notices or inquiries about the property. If the purchasing 1247  
entity has a place of business outside the county in which the 1248  
real property is located and the purchasing entity's principal 1249  
place of business is located in this state, the information 1250  
required by divisions (A) (1) (a) and ~~(e)~~(d) of this section 1251  
shall be the contact information for the office of an employee 1252  
of the purchasing entity that is located in this state and that 1253  
the purchasing entity has designated to receive notices or 1254  
inquiries about the property. If the purchasing entity's 1255

principal place of business is not located in this state, the 1256  
information required by divisions (A) (1) (a) and ~~(e)~~ (d) of this 1257  
section shall be the contact information for a natural person 1258  
who is employed by the purchasing entity at the purchasing 1259  
entity's principal place of business outside of this state and 1260  
whom the purchasing entity has designated to receive notices or 1261  
inquiries about the property. 1262

(B) (1) The information required by division (A) of this 1263  
section shall be part of ~~the sheriff's record of proceedings and~~ 1264  
~~shall be part of the~~ record of the court of common pleas. ~~The~~ If 1265  
the court has ordered or the clerk of the court has issued an 1266  
order for the sheriff to advertise and sell the lands and 1267  
tenements, the information also shall be part of the sheriff's 1268  
record of proceedings. Except as provided in division (B) (2) of 1269  
this section, the information is a public record and open to 1270  
public inspection. 1271

(2) The electronic mail address and credit card 1272  
information required in division (A) (1) of this section are 1273  
confidential and not public records for purposes of section 1274  
149.43 of the Revised Code. 1275

**Sec. 2329.28.** The ~~sheriff~~ levying officer shall indorse on 1276  
the writ of execution ~~his~~ the officer's proceedings thereon, and 1277  
the clerk of the court of common pleas, upon the return thereof, 1278  
immediately shall record all such indorsements at length, in the 1279  
execution docket, or other docket provided for that purpose. 1280  
That record shall be a part of the record of the court of common 1281  
pleas. 1282

**Sec. 2329.30.** The court from which an execution or order 1283  
of sale issues, upon notice and motion of the officer who makes 1284  
the sale or of an interested party, may punish any purchaser of 1285

lands and tenements who fails to pay within thirty days of the 1286  
confirmation of the sale the balance due on the purchase price 1287  
of the lands and tenements by forfeiting the sale of the lands 1288  
and tenements and returning any deposit paid in connection with 1289  
the sale of the lands and tenements, by forfeiting any deposit 1290  
paid in connection with the sale of the lands and tenements, as 1291  
for contempt, or in any other manner the court considers 1292  
appropriate. Upon motion, the court may order the return of any 1293  
remaining portion of the deposit of the purchaser, less the 1294  
costs of a subsequent sale and any other remedy the court 1295  
considers appropriate. An order for contempt for failure of the 1296  
purchaser to pay voids the confirmation of sale and transfer. 1297

**Sec. 2329.31.** (A) Upon the return of any writ of execution 1298  
for the satisfaction of which lands and tenements have been 1299  
sold, on careful examination of the proceedings of the officer 1300  
making the sale, if the court of common pleas finds that the 1301  
sale was made, in all respects, in conformity with sections 1302  
2329.01 to 2329.61 of the Revised Code, it shall, within thirty 1303  
days of the return of the writ, direct the clerk of the court of 1304  
common pleas to make an entry on the journal that the court is 1305  
satisfied of the legality of such sale ~~and that the attorney who~~ 1306  
~~filed the writ of execution make to the purchaser a deed for the~~ 1307  
~~lands and tenements.~~ Nothing in this section prevents the court 1308  
of common pleas from staying the confirmation of the sale to 1309  
permit a property owner time to redeem the property or for any 1310  
other reason that it determines is appropriate. In those 1311  
instances, the sale shall be confirmed within thirty days after 1312  
the termination of any stay of confirmation. 1313

(B) The officer making the sale shall require the 1314  
purchaser, including a lienholder, to pay within thirty days of 1315  
the confirmation of the sale the balance due on the purchase 1316

price of the lands and tenements. 1317

(C) (1) The officer making the sale shall record the 1318  
prepared deed required by section 2329.36 of the Revised Code 1319  
within fourteen days after the confirmation of sale and payment 1320  
of the balance due. 1321

(2) (a) If the deed is not prepared and recorded within the 1322  
fourteen-day period, the purchaser may file a motion with the 1323  
court to proceed with the transfer of title. If the court finds 1324  
that a proper sale was made, it shall enter an order 1325  
transferring the title of the lands and tenements to the 1326  
purchaser, ordering the plaintiff to present a certified copy of 1327  
the order to the county recorder for recording, and ordering the 1328  
county recorder to record the order in the record of deeds. The 1329  
order, when filed with the county recorder, shall have the same 1330  
effect as a deed prepared pursuant to section 2329.36 of the 1331  
Revised Code. 1332

