



Ohio's updated foreclosure laws

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Summary and comments by Barry Baker of Ohio Sheriff Sales

Barry@OhioSheriffSales.com

937-581-3037

www.OhioSheriffSales.com

General Overview of Changes

The bill makes changes relative to judicial foreclosure actions. Most importantly it allows a **Private Selling Officer** to take the place of the county sheriff during the foreclosure process. The PSO has the ability to advertise, market and sell the property via either online auction or a live auction at the property. The PSO can move the property through the foreclosure process in record time, sign and record the deed, and hire a title company to distribute the funds to the plaintiff. It also permits the mortgagee to bring an expedited foreclosure action against residential property that is "**vacant and abandoned**." The bill also makes other changes that modify the procedures that generally apply to the judicial sale of property. The bill specifies in its statement of intent that the changes in the bill relating to the judicial sale of real property comprise a comprehensive regulatory framework intended to operate uniformly throughout the state to **provide efficient sales procedures for foreclosed property**, improve the market for such property by **increasing sale prices**, and reduce the number of unoccupied and abandoned properties marring the cities in Ohio.

Vacant and abandoned properties – expedited foreclosure actions

- Allows a mortgagee to bring an expedited foreclosure action against vacant and abandoned residential property.
- Enables a court to deem foreclosed residential properties vacant and abandoned when the mortgagor is in monetary default on the mortgage and certain conditions apply.
- Provides judicial and sale procedures for vacant and abandoned property.
- Authorizes a mortgagee of a residential property that has been found to be vacant and abandoned to enter and secure the property.

- Authorizes a mortgagee who has not yet filed a mortgage foreclosure action to enter and secure the residential property only if the mortgage contract or other documents provide for the entry.
- Extinguishes an owner's right to redemption of a mortgage on residential property found to be vacant and abandoned upon the confirmation of the sale of the property.
- Creates the official public sheriff sale website for online bidding.
- Permits judicial sales of residential property performed by the sheriff to be conducted through the website for the first five years the website is fully operational, after this period, sales on the website are required.
- Permits judicial sales of commercial property to be conducted through the website.
- Requires the Department of Administrative Services to solicit competitive sealed proposals for the creation, operation, and maintenance of the website that will be used by the sheriffs.
- Requires the website to meet specified minimum standards.
- Requires the website to be integrated with an auction management system.
- Establishes the standards for determining the license fee for the website.
- Establishes registration and bidding procedures for sales conducted through the website.
- Establishes the procedures for the sheriff or private selling officer to postpone, cancel, and void sales on the website.
- Permits counties to enter into shared services agreements relating to judicial sales on the website.
- Adds to the definition of "county expenses" to include online credit card payments made through the website.
- Authorizes a private selling officer to conduct foreclosure sales and establishes procedures relating to those sales.
- Permits a judgement creditor in a foreclosure action to file a motion with the court requesting a specified private selling officer to sell the real property.
- Permits a private selling officer to: Market the real property subject to the foreclosure sale; Execute a deed of conveyance of the real property sold at the foreclosure sale; Record the deed conveying title to the real property sold at the foreclosure sale.
- Requires the private selling officer that conducts a sale to file a report with the court that issued the sale and to hire a title insurance agent or title insurance company to perform title, escrow, and closing services.
- Establishes a statutory form that may be used as the private selling officer's deed.
- Establishes remote bidding procedures for physical location sales and website sales.

- Establishes new procedures for appraisal of property. The appraiser must return the appraisal within 21 days to the Sheriff or the Private Selling Officer performing the sale.
- Increases the penalty fee from 50¢ to \$50 for a freeholder who fails appraisal duties.
- Establishes new procedures for judicial sales of residential properties subsequent to the first sale attempt.
- Requires the purchaser of a property at a judicial sale, other than a purchaser who is the judgment creditor, to deposit a specified amount with the sheriff or private selling officer at the time of the sale. Those 3 different amounts are \$2,000, \$5,000 and \$10,000.
- Permits a court, upon motion, to return a purchaser's deposit, less the costs of a subsequent sale, when a person fails to timely pay the balance due on the purchase price of a property sold at judicial sale.
- Authorizes, rather than requires, a county treasurer to estimate the tax-related charges to be discharged out of the proceeds of a court-ordered sale, a sale as a result of a partition action, or a sale by an executor, guardian, or trustee.
- Authorizes the plaintiff to an action resulting in such a sale to request that overestimated taxes discharged from sale proceeds be used to pay off unsatisfied liens or be paid to the court for distribution.
- Permits a plaintiff purchasing the property in such a sale to choose to have the current year's taxes, to the extent not yet determined, to be either paid from the sale proceeds or made payable at the next semiannual tax payment date.
- Requires the sheriff or private selling officer to record the deed of a property sold at a judicial sale within 14 days of confirmation and final payment and provides that if the deed is not recorded within that time period, the purchaser may file a motion with the court to proceed with the transfer of title.
- Grants the judgment creditor and the first lienholder a right of redemption under certain circumstances.
- Requires additional information to be included in the notice and advertisement of judicial sales.
- Requires additional information for purchaser's identifying information and requires an entity that purchases information at a foreclosure sale to submit identifying information.
- Prohibits a judgment creditor from making a misleading statement to a mortgagor that would discourage participation in loss mitigation or foreclosure resolution.
- Permits, under certain circumstances, a county prosecutor to proceed with a foreclosure sale of residential real property.
- Provides that an owner who knowingly and with the purpose to diminish the value or enjoyment of the residential property moves, defaces, damages, or otherwise improperly tampers with the person's own residential property is guilty of criminal mischief if the property is the subject of a foreclosure action.

- Requires all officers appointed or authorized by a court to conduct a foreclosure sale of certain residential properties to submit quarterly reports to the Attorney General.
- Requires the Attorney General to establish and maintain a public database containing information submitted in the reports.
- Prohibits a clerk from restricting, prohibiting, or modifying the rights of parties seeking service on party defendants.
- Modifies one of the three conditions that must be satisfied for a person to enforce a lost instrument under Ohio Commercial Paper Law.
- Permits private selling officers to conduct tax certificate foreclosure sales.
- Establishes sale procedures conducted online.
- Authorizes private selling officers to carry out specified actions in order to sell the foreclosed property and execute a new deed.
- For tax lien foreclosures, specifies the amount that is considered reasonable for attorney, private selling officer, and title agent.

Summary of changes listed by revised code section

301.28 Allows online payments by credit card and similar payments when properties are sold via online auction.

323.47 Taxes prorated to the date of sale. If proceeds can't cover taxes due they will be payable on the next tax bill. If plaintiff purchases the property, the taxes do not have to be paid at transfer.

1303.38 Enforcing without an instrument.

2303.26 Clerk shall not restrict service.

2308.01 Defines types of residential properties.

2308.02 Mortgagee filing foreclosure can proceed in expedited manner for vacant and abandoned property and what it takes to prove the property is vacant.

2308.04 Defines criminal mischief for anyone diminishing the value of a property in the foreclosure process.

2327.01 Private selling officers to handle executions.

2327.02 Private selling officers to sign deeds and writs of possession.

2327.04 Private selling officers to handle deposits.

2329.01 Defines commercial property and Private Selling Officers.

2329.071 The court can move the foreclosure along if no action has been taken within 12 months. Creditor has a right to redeem within 14 days.

2329.151 Private selling officers added to list of who can sell Real Estate.

2329.152 Motion can specify the Private Selling Officer. Creditor can choose the sheriff or a PSO. Sheriff to still handle the appraisal process. Defines remote bidding. It property is sold online; creditor can submit remote bids. Enables postponement vs cancelation. Appraisal and advertising to be taxed as costs. PSO's fees also taxed as costs up to 1.5%. PSO's can sell online or at a physical location. PSO can hire a title agency to close the transaction and disburse funds. PSO's can sign the deed. Title fees if any shall be taxed as costs.

2329.153 Creates a state-wide sheriff sale website for sheriffs to add properties for online bidding by the public.

2329.154 Information needed from bidders to register.

2329.17 Cleans up language regarding the appraisal process and sets a deadline of 21 days for the completion and return of the appraisal.