(b) Upon the issuance of the court order described in 1333  
division (C) (2) (a) of this section, the plaintiff, or the 1334  
plaintiff's attorney, shall present a certified copy of the 1335  
order to be recorded in the office of the county recorder. The 1336  
county recorder shall record the order in the record of deeds. 1337

(c) The clerk shall issue a copy of the court order to the 1338  
county auditor to transfer record ownership of the lands and 1339  
tenements for the purpose of real estate taxes. Real estate 1340  
taxes coming due after the date of the sale shall not prohibit 1341  
the auditor from transferring ownership of the lands and 1342  
tenements on its records or cause the recorder to deny 1343  
recording. The real estate taxes shall become the responsibility 1344  
of the new title holder of the lands and tenements. The sheriff 1345  
shall not require the confirmation of sale to be amended for 1346

taxes not due and payable as of the date of the sale. 1347

**Sec. 2329.311.** In sales of residential properties taken in 1348  
execution or order of sale that are sold at an auction with no 1349  
set minimum bid pursuant to division (B) of section 2329.52 of 1350  
the Revised Code, the judgment creditor and the first lienholder 1351  
each have the right to redeem the property within fourteen days 1352  
after the sale by paying the purchase price. The redeeming party 1353  
shall pay the purchase price to the clerk of the court in which 1354  
the judgment was rendered or the order of sale was made. Upon 1355  
timely payment, the court shall proceed as described in section 1356  
2329.31 of the Revised Code, with the redeeming party considered 1357  
the successful purchaser at sale. 1358

**Sec. 2329.312.** (A) All levying officers appointed or 1359  
authorized by a court under this chapter to conduct the judicial 1360  
or execution sale of residential property consisting of one to 1361  
four single-family units shall submit quarterly reports to the 1362  
attorney general for the purpose of assessing the extent to 1363  
which deadlines required by this chapter are met. The reports 1364  
shall include data on each such sale conducted by the officer. 1365

(B) The attorney general shall do all of the following: 1366

(1) Establish and maintain a database comprised of the 1367  
information submitted by levying officers pursuant to division 1368  
(A) of this section; 1369

(2) Make the information included in the database publicly 1370  
available; 1371

(3) Adopt rules for the creation and administration of the 1372  
database. 1373

**Sec. 2329.33.** ~~In~~ Except as provided in division (C) of 1374  
section 2308.03 or any other section of the Revised Code, in 1375

sales of real estate on execution or order of sale, at any time 1376  
before the confirmation thereof, the debtor may redeem it from 1377  
sale by depositing in the hands of the clerk of the court of 1378  
common pleas to which such execution or order is returnable, the 1379  
amount of the judgment or decree upon which such lands were 1380  
sold, with all costs, including poundage, and interest at the 1381  
rate of eight per cent per annum on the purchase money from the 1382  
day of sale to the time of such deposit, except where the 1383  
judgment creditor is the purchaser, the interest at such rate on 1384  
the excess above ~~his~~ the judgment creditor's claim. The court of 1385  
common pleas thereupon shall make an order setting aside such 1386  
sale, and apply the deposit to the payment of such judgment or 1387  
decree and costs, and award such interest to the purchaser, who 1388  
shall receive from the officer making the sale the purchase 1389  
money paid by ~~him~~ the purchaser, and the interest from the 1390  
clerk. This section does not take away the power of the court to 1391  
set aside such sale for any reason for which it might have been 1392  
set aside prior to April 16, 1888. 1393

**Sec. 2329.34.** Real property may be conveyed by a master 1394  
commissioner or special master only: 1395

(A) When, by an order or a judgment in an action or 1396  
proceeding, a party is required to convey such property to 1397  
another, and ~~he~~ the party neglects or refuses to do so, and the 1398  
master is directed to convey on ~~his~~ the party's failure; 1399

(B) When specific real property is sold by a master under 1400  
an order or judgment of the court appointing ~~him~~ the master. No 1401  
court shall make or issue an order to a master for the sale of 1402  
real estate except in response to a motion by a judgment 1403  
creditor, unless which motion shall be granted only if there 1404  
exists some special reason why the sale should not be made by 1405



the sheriff of the county where the decree or order was made, 1406  
~~which reason, if or by a private selling officer.~~ 1407  
If the court 1408  
finds any such reason to exist, that reason shall be embodied in 1409  
and made part of the judgment, order, or decree for such sale.

**Sec. 2329.39.** ~~Sale~~ Except as provided in sections 2329.152 1410  
and 2329.153 of the Revised Code, sale of lands or tenements 1411  
under execution or order of sale must be held in the county in 1412  
which they are situated and at the courthouse, unless otherwise 1413  
ordered by the court. Purchase of real or personal property, by 1414  
the officer making the sale thereof, or by an appraiser of such 1415  
property, shall be fraudulent and void. 1416

**Sec. 2329.45.** If a judgment in satisfaction of which 1417  
lands, or tenements are sold, is reversed on appeal, such 1418  
reversal shall not defeat or affect the title of the purchaser. 1419  
In such case restitution ~~must be made by the judgment creditor~~ 1420  
~~of~~ in an amount equal to the money for which such lands or 1421  
tenements were sold, with interest from the day of sale, must be 1422  
made by the judgment creditor. In ordering restitution, the 1423  
court shall take into consideration all persons who lost an 1424  
interest in the property by reason of the judgment and sale and 1425  
the order of the priority of those interests. 1426

**Sec. 2329.52.** ~~When~~ (A) Except as otherwise provided in 1427  
division (B) of this section, when premises are ordered to be 1428  
sold, if said premises, or a part thereof, remain unsold for 1429  
want of bidders after having been once appraised, advertised, 1430  
and offered for sale, the court from which the order of sale 1431  
issued may, on motion of the plaintiff or defendant and from 1432  
time to time until said premises are disposed of, order a new 1433  
appraisement and sale or direct the amount for which said 1434  
premises, or a part thereof, may be sold. 1435

The court may order that the premises be sold as follows: 1436  
One third cash in hand, one third in nine months from the day of 1437  
sale, and the remaining one third in eighteen months from the 1438  
day of sale, the deferred payments to draw interest at six per 1439  
cent and be secured by a mortgage on the premises. 1440

(B) When a residential property is ordered to be sold 1441  
pursuant to a residential mortgage loan foreclosure action, and 1442  
the sale will be held at a physical location and not online, and 1443  
if the property remains unsold after the first auction, then a 1444  
second auction shall be held and the property shall be sold to 1445  
the highest bidder without regard to the minimum bid requirement 1446  
in section 2329.20 of the Revised Code, but subject to section 1447  
2329.21 of the Revised Code relating to costs, allowances, and 1448  
real estate taxes. This second auction shall be held not earlier 1449  
than seven days and not later than thirty days after the first 1450  
auction. A residential property that remains unsold after two 1451  
auctions may be subsequently offered for sale without regard to 1452  
the minimum bid requirement in section 2329.20 of the Revised 1453  
Code or disposed of in any other manner pursuant to this chapter 1454  
or any other provision of the Revised Code. 1455

**Sec. 2329.56.** When a freeholder, summoned as an appraiser, 1456  
fails to appear at the time and place appointed by the officers 1457  
ordering ~~his~~ the freeholder's appearance and discharge ~~his~~ the 1458  
duty as such, on complaint made to a judge of the county court 1459  
in the district in which such freeholder resides, unless ~~he~~ the 1460  
freeholder has a reasonable excuse, ~~he~~ the freeholder shall pay 1461  
fifty ~~cents~~ dollars for each neglect, which shall be collected 1462  
by the judge, and paid into the county treasury for the use of 1463  
the county. 1464

**Sec. 2909.07.** (A) No person shall: 1465

(1) Without privilege to do so, knowingly move, deface, 1466  
damage, destroy, or otherwise improperly tamper with ~~the~~either 1467  
of the following: 1468

(a) The property of another; 1469

(b) One's own residential real property with the purpose 1470  
to decrease the value of or enjoyment of the residential real 1471  
property, if both of the following apply: 1472

(i) The residential real property is subject to a 1473  
mortgage. 1474

(ii) The person has been served with a summons and 1475  
complaint in a pending residential mortgage loan foreclosure 1476  
action relating to that real property. As used in this division, 1477  
"pending" includes the time between judgment entry and 1478  
confirmation of sale. 1479

(2) With purpose to interfere with the use or enjoyment of 1480  
property of another, employ a tear gas device, stink bomb, smoke 1481  
generator, or other device releasing a substance that is harmful 1482  
or offensive to persons exposed or that tends to cause public 1483  
alarm; 1484

(3) Without privilege to do so, knowingly move, deface, 1485  
damage, destroy, or otherwise improperly tamper with a bench 1486  
mark, triangulation station, boundary marker, or other survey 1487  
station, monument, or marker; 1488

(4) Without privilege to do so, knowingly move, deface, 1489  
damage, destroy, or otherwise improperly tamper with any safety 1490  
device, the property of another, or the property of the offender 1491  
when required or placed for the safety of others, so as to 1492  
destroy or diminish its effectiveness or availability for its 1493  
intended purpose; 1494

(5) With purpose to interfere with the use or enjoyment of 1495  
the property of another, set a fire on the land of another or 1496  
place personal property that has been set on fire on the land of 1497  
another, which fire or personal property is outside and apart 1498  
from any building, other structure, or personal property that is 1499  
on that land; 1500