2329.18 Adds PSO language.

2329.20 Cleans up language regarding Jr. liens

2329.21 Cleans up language regarding the purchaser's responsibility after Jr. lien auction.

2329.211 Judgement creditor not required to make a deposit. Deposit amounts set for third party buyers based on appraisal values.

2329.26 Notice of sale to include whether on line or live, start times, deposits, terms, provisional second sale date, to be advertised in the customary newspaper for sheriff sales in that county.

2329.271 Information needed by the buyer of a property.

2329.31 Procedures if the deed is not filed in a timely manner.

2329.311 Judgement creditor and first lien holder has right to redeem the property after a no minimum bid auction produces a buyer.

2329.312 PSOs to submit quarterly reports to the attorney general. AG to maintain databases of all information.

2329.33 Cleans up redemption language.

2329.34 Adds PSO language.

2329.39 Cleans up language regarding where a sale can take place.

2329.45 If a judgement is reversed.

2329.52 If a property is unsold at the first Auction the second Auction shall be held regardless of price with no minimums. The second auction shall be held between 7 and 30 days after the first Auction.

2329.56 Freeholder fined for not performing an appraisal.

2909.07 No personal shall decrease the value of a property while in the foreclosure process.

FULL SECTIONS OF THE REVISED CODE

Sec. 323.47. (A) If land held by tenants in common is sold 2158 upon proceedings in partition, or taken by the election of any of 2159 the parties to such proceedings, or real estate is sold by 2160 administrators, executors, guardians, or trustees, the court shall 2161 order that the taxes, penalties, and assessments then due and 2162 payable, and interest on those taxes, penalties, and assessments, 2163 that are or will be a lien on such land or real estate at the time 2164 the deed is transferred following as of the date of the sale or 2165 election, be discharged out of the proceeds of such sale or 2166 election, but only to the extent of those proceeds. For purposes 2167 of determining such amount, the county treasurer shall may 2168 estimate the amount of taxes, assessments, interest, and penalties 2169 that will be payable at as of the time the deed of the property is 2170 transferred to date of the purchaser sale or election. If the 2171 county treasurer's estimate exceeds the amount of taxes, 2172 assessments, interest, and penalties actually payable when the 2173 deed is transferred to the purchaser, the officer who conducted 2174 the sale shall as of that date, the plaintiff in the action 2175 resulting in a sale or election, may request that the county 2176 treasurer refund that excess to holders of the purchaser the 2177 difference between the estimate and the amount actually payable 2178 next lien interests according to the confirmation of sale or 2179 election or, if all liens are satisfied, that the treasurer remit 2180 that excess to the court for distribution. If the amount of taxes, 2181 assessments, interest, and penalties actually payable when the 2182 deed is transferred to the purchaser at the time of the sale or 2183 election exceeds the county treasurer's estimate, or the proceeds 2184 are insufficient to satisfy that estimate, the officer who 2185 conducted the sale shall certify the amount of the excess to the 2186 treasurer, who shall enter that amount on the real and public 2187 utility property tax duplicate opposite the property; the amount 2188 of the excess shall be payable at the next succeeding date 2189 prescribed for payment of taxes in section 323.12 of the Revised 2190 Code. 2191 If the plaintiff in an action that results in a sale or 2192 election in accordance with this division is the land's or real 2193 estate's purchaser or electing party, the officer who conducted 2194 the sale shall not deduct the taxes, assessments, interest, and 2195 penalties, the lien for which attaches before the date of sale or 2196 election but that are not yet determined, assessed, and levied 2197 from the proceeds of the sale or election, unless such deduction 2198 is approved by that purchaser or electing party. The officer shall 2199 certify any such amount not paid from the proceeds to the county 2200 treasurer, who shall enter that amount on the real and public 2201 utility property tax duplicate opposite the property; this amount 2202 shall be payable at the next succeeding date prescribed for 2203 payment of taxes in section 323.12 of the Revised Code. 2204 Taxes, assessments, interest, and penalties that are not paid 2205 on the date of that sale or election, including any amount that 2206

becomes due and payable after the date of the sale or election or 2207 that remains unpaid because proceeds of a sale or election are 2208 insufficient to pay those amounts, continue to be a lien on the 2209 property as provided under section 323.11 of the Revised Code. 2210

(B)(1) Except as provided in division (B)(3) of this section, 2211 if real estate is sold at judicial sale, the court shall order 2212 that the total of the following amounts shall be discharged out of 2213 the proceeds of the sale but only to the extent of such proceeds: 2214

(a) Taxes and assessments, interest, and penalties, the lien 2215 for which attaches before the confirmation date of sale but that 2216 are not yet determined, assessed, and levied for the year in which 2217 confirmation occurs that includes the date of sale, apportioned 2218 pro rata to the part of that year that precedes confirmation, and 2219 any penalties and interest on those taxes and assessments the date 2220 of sale; 2221

(b) All other taxes, assessments, penalties, and interest the 2222 lien for which attached for a prior tax year but that have not 2223 been paid on or before the date of confirmation sale. 2224

(2) Upon the request of the officer who conducted the sale, 2225 the The county treasurer shall may estimate the amount in division 2226 (B)(1)(a) of this section before the confirmation of sale or an 2227 amended entry confirming the sale is filed. If the county 2228 treasurer's estimate exceeds that the amount in division (B)(1)(a) 2229 of this section, the officer who conducted the sale shall 2230 plaintiff may request that the county treasurer refund that excess 2231 to holders of the purchaser the difference between the estimate 2232 and the actual amount next lien interests according to the 2233 confirmation of sale or, if all liens are satisfied, that the 2234 treasurer remit that excess to the court for distribution. If the 2235 actual amount exceeds the county treasurer's estimate, the officer 2236 shall certify the amount of the excess to the treasurer, who shall 2237 enter that amount on the real and public utility property tax 2238 duplicate opposite the property; the amount of the excess shall be 2239 payable at the next succeeding date prescribed for payment of 2240 taxes in section 323.12 of the Revised Code. 2241 If the plaintiff in an action that results in a sale in 2242 accordance with division (B) of this section is the real estate's 2243 purchaser, the officer who conducted the sale shall not deduct the 2244 taxes, assessments, interest, and penalties, the lien for which 2245 attaches before the date of sale but that are not yet determined, 2246 assessed, and levied from the proceeds of the sale or election, 2247 unless such deduction is approved by that purchaser. The officer 2248 shall certify any such amount not paid from the proceeds to the 2249 county treasurer, who shall enter that amount on the real and 2250 public utility property tax duplicate opposite the property; this 2251 amount shall be payable at the next succeeding date prescribed for 2252 payment of taxes in section 323.12 of the Revised Code. 2253 Taxes, assessments, interest, and penalties that are not paid 2254 on the date of that sale, including any amount that becomes due 2255 and payable after the date of the sale, continue to be a lien on 2256 the property as provided under section 323.11 of the Revised Code. 2257

(3) The amounts described in division (B)(1) of this section 2258 shall not be discharged out of the proceeds of a judicial sale, 2259 but shall instead be deemed to be satisfied and extinguished upon 2260 confirmation of sale, if both of the following conditions apply: 2261

(a) The real estate is sold pursuant to a foreclosure 2262 proceeding other than a tax foreclosure proceeding initiated by 2263 the county treasurer under section 323.25, sections 323.65 to 2264 323.79, or Chapter 5721. of the Revised Code. 2265

(b) A county land reutilization corporation organized under 2266 Chapter 1724. of the Revised Code is both the purchaser of the 2267 real estate and the judgment creditor or assignee of all rights, 2268 title, and interest in the judgment arising from the foreclosure 2269 proceeding. 2270