(6) Without privilege to do so, and with intent to impair 1501  
the functioning of any computer, computer system, computer 1502  
network, computer software, or computer program, knowingly do 1503  
any of the following: 1504

(a) In any manner or by any means, including, but not 1505  
limited to, computer hacking, alter, damage, destroy, or modify 1506  
a computer, computer system, computer network, computer 1507  
software, or computer program or data contained in a computer, 1508  
computer system, computer network, computer software, or 1509  
computer program; 1510

(b) Introduce a computer contaminant into a computer, 1511  
computer system, computer network, computer software, or 1512  
computer program. 1513

(B) As used in this section, "safety device" means any 1514  
fire extinguisher, fire hose, or fire axe, or any fire escape, 1515  
emergency exit, or emergency escape equipment, or any life line, 1516  
life-saving ring, life preserver, or life boat or raft, or any 1517  
alarm, light, flare, signal, sign, or notice intended to warn of 1518  
danger or emergency, or intended for other safety purposes, or 1519  
any guard railing or safety barricade, or any traffic sign or 1520  
signal, or any railroad grade crossing sign, signal, or gate, or 1521  
any first aid or survival equipment, or any other device, 1522  
apparatus, or equipment intended for protecting or preserving 1523  
the safety of persons or property. 1524

(C) (1) Whoever violates this section is guilty of criminal mischief, and shall be punished as provided in division (C) (2) or (3) of this section. 1525  
1526  
1527

(2) Except as otherwise provided in this division, 1528  
criminal mischief committed in violation of division (A) (1), 1529  
(2), (3), (4), or (5) of this section is a misdemeanor of the 1530  
third degree. Except as otherwise provided in this division, if 1531  
the violation of division (A) (1), (2), (3), (4), or (5) of this 1532  
section creates a risk of physical harm to any person, criminal 1533  
mischief committed in violation of division (A) (1), (2), (3), 1534  
(4), or (5) of this section is a misdemeanor of the first 1535  
degree. If the property involved in the violation of division 1536  
(A) (1), (2), (3), (4), or (5) of this section is an aircraft, an 1537  
aircraft engine, propeller, appliance, spare part, fuel, 1538  
lubricant, hydraulic fluid, any other equipment, implement, or 1539  
material used or intended to be used in the operation of an 1540  
aircraft, or any cargo carried or intended to be carried in an 1541  
aircraft, criminal mischief committed in violation of division 1542  
(A) (1), (2), (3), (4), or (5) of this section is one of the 1543  
following: 1544

(a) If the violation creates a risk of physical harm to 1545  
any person, except as otherwise provided in division (C) (2) (b) 1546  
of this section, criminal mischief committed in violation of 1547  
division (A) (1), (2), (3), (4), or (5) of this section is a 1548  
felony of the fifth degree. 1549

(b) If the violation creates a substantial risk of 1550  
physical harm to any person or if the property involved in a 1551  
violation of this section is an occupied aircraft, criminal 1552  
mischief committed in violation of division (A) (1), (2), (3), 1553  
(4), or (5) of this section is a felony of the fourth degree. 1554

(3) Except as otherwise provided in this division, 1555  
criminal mischief committed in violation of division (A) (6) of 1556  
this section is a misdemeanor of the first degree. Except as 1557  
otherwise provided in this division, if the value of the 1558  
computer, computer system, computer network, computer software, 1559  
computer program, or data involved in the violation of division 1560  
(A) (6) of this section or the loss to the victim resulting from 1561  
the violation is one thousand dollars or more and less than ten 1562  
thousand dollars, or if the computer, computer system, computer 1563  
network, computer software, computer program, or data involved 1564  
in the violation of division (A) (6) of this section is used or 1565  
intended to be used in the operation of an aircraft and the 1566  
violation creates a risk of physical harm to any person, 1567  
criminal mischief committed in violation of division (A) (6) of 1568  
this section is a felony of the fifth degree. If the value of 1569  
the computer, computer system, computer network, computer 1570  
software, computer program, or data involved in the violation of 1571  
division (A) (6) of this section or the loss to the victim 1572  
resulting from the violation is ten thousand dollars or more, or 1573  
if the computer, computer system, computer network, computer 1574  
software, computer program, or data involved in the violation of 1575  
division (A) (6) of this section is used or intended to be used 1576  
in the operation of an aircraft and the violation creates a 1577  
substantial risk of physical harm to any person or the aircraft 1578  
in question is an occupied aircraft, criminal mischief committed 1579  
in violation of division (A) (6) of this section is a felony of 1580  
the fourth degree. 1581

**Sec. 5302.01.** The forms set forth in sections 5302.05, 1582  
5302.07, 5302.09, 5302.11, 5302.12, 5302.14, ~~and 5302.17,~~ and 1583  
5302.31 of the Revised Code may be used and shall be sufficient 1584  
for their respective purposes. They shall be known as "Statutory 1585

Forms" and may be referred to as such. They may be altered as 1586  
circumstances require, and the authorization of those forms 1587  
shall not prevent the use of other forms. Wherever the phrases 1588  
defined in sections 5302.06, 5302.08, 5302.10, and 5302.13 of 1589  
the Revised Code are to be incorporated in instruments by 1590  
reference, the method of incorporation as indicated in the 1591  
statutory forms shall be sufficient, but shall not preclude 1592  
other methods. 1593

Sec. 5302.31. A deed in substance following the form set 1594  
forth in this section, when duly executed in accordance with 1595  
Chapter 5301. of the Revised Code, has the force and effect of a 1596  
deed in fee simple to the grantee, the grantee's heirs, assigns, 1597  
and successors, to the grantee's and the grantee's heirs', 1598  
assigns', and successors' own use, with covenants on the part of 1599  
the grantor with the grantee, the grantee's heirs, assigns, and 1600  
successors, that, at the time of the delivery of that deed, the 1601  
grantor was duly appointed, qualified, and acting in the 1602  
fiduciary capacity described in that deed, and was duly 1603  
authorized to make the sale and conveyance of the premises; and 1604  
that in all of the grantor's proceedings in the sale of the 1605  
premises the grantor has complied with the requirements of the 1606  
statutes in such case provided. 1607

"Private Selling Officer's Deed 1608

Ohio Revised Code § 2329.152 1609

Case No. \_\_\_\_\_ 1610

I, \_\_\_\_\_, a private selling officer as 1611  
defined in section 2329.01 of the Revised Code, pursuant to the 1612  
Order of Sale entered on \_\_\_\_\_, the Confirmation of 1613  
Sale entered on \_\_\_\_\_, and in consideration of the sum of 1614

\$ \_\_\_\_\_, the receipt whereof is hereby 1615  
acknowledged, do hereby grant, sell, and convey unto 1616  
\_\_\_\_\_, tax mailing address \_\_\_\_\_, 1617  
all the rights, title, and interest of the parties in Court of 1618  
Common Pleas, \_\_\_\_\_ County, Ohio, Case No. 1619  
\_\_\_\_\_, \_\_\_\_\_ vs. \_\_\_\_\_, 1620  
and all pleadings therein incorporated herein by reference in 1621  
and to the following Lands and Tenements situated in the County 1622  
of \_\_\_\_\_ and State of Ohio, known and described as 1623  
follows, to-wit: 1624

(description of land or interest therein) 1625

This deed does not reflect any restrictions, conditions, 1626  
or easements of record. 1627

Prior Owner: \_\_\_\_\_ 1628

Prior Instrument Reference: \_\_\_\_\_ 1629

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 1630

\_\_\_\_\_  
1631

(signature of private selling officer) 1632

Auctioneer License # \_\_\_\_\_ 1633

Real Estate Broker License # \_\_\_\_\_ 1634

(Execution in accordance with Chapter 5301. of the Revised 1635  
Code) " 1636

**Sec. 5721.371.** (A) Private attorney's fees payable with 1637  
respect to an action under sections 5721.30 to 5721.46 of the 1638  
Revised Code are subject to the following conditions: 1639

~~(A)~~ (1) The fees must be reasonable. 1640

~~(B)~~ (2) Fees exceeding two thousand five hundred dollars 1641



shall be paid only if authorized by a court order. 1642

~~(C)~~ (B) (1) Fees less than or equal to two thousand five 1643  
hundred dollars shall be presumed to be reasonable. 1644

(2) If the private attorney's fees payable are fixed and 1645  
not determined on an hourly basis, the court shall not consider 1646  
or require evidence of hours expended or hourly rates. 1647

(3) The terms of a sale negotiated under section 5721.33 1648  
of the Revised Code may include the amount to be paid in private 1649  
attorney's fees, subject to division ~~(B)~~ (A) (2) of this section. 1650

**Sec. 5721.372.** (A) A private selling officer's fees 1651  
payable with respect to an action under sections 5721.30 to 1652  
5721.46 of the Revised Code are subject to both of the following 1653  
conditions: 1654

(1) The fees must be reasonable. 1655

(2) Fees exceeding five per cent of the sale price of the 1656  
property, if such amount is greater than seven hundred fifty 1657  
dollars, shall be paid only if authorized by a court order. 1658

(B) (1) Fees less than or equal to seven hundred fifty 1659  
dollars shall be presumed to be reasonable. 1660

(2) The terms of a sale negotiated under section 5721.33 1661  
of the Revised Code may include the amount to be paid in private 1662  
selling officer's fees, subject to division (A) of this section. 1663