Sec. 323.73. (A) Except as provided in division (G) of this 2271 section or section 323.78 of the Revised Code, a parcel of 2272 abandoned land that is to be disposed of under this section shall 2273 be disposed of at a public auction scheduled and conducted as 2274 described in this section. At least twenty-one days prior to the 2275 date of the public auction, the clerk of court or sheriff of the 2276 county shall advertise the public auction in a newspaper of 2277 general circulation that meets the requirements of section 7.12 of 2278 the Revised Code in the county in which the land is located. The 2279 advertisement shall include the date, time, and place of the 2280 auction, the permanent parcel number of the land if a permanent 2281 parcel number system is in effect in the county as provided in 2282 section 319.28 of the Revised Code or, if a permanent parcel 2283 number system is not in effect, any other means of identifying the 2284 parcel, and a notice stating that the abandoned land is to be sold 2285 subject to the terms of sections 323.65 to 323.79 of the Revised 2286 Code. 2287

(B) The sheriff of the county or a designee of the sheriff 2288 shall conduct the public auction at which the abandoned land will 2289 be offered for sale. To qualify as a bidder, a person shall file 2290 with the sheriff on a form provided by the sheriff a written 2291 acknowledgment that the abandoned land being offered for sale is 2292 to be conveyed in fee simple to the successful bidder. At the 2293 auction, the sheriff of the county or a designee of the sheriff 2294 shall begin the bidding at an amount equal to the total of the 2295 impositions against the abandoned land, plus the costs apportioned 2296 to the land under section 323.75 of the Revised Code. The 2297 abandoned land shall be sold to the highest bidder. The county 2298 sheriff or designee may reject any and all bids not meeting the 2299 minimum bid requirements specified in this division. 2300

(C) Except as otherwise permitted under section 323.74 of the 2301 Revised Code, the successful bidder at a public auction conducted 2302 under this section shall pay the sheriff of the county or a 2303 designee of the sheriff a deposit of at least ten per cent of the 2304 purchase price in cash, or by bank draft or official bank check, 2305 at the time of the public auction, and shall pay the balance of 2306 the purchase price within thirty days after the day on which the 2307 auction was held. At the time of the public auction and before the 2308 successful bidder pays the deposit, the sheriff or a designee of 2309 the sheriff may provide notice to the successful bidder that 2310 failure to pay the balance of the purchase price within the 2311 prescribed period shall be considered a default under the terms of 2312 the sale and shall result in retention of the deposit as payment 2313 for the costs associated with advertising and offering the 2314 abandoned land for sale at a future public auction. If such a 2315 notice is provided to the successful bidder and the bidder fails 2316 to pay the balance of the purchase price within the prescribed 2317 period, the sale shall be deemed rejected by the county board of 2318 revision due to default, and the sheriff shall retain the full 2319 amount of the deposit. In such a case, rejection of the sale shall 2320 occur automatically without any action necessary on the part of 2321 the sheriff, county prosecuting attorney, or board. If the amount 2322 retained by the sheriff is less than the total costs of 2323 advertising and offering the abandoned land for sale at a future 2324 public auction, the sheriff or county prosecuting attorney may 2325 initiate an action to recover the amount of any deficiency from 2326 the bidder in the court of common pleas of the county or in a 2327 municipal court with jurisdiction. 2328 Following a default and rejection of sale under this 2329 division, the abandoned land involved in the rejected sale shall 2330 be disposed of in accordance with sections 323.65 to 323.79

of the 2331 Revised Code or as otherwise prescribed by law. The defaulting 2332 bidder, any member of the bidder's immediate family, any person 2333 with a power of attorney granted by the bidder, and any 2334 pass-through entity, trust, corporation, association, or other 2335 entity directly or indirectly owned or controlled by the bidder or 2336 a member of the defaulting bidder's immediate family shall be 2337 prohibited from bidding on the abandoned land at any future public 2338 auction for five years from the date of the bidder's default. 2339 Notwithstanding section 321.261 of the Revised Code, with 2340 respect to any proceedings initiated pursuant to sections 323.65 2341 to 323.79 of the Revised Code, from the total proceeds arising 2342 from the sale, transfer, or redemption of abandoned land, twenty 2343 per cent of such proceeds shall be deposited to the credit of the 2344 county treasurer's delinquent tax and assessment collection fund 2345 to reimburse the fund for costs paid from the fund for the 2346 transfer, redemption, or sale of abandoned land at public auction. 2347 Not more than one-half of the twenty per cent may be used by the 2348 treasurer for community development, nuisance abatement, 2349 foreclosure prevention, demolition, and related services or 2350 distributed by the treasurer to a land reutilization corporation. 2351 The balance of the proceeds, if any, shall be distributed to the 2352 appropriate political subdivisions and other taxing units in 2353 proportion to their respective claims for taxes, assessments, 2354 interest, and penalties on the land. Upon the sale of foreclosed 2355 lands, the clerk of court shall hold any surplus proceeds in 2356 excess of the impositions until the clerk receives an order of 2357 priority and amount of distribution of the surplus that are 2358 adjudicated by a court of competent jurisdiction or receives a 2359 certified copy of an agreement between the parties entitled to a 2360 share of the surplus providing for the priority and distribution 2361 of the surplus. Any party to the action claiming a right to 2362 distribution of surplus shall have a separate cause of action in 2363 the county or municipal court of the jurisdiction in which the 2364 land reposes, provided the board confirms the transfer or 2365 regularity of the sale. Any dispute over the distribution of the 2366 surplus shall not affect or revive the equity of redemption after 2367 the board confirms the transfer or sale. 2368

(D) Upon the confirmation of sale or transfer of abandoned 2369 land pursuant to this section, the owner's fee simple interest in 2370 the land shall be conveyed to the purchaser. A conveyance under 2371 this division is free and clear of any liens and encumbrances of 2372 the parties named in the complaint for foreclosure attaching 2373 before the sale or transfer, and free and clear of any liens for 2374 taxes, except for federal tax liens and covenants and easements of 2375 record attaching before the sale. 2376

(E) The county board of revision shall reject the sale of 2377 abandoned land to any person if it is shown by a preponderance of 2378 the evidence that the person is delinquent in the payment of taxes 2379 levied by or pursuant to Chapter 307., 322., 324., 5737., 5739., 2380 5741., or 5743. of the Revised Code or any real property taxing 2381 provision of the Revised Code. The board also shall reject the 2382 sale of abandoned land to any person if it is shown by a 2383 preponderance of the evidence that the person is delinquent in the 2384 payment of property taxes on any parcel in the county, or to a 2385 member of any of the following classes of parties connected to 2386 that person: 2387

(1) A member of that person's immediate family; 2388

(2) Any other person with a power of attorney appointed by 2389 that person; 2390

(3) A sole proprietorship owned by that person or a member of 2391 that person's immediate family; 2392

(4) A partnership, trust, business trust, corporation, 2393 association, or other entity in which that person or a member of 2394 that person's immediate family owns or controls directly or 2395 indirectly any beneficial or legal interest. 2396

(F) If the purchase of abandoned land sold pursuant to this 2397 section or section 323.74 of the Revised Code is for less than the 2398 sum of the impositions against the abandoned land and the costs 2399 apportioned to the land under division (A) of section 323.75 of 2400 the Revised Code, then, upon the sale or transfer, all liens for 2401 taxes due at the time the deed of the property is conveyed to the 2402 purchaser following the sale or transfer, and liens subordinate to 2403 liens for taxes, shall be deemed satisfied and discharged. 2404

(G) If the county board of revision finds that the total of 2405 the impositions against the abandoned land are greater than the 2406 fair market value of the abandoned land as determined by the 2407 auditor's then-current valuation of that land, the board, at any 2408 final hearing under section 323.70 of the Revised Code, may order 2409 the property foreclosed and, without an appraisal or public 2410 auction, order the sheriff to execute a deed to the certificate 2411 holder or county land reutilization corporation that filed a 2412 complaint under section 323.69 of the Revised Code, or to a 2413 community development organization, school district, municipal 2414 corporation, county, or township, whichever is applicable, as 2415 provided in section 323.74 of the Revised Code. Upon a transfer 2416 under this division, all liens for taxes due at the time the deed 2417 of the property is transferred to the certificate holder, 2418 community development organization, school district, municipal 2419 corporation, county, or township following the conveyance, and 2420 liens subordinate to liens for taxes, shall be deemed satisfied 2421 and discharged. 2422

Sec. 1303.38. (A) A person not in possession of an instrument 2423 is entitled to enforce the instrument if all of the following 2424 apply: 2425

(1) The person seeking to enforce the instrument was in 2426 entitled to enforce the instrument when loss of possession 2427 occurred or has directly or indirectly acquired ownership of the 2428 instrument and from a person who was entitled to enforce it the 2429 instrument when loss of possession occurred. 2430

(2) The loss of possession was not the result of a transfer 2431 by the person or a lawful seizure. 2432

(3) The person cannot reasonably obtain possession 2433 possession of the instrument because the instrument was destroyed, 2434 its whereabouts cannot be determined, or it is in the wrongful 2435 possession of an unknown person or a person that cannot be found 2436 or is not amenable to service of process. 2437

(B) A person seeking enforcement of an instrument under 2438 division (A) of this section must prove the terms of the 2439 instrument and the person's right to enforce the instrument. If 2440 that proof is made, divisions (A) and (B) of section 1303.36 of 2441 the Revised Code applies to the case as if the person seeking 2442 enforcement had produced the instrument. The court may not enter 2443 judgment in favor of the person seeking enforcement unless it 2444 finds that the person required to pay the instrument is adequately 2445 protected against loss that might occur by reason of a claim by 2446 another person to enforce the instrument. Adequate protection for 2447 the person required to pay the instrument may be provided by any 2448 reasonable means. 2449

Sec. 2303.26. The clerk of the court of common pleas shall 2450 exercise the powers conferred and perform the duties enjoined upon 2451 him the clerk by statute and by the common law; and in the 2452 performance of his official duties he the clerk shall be under the 2453 direction of his the court. The clerk shall not restrict, 2454 prohibit, or otherwise modify the rights of parties to seek 2455 service on party defendants allowed by the Rules of Civil 2456 Procedure, either singularly or concurrently. 2457

Sec. 2308.01. As used in this chapter: 2458

(A) "Manufactured home" has the same meaning as in section 2459 3781.06 of the Revised Code. 2460

(B) "Mobile home" has the same meaning as in section 4501.01 2461 of the Revised Code. 2462

(C) "Residential condominium unit" means a "residential unit" 2463 as defined in section 5311.01 of the Revised Code. 2464

(D) "Residential mortgage loan" means a loan or agreement to 2465 extend credit, including the renewal, refinancing, or modification 2466 of such a loan or agreement, that is made to a person and that is 2467 primarily secured by a mortgage, deed of trust, or other lien upon 2468 any interest in residential property or any certification of stock 2469 or other evidence of ownership in, and a proprietary lease from, a 2470 corporation or partnership formed for the purpose of cooperative 2471 ownership of residential property. 2472

(E) "Residential property" means real property located within 2473 this state consisting of land and a structure on that land 2474 containing four or fewer dwelling units, each of which is intended 2475 for occupancy by a separate household. "Residential property" 2476 includes a residential condominium unit, notwithstanding the 2477 number of units in the structure, but includes a manufactured or 2478 mobile home only if it is taxed as real property. 2479

Sec. 2308.02. (A) A mortgagee who files a foreclosure action 2480 on a residential property may file a motion with the court to 2481 proceed in an expedited manner under this section on the basis 2482 that the property is vacant and abandoned. In order to proceed in 2483 an expedited manner, upon the filing of such motion, the mortgagee 2484 must be a person entitled to enforce the instrument secured by the 2485 mortgage under division (A)(1) or (2) of section 1303.31 of the 2486 Revised Code or a person with the right to enforce the obligation 2487 secured by the mortgage pursuant to law outside of Chapter 1303. 2488 of the Revised Code. 2489

(B) If a motion to proceed in an expedited manner is filed 2490 before the last answer period has expired, the court shall decide 2491 the motion not later than twenty-one days, or within the time 2492 consistent with the local rules, after the last answer period has 2493 expired. If a motion to proceed in an expedited manner is filed 2494 after the last answer period has expired, the court shall decide 2495 the motion not later than twenty-one days, or within the time 2496 consistent with local rules, after the motion is filed. 2497

(C) In deciding the motion to proceed in an expedited manner, 2498 the court shall deem the property to be vacant and abandoned if 2499 all of the following apply: 2500

(1) The court finds by a preponderance of the evidence that 2501 the residential mortgage loan is in monetary default. 2502

(2) The court finds by a preponderance of the evidence that 2503 the mortgagee is a person entitled to enforce the instrument 2504 secured by the mortgage under division (A)(1) or (2) of section 2505 1303.31 of the Revised Code or a person with the right to enforce 2506 the obligation secured by the mortgage pursuant to law outside of 2507 Chapter 1303. of the Revised Code. 2508

(3) The court finds by clear and convincing evidence that at 2509 least three of the following factors are true: 2510

(a) Gas, electric, sewer, or water utility services to the 2511 property have been disconnected. 2512

(b) Windows or entrances to the property are boarded up or 2513 closed off, or multiple window panes are broken and unrepaired. 2514

(c) Doors on the property are smashed through, broken off, 2515 unhinged, or continuously unlocked. 2516

(d) Junk, litter, trash, debris, or hazardous, noxious, or 2517 unhealthy substances or materials have accumulated on the 2518 property. 2519

(e) Furnishings, window treatments, or personal items are 2520 absent from the structure on the land. 2521

(f) The property is the object of vandalism, loitering, or 2522 criminal conduct, or there has been physical destruction or 2523 deterioration of the property. 2524

(g) A mortgagor has made a written statement expressing the 2525 intention of all mortgagors to abandon the property. 2526

(h) Neither an owner nor a tenant appears to be residing in 2527 the property at the time of an inspection of the property by the 2528 appropriate official of a county, municipal corporation, or 2529 township in which the property is located or by the mortgagee. 2530

(i) The appropriate official of a county, municipal 2531 corporation, or township in which the property is located provides 2532 a written statement or statements indicating that the structure on 2533 the land is vacant and abandoned. 2534

(j) The property is sealed because, immediately prior to 2535 being sealed, it was considered by the appropriate official of a 2536 county, municipal corporation, or township in which the property 2537 is located to be open, vacant, or vandalized. 2538

(k) Other reasonable indicia of abandonment exist. 2539

(4) No mortgagor or other defendant has filed an answer or 2540

objection setting forth a defense or objection that, if proven, 2541 would preclude the entry of a final judgment and decree of 2542 foreclosure. 2543

(5) No mortgagor or other defendant has filed a written 2544 statement with the court indicating that the property is not 2545 vacant and abandoned. 2546

(6)(a) If a government official has not verified the real 2547 property is vacant and abandoned pursuant to division (C)(3)(h), 2548 (i), or (j) of this section, but the court makes a preliminary 2549 finding that the residential real property is vacant and abandoned 2550 pursuant to division (C) of this section, then within seven days 2551 of the preliminary finding, the court shall order the appropriate 2552 official of a county, municipal corporation, or township in which 2553 the property is located to verify the property is vacant and 2554 abandoned. 2555

(b) Any court costs assessed in connection with the 2556 inspection conducted pursuant to division (C)(6)(a) of this 2557 section shall not be more than fifty dollars. 2558

(D) If the court decides after an oral hearing that the 2559 property is vacant and abandoned and that the mortgagee who filed 2560 the motion to proceed in an expedited manner is entitled to 2561 judgment, the court shall enter a final judgment and decree of 2562 foreclosure and order the property to be sold in accordance with 2563 division (E) of this section. If the court does not decide that 2564 the property is vacant and abandoned, the seventy-five-day 2565 deadline established in division (E) of this section shall not 2566 apply to the sale of the property. 2567

(E) If the court decides that the property is vacant and 2568 abandoned and enters a final judgment and decree of foreclosure 2569 under division (D) of this section, the property shall be offered 2570 for sale not later than seventy-five days after the issuance of 2571

the order of sale. The sale of the property shall be conducted in 2572 accordance with the requirements in Chapter 2329. of the Revised 2573 Code, including possible postponement of the sale pursuant to 2574 division (C) of section 2329.152 of the Revised Code. 2575