(C) As used in this section, "private selling officer" has 1664  
the same meaning as in section 2329.01 of the Revised Code. 1665

**Sec. 5721.373.** (A) A title agent's or title insurance 1666  
company's fees payable with respect to an action under sections 1667  
5721.30 to 5721.46 of the Revised Code are subject to the 1668

following conditions: 1669

(1) The fees must be reasonable. 1670

(2) Fees exceeding five hundred dollars shall be paid only 1671  
if authorized by a court order. 1672

(B) (1) Fees less than or equal to five hundred dollars 1673  
shall be presumed to be reasonable. 1674

(2) The terms of a sale negotiated under section 5721.33 1675  
of the Revised Code may include the amount to be paid in title 1676  
agent's or title company's fees, subject to division (A) of this 1677  
section. 1678

**Sec. 5721.39.** (A) In its judgment of foreclosure rendered 1679  
in actions filed pursuant to section 5721.37 of the Revised 1680  
Code, the court or board of revision shall enter a finding that 1681  
includes all of the following with respect to the certificate 1682  
parcel: 1683

(1) The amount of the sum of the certificate redemption 1684  
prices for all the tax certificates sold against the parcel; 1685

(2) Interest on the certificate purchase prices of all 1686  
certificates at the rate of eighteen per cent per year for the 1687  
period beginning on the day on which the payment was submitted 1688  
by the certificate holder under division (B) of section 5721.37 1689  
of the Revised Code; 1690

(3) The amount paid under division (B) (2) of section 1691  
5721.37 of the Revised Code, plus interest at the rate of 1692  
eighteen per cent per year for the period beginning on the day 1693  
the certificate holder filed a request for foreclosure or a 1694  
notice of intent to foreclose under division (A) of that 1695  
section; 1696

(4) Any delinquent taxes on the parcel that are not 1697  
covered by a payment under division (B) (2) of section 5721.37 of 1698  
the Revised Code; 1699

(5) Fees and costs incurred in the foreclosure proceeding 1700  
instituted against the parcel, including, without limitation, 1701  
the fees and costs of the prosecuting attorney represented by 1702  
the fee paid under division (B) (3) of section 5721.37 of the 1703  
Revised Code, plus interest as provided in division (D) (2) (d) of 1704  
this section, or the fees and costs of the private attorney 1705  
representing the certificate holder, and charges paid or 1706  
incurred in procuring title searches and abstracting services 1707  
relative to the subject premises. 1708

(B) The court or board of revision may order the 1709  
certificate parcel to be sold or otherwise transferred according 1710  
to law, without appraisal and as set forth in the prayer of the 1711  
complaint, for not less than the amount of its finding, or, in 1712  
the event that the true value of the certificate parcel as 1713  
determined by the county auditor is less than the certificate 1714  
redemption price, the court or board of revision may, as prayed 1715  
for in the complaint, issue a decree transferring fee simple 1716  
title free and clear of all subordinate liens to the certificate 1717  
holder or as otherwise provided in sections 323.65 to 323.79 of 1718  
the Revised Code. A decree of the court or board of revision 1719  
transferring fee simple title to the certificate holder is 1720  
forever a bar to all rights of redemption with respect to the 1721  
certificate parcel. 1722

(C) (1) The certificate holder may file a motion with the 1723  
court for an order authorizing a specified private selling 1724  
officer, as defined in section 2329.01 of the Revised Code, to 1725  
sell the parcel at a public auction. If the court authorizes a 1726

private selling officer to sell the parcel, then upon the filing 1727  
of a praecipe for order of sale with the clerk of the court, the 1728  
clerk of the court shall immediately issue an order of sale to 1729  
the private selling officer authorized by the court. 1730

(2) The officer to whom the order of sale is directed may 1731  
conduct the public auction of the parcel at a physical location 1732  
in the county in which the parcel is located or online. If the 1733  
public auction occurs online, the auction shall be open for 1734  
bidding for seven days. If the parcel is not sold during this 1735  
initial seven-day period, a second online auction shall be held 1736  
not earlier than three days or later than thirty days after the 1737  
end of the first auction. The second online auction shall be 1738  
open for bidding for seven days. 1739

(3) A private selling officer who conducts an auction of 1740  
the parcel under this section may do any of the following: 1741

(a) Market the parcels for sale and hire a title insurance 1742  
agent licensed under Chapter 3953. of the Revised Code or title 1743  
insurance company authorized to do business under that chapter 1744  
to assist the private selling officer in performing 1745  
administrative services; 1746

(b) Execute to the purchaser, or to the purchaser's legal 1747  
representatives, a deed of conveyance of the parcel sold in 1748  
conformity with the form set forth in section 5302.31 of the 1749  
Revised Code; 1750

(c) Record on behalf of the purchaser the deed conveying 1751  
title to the parcel sold, notwithstanding that the deed may not 1752  
actually have been delivered to the purchaser prior to its 1753  
recording. 1754

(4) By placing a bid at a sale conducted pursuant to this 1755

section, a purchaser appoints the private selling officer who 1756  
conducts the sale as agent of the purchaser for the sole purpose 1757  
of accepting delivery of the deed. 1758

(5) The private selling officer who conducts the sale 1759  
shall hire a title insurance agent licensed under Chapter 3953. 1760  
of the Revised Code or title insurance company authorized to do 1761  
business under that chapter to perform title, escrow, and 1762  
closing services related to the sale of the parcel. 1763

(6) Except as otherwise provided in sections 323.65 to 1764  
323.79 of the Revised Code, and the alternative redemption 1765  
period thereunder, each certificate parcel shall be advertised 1766  
and sold by the officer to whom the order of sale is directed in 1767  
the manner provided by law for the sale of real property on 1768  
execution. The advertisement for sale of certificate parcels 1769  
shall be published once a week for three consecutive weeks and 1770  
shall include the date on which a second sale will be conducted 1771  
if no bid is accepted at the first sale. Any number of parcels 1772  
may be included in one advertisement. 1773

Except as otherwise provided in sections 323.65 to 323.79 1774  
of the Revised Code, whenever the officer charged to conduct the 1775  
sale offers a certificate parcel for sale at a physical location 1776  
and not online and no bids are made equal to at least the amount 1777  
of the finding of the court or board of revision, the officer 1778  
shall adjourn the sale of the parcel to the second date that was 1779  
specified in the advertisement of sale. The second sale shall be 1780  
held at the same place and commence at the same time as set 1781  
forth in the advertisement of sale. The officer shall offer any 1782  
parcel not sold at the first sale. Upon the conclusion of any 1783  
sale, or if any parcel remains unsold after being offered at two 1784  
sales, the officer conducting the sale shall report the results 1785

to the court or board of revision. 1786

(D) Upon the confirmation of a sale, the proceeds of the 1787  
sale shall be applied as follows: 1788

(1) The fees and costs incurred in the proceeding filed 1789  
against the parcel pursuant to section 5721.37 of the Revised 1790  
Code shall be paid first, including attorney's fees of the 1791  
certificate holder's attorney payable under division (F) of that 1792  
section, private selling officer's fees and marketing costs, 1793  
title agent's or title company's fees, or the county 1794  
prosecutor's costs covered by the fee paid by the certificate 1795  
holder under division (B) (3) of that section. 1796

(2) Following the payment required by division (D) (1) of 1797  
this section, the certificate holder that filed the notice of 1798  
intent to foreclose or request for foreclosure with the county 1799  
treasurer shall be paid the sum of the following amounts: 1800

(a) The sum of the amount found due for the certificate 1801  
redemption prices of all the tax certificates that are sold 1802  
against the parcel; 1803

(b) Any premium paid by the certificate holder at the time 1804  
of purchase; 1805

(c) Interest on the amounts paid by the certificate holder 1806  
under division (B) (1) of section 5721.37 of the Revised Code at 1807  
the rate of eighteen per cent per year beginning on the day on 1808  
which the payment was submitted by the certificate holder to the 1809  
county treasurer and ending on the day immediately preceding the 1810  
day on which the proceeds of the foreclosure sale are paid to 1811  
the certificate holder; 1812

(d) Interest on the amounts paid by the certificate holder 1813  
under divisions (B) (2) and (3) of section 5721.37 of the Revised 1814

Code at the rate of eighteen per cent per year beginning on the 1815  
day on which the payment was submitted by the certificate holder 1816  
under divisions (B) (2) and (3) of that section and ending on the 1817  
day immediately preceding the day on which the proceeds of the 1818  
foreclosure sale are paid to the certificate holder pursuant to 1819  
this section, except that such interest shall not accrue for 1820  
more than three years if the certificate was sold under section 1821  
5721.32 of the Revised Code, or under section 5721.42 of the 1822  
Revised Code by the holder of a certificate issued under section 1823  
5721.32 of the Revised Code, or more than six years if the 1824  
certificate was sold under section 5721.33 of the Revised Code, 1825  
or under section 5721.42 of the Revised Code by the holder of a 1826  
certificate issued under section 5721.33 of the Revised Code, 1827  
after the day the amounts were paid by the certificate holder 1828  
under divisions (B) (2) and (3) of section 5721.37 of the Revised 1829  
Code; 1830

(e) The amounts paid by the certificate holder under 1831  
divisions (B) (1), (2), and (3) of section 5721.37 of the Revised 1832  
Code. 1833