(F) Nothing in this section shall supersede or limit other 2576 procedures adopted by the court to resolve the residential 2577 mortgage loan foreclosure action, including foreclosure mediation. 2578

Sec. 2308.03. (A) Except as otherwise provided in division 2579

(B) of this section, if a residential property is found to be 2580 vacant and abandoned under section 2308.02 of the Revised Code, a 2581 mortgagee on the residential property may enter that property to 2582 secure and protect it from damage. 2583

(B) A mortgagee that has not filed a residential mortgage 2584 loan foreclosure action on a property for which the mortgagee 2585 holds a mortgage may enter and secure that property only if the 2586 mortgage contract or other documents provide for such an entry. 2587

(C) The equitable and statutory rights to redemption of a 2588 mortgage on a property found to be vacant and abandoned pursuant 2589 to section 2308.02 of the Revised Code expire upon the 2590 confirmation of sale of the property. 2591

Sec. 2308.04. (A) A person is guilty of criminal mischief in 2592 violation of division (A)(1) of section 2909.07 of the Revised 2593 Code if all of the following apply: 2594

(1) The person knowingly and with purpose to diminish the 2595 value or enjoyment of the residential real property moves, 2596 defaces, damages, destroys, or otherwise improperly tampers with 2597 the person's own residential real property. 2598

(2) The residential real property is subject to a mortgage. 2599

(3) The person has been served with a summons and complaint 2600

in a pending residential mortgage loan foreclosure action relating 2601 to that residential real property. 2602

(B) As used in this section, "pending" includes the time 2603 between the filing of the foreclosure action and confirmation of 2604 sale. 2605

Sec. 2327.01. (A) As used in this chapter, "private selling 2606 officer" has the same meaning as in section 2329.01 of the Revised 2607 Code. 2608

(B)(1) An execution is a process of a court, issued by its 2609 clerk, the court itself, or the county board of revision with 2610 jurisdiction pursuant to section 323.66 of the Revised Code, and 2611 directed to the sheriff of the county. Executions 2612

(2) An execution includes a process of a court, issued by its 2613 clerk or the court itself, and directed to a private selling 2614 officer authorized in accordance with section 2329.151, 2329.152, 2615 or 5721.39 of the Revised Code. 2616

(3) Executions may be issued to the sheriffs of different 2617 counties or different private selling officers at the same time. 2618

Sec. 2327.02. (A) Executions are of three kinds: 2619

(1) Against the property of the judgment debtor, including 2620 orders of sale or orders to transfer property pursuant to sections 2621 323.28, 323.65 to 323.78, and 5721.19 of the Revised Code; 2622

(2) Against the person of the judgment debtor; 2623

(3) For the delivery of the possession of real property, 2624 including real property sold under orders of sale or transferred 2625 under orders to transfer property pursuant to sections 323.28, 2626 323.65 to 323.78, and 5721.19 of the Revised Code. 2627

(B) The writ shall contain a specific description of the 2628 property, and a command to the sheriff or private selling officer 2629 to deliver it to the person entitled to the property. It also may 2630 require the sheriff to make the damages recovered for withholding 2631 the possession and costs, or costs alone, out of the property of 2632 the person who so withholds it. 2633

(C) In the case of foreclosures of real property, including 2634 foreclosures for taxes, mortgages, judgment liens, and other valid 2635 liens, the description of the property, the order of sale, order 2636 to transfer, and any deed or deed forms may be prepared, adopted, 2637 and otherwise approved in advance by the court having jurisdiction 2638 or the county board of revision with jurisdiction pursuant to 2639 section 323.66 of the Revised Code, directly commanding the 2640 sheriff or the private selling officer to sell, convey, or deliver 2641 possession of the property as commanded in that order. In those 2642 cases, the clerk shall journalize the order and deliver that writ 2643 or order to the sheriff or private selling officer for execution. 2644 If the property is sold under an order of sale or transferred 2645 under an order to transfer, the officer who conducted the sale or 2646 made the transfer of the property shall collect the recording fee 2647 and any associated costs to cover the recording from the purchaser 2648 or transferee at the time of the sale or transfer and, following 2649 confirmation of the sale or transfer and the payment of the 2650 balance due on the purchase price of the property, shall

execute 2651 and record the deed conveying title to the property to the 2652 purchaser or transferee. For purposes of recording that deed, by 2653 placement of a bid or making a statement of interest by any party 2654 ultimately awarded the property, the purchaser or transferee 2655 thereby appoints the officer who makes the sale or is charged with 2656 executing and delivering the deed as agent for that purchaser or 2657 transferee for the sole purpose of accepting delivery of the deed. 2658

Sec. 2327.04. When, in the exercise of its authority, a court 2659 orders the deposit or delivery of money or other thing, and the 2660 order is disobeyed, besides punishing the disobedience as for a 2661 contempt, the court may make an order requiring the sheriff or 2662 private selling officer to take the money or thing and deposit or 2663 deliver it in conformity with the court's direction. 2664

Sec. 2329.01. (A) Lands and tenements, including vested legal 2665 interests therein, permanent leasehold estates renewable forever, 2666 and goods and chattels, not exempt by law, shall be subject to the 2667 payment of debts, and liable to be taken on execution and sold as 2668 provided in sections 2329.02 to 2329.61, inclusive, of the Revised 2669 Code. 2670

(B) As used in sections 2329.02 to 2329.61 of the Revised 2671 Code: 2672

(1) "Commercial property" means any property that is not 2673 residential property. 2674

(2) "Private selling officer" means a resident of this state 2675 licensed as both an auctioneer under Chapter 4707. of the Revised 2676 Code and as a real estate broker or real estate salesperson under 2677 Chapter 4735. of the Revised Code. 2678

(3) "Residential mortgage loan" and "residential property" 2679 have the same meanings as in section 2308.01 of the Revised Code. 2680

Sec. 2329.071. (A) If a decree of foreclosure has been 2681 entered with respect to residential real property but the property 2682 has not been sold or a sale of the property is not underway, then, 2683 beginning twelve months after the entry of the decree of 2684 foreclosure, either of the following may occur: 2685

(1) The local political subdivision may request, by motion or 2686 resolution, or by other means, that the county prosecuting 2687 attorney file a motion with the court for the sale of the 2688 property. 2689

(2) Upon receiving such a request, or upon the prosecuting 2690

attorney's own motion, the prosecuting attorney of the county in 2691 which the action was filed may file a motion with the court for 2692 authorization to sell the property in the same manner as if the 2693 prosecuting attorney were the attorney for the party in whose 2694 favor the decree of foreclosure and order of sale was entered. 2695

(B)(1) The prosecuting attorney, pursuant to division (A) of 2696 this section, shall serve a copy of the motion on all parties who 2697 entered an appearance in the foreclosure action in accordance with 2698 the Rules of Civil Procedure. 2699

(2) The court shall decide the motion described in division 2700

(A) of this section not sooner than thirty days after the date of 2701 the filing of the motion. Unless the court finds good cause as to 2702 why the property should not be sold, the court shall grant the 2703

motion and order the prosecuting attorney to issue a praecipe for 2704 order of sale and sell the property at the next available public 2705 auction with no set minimum bid and in accordance with the terms 2706

of the order of sale and applicable provisions of the Revised 2707 Code. 2708

(C) The judgment creditor in the foreclosure action has the 2709 right to redeem the property within fourteen days after the sale 2710 by paying the purchase price. The judgment creditor shall pay the 2711 purchase price to the clerk of the court in which the judgment was 2712 rendered or the order of sale was made. Upon timely payment, the 2713 court shall proceed as described in section 2329.31 of the Revised 2714 Code, with the judgment creditor considered the successful 2715 purchaser at sale. 2716

Sec. 2329.151. All Except as provided in sections 2329.152 to 2717 2329.154 of the Revised Code, all public auctions of goods, 2718 chattels, or lands levied upon by execution shall be conducted 2719 personally by an one of the following: 2720

(A) An officer of the court or by an auctioneer licensed under Chapter 4707. of the Revised Code; 2722

(B) For the public auction of goods and chattels, a resident 2723 of this state licensed as an auctioneer under Chapter 4707. of the 2724 Revised Code; 2725

(C) For the public auction of lands, a private selling 2726 officer. 2727

Sec. 2329.152. (A) In every action demanding the judicial or 2728 execution sale of real estate, the county sheriff shall sell the 2729 real estate at a public auction, unless the judgment creditor 2730 files a motion with the court for an order authorizing a specified 2731 private selling officer to sell the real estate at a public 2732 auction. If the court authorizes a private selling officer to sell 2733 the real estate, the judgment creditor may seek to have the 2734 property sold by the private selling officer authorized by the 2735 court or by the county sheriff. If the judgment creditor elects to 2736 have the property sold by the private selling officer authorized 2737 by the court, the judgment creditor shall file with the clerk of 2738 the court a praecipe requesting the issuance of an order of 2739 appraisal to the sheriff and an order of sale to the private 2740 selling officer authorized by the court. Upon the filing of that 2741 praecipe, the clerk of the court shall immediately issue both of 2742 the following: 2743

(1) An order of appraisal to the sheriff, who shall obtain an 2744 appraisal of the real estate in conformity with sections 2329.17 2745 and 2329.18 of the Revised Code; 2746

(2) An order of sale to the private selling officer, who, 2747 after the return or determination of the appraisal, shall 2748 advertise and sell the real estate in conformity with applicable 2749 provisions of sections 2329.01 to 2329.61 of the Revised Code. 2750

(B)(1) As used in this division: 2751

(a) "Business day" means a calendar day that is not a 2752 Saturday or Sunday or a legal holiday as defined in section 1.14 2753 of the Revised Code. 2754

(b) "Remote bid" means a bid submitted in writing via 2755 facsimile, electronic mail, or overnight delivery or courier. 2756

(2) If the sale of the real estate is conducted at a physical 2757 location and not online, then each judgment creditor and 2758 lienholder who was a party to the action may submit a remote bid 2759 to the sheriff or the private selling officer. Each sheriff and 2760 private selling officer shall establish and maintain a facsimile 2761 number or an electronic mail address for use by judgment creditors 2762 and lienholders in submitting remote bids. Each remote bid shall 2763 be of a fixed maximum amount and shall be delivered to the sheriff 2764 or private selling officer on or before four-thirty p.m. on the 2765 business day immediately preceding the date of the sale. 2766

(3) Before the sale, the sheriff or the private selling 2767 officer shall confirm receipt of the remote bid by sending notice 2768 of such receipt via facsimile or electronic mail to the judgment 2769 creditor or lienholder who submitted the remote bid. During the 2770 sale, the sheriff or the private selling officer shall place the 2771 remote bid on behalf of the judgment creditor or lienholder who 2772 submitted the remote bid. After the sale, the sheriff or the 2773 private selling officer shall provide notice of the results of the 2774 sale not later than the close of business on the day of the sale 2775 to all judgment creditors and lienholders who submitted remote 2776 bids. Such notice shall be sent via facsimile or electronic mail 2777 to the judgment creditor or lienholder or by posting the results 2778 of the sale on a public web site. 2779

(4) If a sheriff or private selling officer fails to place a 2780 remote bid on behalf of a judgment creditor or lienholder to the 2781 prejudice of the judgment creditor or lienholder, then, upon the 2782 filing of a motion to vacate the sale within ten business days 2783 after the sale date, the sale shall be vacated. 2784

(C)(1) A judgment creditor that obtains a court order 2785 authorizing a specified private selling officer to sell the real 2786 estate at a public auction pursuant to division (A) of this 2787 section may instruct the private selling officer to postpone the 2788 sale of the real estate one or more times, provided, however that 2789 all rescheduled sale dates shall be within one hundred eighty days 2790 of the initial sale date. Upon receiving this instruction, the 2791 private selling officer shall postpone the sale of the real estate 2792 by announcing that the sale is postponed. If the sale is at a 2793 physical location, this announcement shall be made at the sale and 2794 shall include the date, time, and place of the rescheduled sale of 2795 the real estate. If the sale is online, this announcement shall be 2796 made on the auction web site and shall include the date of the 2797 rescheduled sale of real estate. Each such announcement shall be 2798 deemed to meet the notice requirement in section 2329.26 of the 2799 Revised Code. 2800

(2) If the judgment creditor does not wish to postpone the 2801 sale of the real estate, the judgment creditor may instruct the 2802 private selling officer to cancel the sale of the real estate. 2803 Upon receiving this instruction, the private selling officer shall 2804 cancel the sale of the real estate by announcing that the sale is 2805 canceled. If the sale is at a physical location, this announcement 2806 shall be made at the sale. If the sale is online, this 2807 announcement shall be made on the auction web site and shall 2808 remain posted there until at least the end of the seven-day 2809 bidding period described in division (E)(1)(a) of section 2329.152 2810 of the Revised Code. 2811

(3) If the sale of the real estate is postponed or canceled 2812 as described in divisions (C)(1) and (2) of this section, all bids 2813 made on the real estate prior to the postponement or cancellation 2814 of the sale shall be void. 2815

(D)(1) If the judgment creditor obtains a court order to have 2816 the real estate sold by a private selling officer, then: 2817

(a) The cost of the appraisal required by section 2329.17 of 2818 the Revised Code shall be taxed as costs in the case. 2819

(b) The cost of the advertisement required by section 2329.26 2820 of the Revised Code shall be taxed as costs in the case. 2821

(c) The fee charged by the private selling officer and all 2822 costs incurred by the private selling officer other than the costs 2823 described in divisions (D)(1)(a) and (b) of this section shall be 2824 taxed as costs in the case up to an amount equal to one and 2825 one-half per cent of the sale price of the real estate. To the 2826 extent the fees and costs described in division (D)(1)(c) of this 2827 section exceed one and one-half per cent of the sale price of the 2828 real estate, they shall not be included in the amount necessary to 2829 redeem real estate under section 2329.33 of the Revised Code or in 2830 the calculation of any deficiency judgment under section 2329.08 2831 of the Revised Code but rather shall be paid by the judgment 2832 creditor or from the judgment creditor's portion of the proceeds 2833 of the sale. 2834

(2) The private selling officer shall file with the court 2835 that issued the order of sale an itemized report of all appraisal, 2836 publication, marketing, and other expenses of a sale conducted 2837 under this section and all fees charged by the private selling 2838 officer for marketing the real estate or conducting the sale of 2839 the real estate, including the fee charged by the title agent or 2840 title insurance company for administrative services, if 2841 applicable, and title, escrow, and closing services. 2842

(E)(1) The private selling officer who conducts a sale under 2843 this section may do any of the following: 2844

(a) Market the real estate and conduct the public auction of 2845 the real estate online or at any physical location in the county 2846 in which the real estate is situated. If the auction occurs online, the auction shall be open for bidding for a minimum of 2848 seven days. 2849

(b) Hire a title insurance agent licensed under Chapter 3953. 2850 of the Revised Code or title insurance company authorized to do 2851 business under that chapter to assist the private selling officer 2852 in performing administrative services; 2853

(c) Execute to the purchaser, or to the purchaser's legal 2854 representatives, a deed of conveyance of the real estate sold; 2855

(d) Record on behalf of the purchaser the deed conveying 2856 title to the real estate sold, notwithstanding that the deed may 2857 not actually have been delivered to the purchaser prior to its 2858 recording. 2859

(2) By placing a bid at a sale conducted pursuant to this 2860 section, a purchaser appoints the private selling officer who 2861 conducts the sale as agent of the purchaser for the sole purpose 2862 of accepting delivery of the deed. 2863

(3) The private selling officer who conducts the sale shall 2864 hire a title insurance agent licensed under Chapter 3953. of the 2865 Revised Code or title insurance company authorized to do business 2866 under that chapter to perform title, escrow, and closing services 2867 related to the sale of the real estate. 2868

(F) The fee charged by the title agent or title insurance 2869 company for services provided under divisions (E)(1)(b) and (3) of 2870 this section shall be taxed as costs in the case provided they are 2871 reasonable. Fees less than or equal to five hundred dollars are 2872 presumed to be reasonable. Fees exceeding five hundred dollars 2873 shall be paid only if authorized by a court order. 2874