(3) Following the payment required by division (D) (2) of 1834  
this section, any amount due for taxes, installments of 1835  
assessments, charges, penalties, and interest not covered by the 1836  
tax certificate holder's payment under division (B) (2) of 1837  
section 5721.37 of the Revised Code shall be paid, including all 1838  
taxes, installments of assessments, charges, penalties, and 1839  
interest payable subsequent to the entry of the finding and 1840  
prior to the transfer of the deed of the parcel to the purchaser 1841  
following confirmation of sale. If the proceeds available for 1842  
distribution pursuant to this division are insufficient to pay 1843  
the entire amount of those taxes, installments of assessments, 1844  
charges, penalties, and interest, the proceeds shall be paid to 1845

each claimant in proportion to the amount of those taxes, 1846  
installments of assessments, charges, penalties, and interest 1847  
that each is due, and those taxes, installments of assessments, 1848  
charges, penalties, and interest are deemed satisfied and shall 1849  
be removed from the tax list and duplicate. 1850

(4) Any residue of money from proceeds of the sale shall 1851  
be disposed of as prescribed by section 5721.20 of the Revised 1852  
Code. 1853

(E) Unless the parcel previously was redeemed pursuant to 1854  
section 5721.25 or 5721.38 of the Revised Code, upon the filing 1855  
of the entry of confirmation of sale, or an order to transfer 1856  
the parcel under sections 323.65 to 323.79 of the Revised Code, 1857  
the title to the parcel is incontestable in the purchaser and is 1858  
free and clear of all liens and encumbrances, except a federal 1859  
tax lien, notice of which lien is properly filed in accordance 1860  
with section 317.09 of the Revised Code prior to the date that a 1861  
foreclosure proceeding is instituted pursuant to section 5721.37 1862  
of the Revised Code, and which lien was foreclosed in accordance 1863  
with 28 U.S.C.A. 2410(c), and except for the easements and 1864  
covenants of record running with the land or lots that were 1865  
created prior to the time the taxes or installments of 1866  
assessments, for the nonpayment of which a tax certificate was 1867  
issued and the parcel sold at foreclosure, became due and 1868  
payable. 1869

The title shall not be invalid because of any 1870  
irregularity, informality, or omission of any proceedings under 1871  
this chapter or in any processes of taxation, if such 1872  
irregularity, informality, or omission does not abrogate the 1873  
provision for notice to holders of title, lien, or mortgage to, 1874  
or other interests in, such foreclosed parcels, as prescribed in 1875



this chapter. 1876

**Section 2.** That existing sections 301.28, 323.47, 1303.38, 1877  
2303.26, 2327.01, 2327.02, 2327.04, 2329.01, 2329.151, 2329.17, 1878  
2329.18, 2329.19, 2329.20, 2329.21, 2329.26, 2329.271, 2329.28, 1879  
2329.30, 2329.31, 2329.33, 2329.34, 2329.39, 2329.45, 2329.52, 1880  
2329.56, 2909.07, 5302.01, 5721.371, and 5721.39 of the Revised 1881  
Code are hereby repealed. 1882

**Section 3.** (A) The provisions of the Revised Code, 1883  
including Title XXIII, relating to the judicial sale of real 1884  
estate pursuant to a mortgage loan foreclosure action comprise a 1885  
comprehensive regulatory framework intended to operate uniformly 1886  
throughout the state to provide efficient sales procedures for 1887  
foreclosed property, improve the market for such property by 1888  
increasing sale prices, and reduce the number of unoccupied and 1889  
abandoned properties marring the cities of this state. This 1890  
provision does not preempt vacant foreclosed property 1891  
registration ordinances enacted by political subdivisions 1892  
pursuant to their police powers. 1893

(B) (1) A person whose conduct is governed by this act 1894  
shall comply in good faith with the requirements of this act and 1895  
shall act in good faith throughout the foreclosure process. 1896  
"Good faith" means honesty in fact and the observance of 1897  
reasonable commercial standards of fair dealing. 1898

(2) A judgment creditor in connection with a real property 1899  
foreclosure action shall proceed in a commercially reasonable 1900  
manner in complying with this act. 1901

(C) The Ohio Supreme Court case of *Bank of America v.* 1902  
*Kuchta*, 2014-Ohio-2475, shall not apply to foreclosure actions 1903  
conducted pursuant to section 2308.02 of the Revised Code 1904

pursuant to a Civil Rule 60(B)(1) motion. 1905

**Section 4.** (A) The winning bidder pursuant to division (A) 1906  
of section 2329.153 of the Revised Code shall work with sheriffs 1907  
and other groups to address issues regarding the official public 1908  
sheriff sale web site, including potential cost and recoupment, 1909  
details of the implementation of the online system, and other 1910  
unresolved concerns. 1911

(B) A sheriff may conduct a dual real property foreclosure 1912  
sale on the official public sheriff sale web site and at a 1913  
physical location considered appropriate by the sheriff. 1914