Sec. 2329.153. (A) Not later than ninety days after the 2875 effective date of this section, the department of administrative 2876 services shall solicit competitive sealed proposals for the 2877 creation, operation, and maintenance of the official public 2878 sheriff sale web site and an integrated auction management system. 2879 The official public sheriff sale web site and integrated auction 2880 management system shall be a single statewide system for use by 2881 all county sheriffs in accordance with the requirements of this 2882 section. 2883

(B) The official public sheriff sale web site shall meet the 2884 following minimum requirements: 2885

(1) The web site shall have a domain name relevant to the 2886 judicial sale of real property. 2887

(2) The web site shall be limited to the judicial sale of 2888 real property located in this state. 2889

(3) The web site shall not charge a fee for members of the 2890 public to view properties for sale. 2891

(4) The web site shall allow each county sheriff to add text, 2892 images, or graphics to the web site for the purpose of identifying 2893 the county or sheriff conducting the sale. 2894

(5) The web site shall include industry-standard features and 2895 functionality, including user guides, online financial transaction 2896 device payments, anti-snipe functionality, watch lists, electronic 2897 mail notifications, maximum bid limits, automatic incremental 2898 bidding, and search and map features that allow users to search by 2899 county, zip code, address, parcel number, appraised value, party 2900 name, case number, and other variables relevant to the judicial 2901 sale of real property. As used in this section, "financial 2902 transaction device" has the same meaning as in section 301.28 of 2903 the Revised Code. 2904

(6) The web site shall include features that allow for the 2905 cancellation of sales as required by law or court order and the 2906 postponement of sales in accordance with divisions (E)(2) and (3) 2907 of this section. 2908

(7) The web site shall provide a secure payment processing 2909 system that accepts online payments for property sold via the web 2910 site and, in an efficient and cost effective manner, transfers 2911 those payments to the appropriate county official or account. 2912

(8) The web site shall include the ability for an attorney or 2913 law firm to enter a bid in a representative capacity. 2914

(9) The web site shall be integrated with the auction 2915 management system described in division (C) of this section. 2916

(C) The auction management system shall meet the following 2917 minimum requirements: 2918

(1) The auction management system shall have a role-based 2919 workflow engine to assist in conducting sales on the web site, 2920 capturing data, complying with all relevant laws, and managing 2921 administrative processes related to the judicial sale of real 2922 property in a timely, secure, and accurate manner. 2923

(2) The auction management system shall record the data 2924 necessary to meet the reporting requirements of section 2329.312 2925 of the Revised Code. 2926

(3) The auction management system shall be able to generate 2927 documents required by the court ordering the sale or related to 2928 the judicial sale of real property. 2929

(4) The auction management system shall be able to record 2930 fees, costs, deposits, and other money items with the objective of 2931 ensuring an accurate accounting of moneys received and disbursed 2932 in each judicial sale of real property. 2933

(5) The auction management system shall be integrated with 2934 the web site described in division (B) of this section. 2935

(D) The license fee for the creation, operation, and maintenance of the official public sheriff sale web site and 2937 integrated auction management system shall be determined using a 2938 per-transaction license fee model or a per-use license fee model. 2939 The addition of a property to the official public sheriff sale web 2940 site or the auction management system shall each be deemed a 2941 transaction for purposes of determining the license fee. The 2942 license fee applicable to each judicial sale of real property 2943 shall be taxed as costs in the case. No additional license fees 2944 shall be assessed to the county sheriff. 2945

(E)(1) Not later than one year after the effective date of 2946 this section, in all cases in which the sheriff is ordered to 2947 conduct a judicial sale of real property, the following shall 2948 occur: 2949

(a) For residential property, the sale may be conducted on 2950 the official public sheriff sale web site for a five-year period 2951 beginning on the date the online system is fully operational. 2952 After this five-year period sales shall be conducted on the 2953 official public sheriff sale web site. 2954

(b) For commercial property, the sale may be conducted on the 2955 official public sheriff sale web site. 2956 All sales conducted on the official public sheriff sale web 2957 site shall be open for bidding for at least seven days. 2958

(2) If the sale of the real property is to be conducted on 2959 the official public sheriff sale web site, the judgment creditor 2960 may instruct the sheriff to postpone the sale of the real property 2961 one time for up to one hundred eighty days after the initial sale 2962 date. Upon receiving such instruction for postponement, the 2963 sheriff shall postpone the sale of the property by announcing on 2964 the official public sheriff sale web site that the sale is 2965 postponed and giving notice of the rescheduled sale date. This 2966 announcement shall be deemed to meet the notice requirement of 2967 section 2329.26 of the Revised Code. 2968

(3) If the judgment creditor does not wish to postpone the 2969 sale of the real property, the judgment creditor may instruct the 2970 sheriff to cancel the sale of the property. Upon receiving this 2971

instruction, the sheriff shall cancel the sale of the property by 2972 announcing on the official public sheriff sale web site that the 2973 sale is canceled. This announcement shall remain posted on the 2974 official public sheriff sale web site until at least the end of 2975 the seven-day bidding period described in division (E)(1) of this 2976 section. 2977

(4) If the sale of the real property is postponed or canceled 2978 according to divisions (E)(2) and (3) of this section, all bids 2979 made on the real property prior to the postponement or 2980 cancellation of the sale shall be void. 2981

(F) Pursuant to their authority in section 9.482 of the 2982 Revised Code, counties may elect to enter into a shared services 2983 agreement relating to the judicial sale of real property on the 2984 official public sheriff sale web site. The shared services 2985 agreement may seek to improve efficiency and reduce costs in the 2986 judicial sale of real property by consolidating administrative 2987 functions and processes. 2988

Sec. 2329.154. (A) If property is sold online, the sheriff or 2989 private selling officer shall require persons seeking to bid to 2990 register online with the web site as a condition of being 2991 authorized to bid. The registration form shall include information 2992 relevant to the objective of enabling the sheriff or private 2993 selling officer to identify the bidder, contact the bidder, and 2994 complete the sale of the property. 2995

(B) If an attorney or a law firm that represents the 2996 plaintiff or a party to the action bids on property in a 2997 representative capacity, the attorney or law firm shall register 2998 as the representative of the plaintiff or party, either as an 2999 individual or entity. 3000

(C)(1) If the person registering to bid is an individual, the 3001 information required by division (A) of this section shall include 3002 the individual's name, mailing address, which shall not be a post 3003 office box address, electronic mail address, telephone number, 3004 and, if applicable, financial transaction device information. 3005

(2) If the person registering to bid is an entity, the 3006 information required by division (A) of this section shall include 3007 the entity's legal name, trade name if different from its legal 3008 name, state and date of formation, active status with the office 3009 of the secretary of state, mailing address, telephone number, 3010 financial transaction device information if applicable, the name 3011 of an individual contact person for the entity, and the contact 3012 person's title, mailing address, which shall not be a post office 3013 box address, electronic mail address, and telephone number. 3014

(D) The registration form on the web site shall require the 3015 person registering to bid to state, to the best of the person's 3016 knowledge and belief, that the information provided by the person 3017 is true, correct, and complete under penalties of perjury. 3018

(E) The electronic mail address, telephone number, and, if 3019 applicable, financial transaction device information required in 3020 division (C) of this section are confidential and not public 3021 records for purposes of section 149.43 of the Revised Code. 3022

(F) As used in this section, "financial transaction device" 3023 has the same meaning as in section 301.28 of the Revised Code. 3024

Sec. 2329.17. (A) When execution is levied upon lands and 3025 tenements, the officer who makes the levy sheriff shall call an 3026 inquest of three disinterested freeholders, who are residents of, 3027 and real property owners in, the county where the lands taken in 3028 execution are situated, and administer to them an oath impartially 3029 to who shall appraise the property so levied upon, upon actual 3030 view. They forthwith shall return to such officer, under their 3031 hands, an estimate of the real value of the property in money. 3032

(B) If the property to be appraised is residential property, 3033 the freeholders selected by the sheriff shall return to the 3034 sheriff an estimate of the value of the property in money within 3035 twenty-one calendar days of the issuance of the order of appraisal 3036 by the clerk of the court. If the court has ordered or the clerk 3037 of the court has issued an order for a private selling officer to 3038 advertise and sell the appraised property, the freeholders 3039 selected by the sheriff shall also deliver a copy of their 3040 appraisal to the private selling officer contemporaneously with 3041 their delivery of their appraisal to the sheriff. 3042

(C) If the freeholders selected by the sheriff under division 3043

(B) of this section do not deliver their appraisal within 3044 twenty-one calendar days of the issuance of the order of appraisal 3045 by the clerk of the court as required by division (B) of this 3046 section, then all of the following shall occur: 3047

(1) The cost of the appraisal by the freeholders shall not be 3048 payable to the freeholders or taxed as costs in the case. 3049

(2) The appraised value of the property shall be the fair 3050 market value of the property as shown on the records of the county 3051 auditor, unless, for good cause shown, the court authorizes a 3052 separate appraisal of the property. 3053

(3) The advertisement and sale of the property shall proceed 3054 immediately in accordance with the order of advertisement and sale 3055 issued by the clerk of the court. 3056 If a separate appraisal of the property is obtained, the cost 3057 of the appraisal shall be included as an expense of the sale 3058 pursuant to division (D) of section 2329.152 of the Revised Code. 3059

(D) If the property to be appraised is commercial property, 3060 the freeholders selected by the sheriff shall return to the 3061 sheriff an estimate of the value of the property in money in 3062 accordance with the timing or other requirements, if any, that may 3063 be established for the sale. 3064

(E) The municipal corporation or township in which the real 3065 property is situated may inspect prior to the judicial sale any 3066 structures located on lands subject to a writ of execution. 3067

Sec. 2329.18. When an officer receives the return provided 3068 for in division (A) of (A) If a court has ordered or the clerk of 3069 a court has issued an order for the sheriff to advertise and sell 3070 the real estate for which the appraised value has been determined 3071 pursuant to section 2329.17 of the Revised Code, the officer 3072 forthwith sheriff shall deposit a copy of it the appraisal with 3073 the clerk of the court from which the writ was issued, and 3074 immediately advertise and sell such real estate in conformity with 3075 sections 2329.01 to 2329.61 of the Revised Code. 3076

(B) If the court has ordered or the clerk of the court has 3077 issued an order for a private selling officer to advertise and 3078 sell the real estate for which the appraised value has been 3079 determined

pursuant to section 2329.17 of the Revised Code, the 3080 private selling officer shall immediately advertise and sell the 3081 real estate in conformity with sections 2329.01 to 2329.61 of the 3082 Revised Code. 3083

Sec. 2329.19. Upon the return determination of the estimate 3084 provided for in division (A) of appraised value pursuant to 3085 section 2329.17 of the Revised Code, if it appears by the 3086 inquisition that two-thirds of the appraised value of the lands 3087 and tenements levied upon is sufficient to satisfy the execution, 3088 with costs, the judgment on which the execution issued shall not 3089 operate as a lien on the residue of the debtor's estate to the 3090 prejudice of any other judgment creditor. 3091

Sec. 2329.20. No Except as otherwise provided in this section 3092 or sections 2329.51 and 2329.52 of the Revised Code, no tract of 3093 land shall be sold for less than two-thirds the amount of the 3094 appraised value returned in the inquest required by as determined 3095 pursuant to section 2329.17 of the Revised Code; except that in 3096 In all cases where in which a junior mortgage or other junior lien 3097 is sought to be enforced against real estate by an order, 3098 judgment, or decree of court, subject to a prior lien thereon, and 3099 such prior lien, and the claims or obligations secured thereby, 3100 are unaffected by such order, judgment, or decree, the court 3101 making such order, judgment, or decree, may determine the minimum 3102 amount for which such real estate may be sold, In such a case, 3103 the minimum amount to shall be not less than two-thirds of the 3104 difference between the appraised value of the real estate 3105 appraised as provided determined in such that section, and the 3106 amount remaining unpaid on the claims or obligations secured by 3107 such prior lien. 3108

Sec. 2329.21. If the sum bid by the purchaser for the real 3109 estate sold under section 2329.20 of the Revised Code relating to 3110 the enforcement of junior liens is insufficient to pay the costs 3111 and allowance, allowances, and taxes, which the court has 3112 determined prior to such sale should be paid out of the proceeds 3113 thereof, pursuant to the terms of the mortgage or lien sought to 3114 be enforced, then the purchaser, in addition to the amount of his 3115 the purchaser's bid, must pay a sum which, with the amount so bid 3116 will be sufficient to pay the costs and allowances, and taxes. 3117 The court may fix the amount remaining unpaid on such claims or 3118 obligations for the purpose of the sale, and to that end require 3119 the parties to the suit to furnish to it satisfactory evidence of 3120 such unpaid amount. The advertisement for the sale of real estate 3121 sold under section 2329.20 of the Revised Code shall state that 3122 the purchaser shall be responsible for those costs, allowances, 3123 and taxes that the proceeds of the sale are insufficient to cover. 3124

Sec. 2329.211. (A) In every action demanding the judicial or 3125 execution sale of residential property, if the judgment creditor 3126 is the purchaser at the sale, the purchaser shall not be required 3127 to make a sale deposit. All other purchasers shall make a sale 3128 deposit as follows: 3129

(1) If the appraised value of the residential property is 3130 less than or equal to ten thousand dollars, the deposit shall be 3131 two thousand dollars. 3132

(2) If the appraised value of the residential property is 3133 greater than ten thousand dollars but less than or equal to two 3134 hundred thousand dollars, the deposit shall be five thousand 3135 dollars. 3136

(3) If the appraised value of the residential property is 3137 greater than two hundred thousand dollars, the deposit shall be 3138 ten thousand dollars. 3139 The timing of the deposit and other payment requirements 3140 shall be established by the court or the person conducting the 3141 sale and included in the advertisement of the sale. If the 3142 purchaser fails to meet the timing or other requirements of the 3143 deposit, the sale shall be invalid. 3144

(B) In every action demanding the judicial or execution sale 3145 of commercial property, the purchaser at the sale shall make a 3146 deposit pursuant to the requirements, if any, established for the 3147 sale. 3148

Sec. 2329.26. (A) Lands and tenements taken in execution 3149 shall not be sold until all of the following occur: 3150

(1)(a) Except as otherwise provided in division (A)(1)(b) of 3151 this section, the judgment creditor who seeks the sale of the 3152 lands and tenements or the judgment creditor's attorney does both 3153 of the following: 3154

(i) Causes a written notice of the date, time, and place of 3155 the sale to be served in accordance with divisions (A) and (B) of 3156 Civil Rule 5 upon the judgment debtor and upon each other party to 3157 the action in which the judgment giving rise to the execution was 3158 rendered; Such notice shall include the date, time, and place of 3159 the sale if the sale is to be held at a physical location or the 3160 start date and web site address of the sale if the sale is to be 3161 held online. Such notice shall also include the provisional second 3162 sale date described in division (B) of section 2329.52 of the 3163 Revised Code, if applicable. 3164

(ii) At least seven calendar days prior to the date of the 3165 sale, files with the clerk of the court that rendered the judgment 3166 giving rise to the execution a copy of the written notice 3167 described in division (A)(1)(a)(i) of this section with proof of 3168 service endorsed on the copy in the form described in division 3169 (D)(B) of Civil Rule 5. 3170

(b) Service of the written notice described in division 3171 (A)(1)(a)(i) of this section is not required to be made upon any 3172 party who is in default for failure to appear in the action in 3173 which the judgment giving rise to the execution was rendered. 3174

(2) One of the following applies: 3175

(a) The officer taking the lands and tenements gives public 3176 notice of the date, time, and place of the sale once a week for at 3177 least three consecutive weeks before the day of sale if the sale 3178 is to be held at a physical location or the start date of the sale 3179 if the sale is to be conducted online. 3180 Such notice shall be by advertisement in a newspaper of general circulation in the county. The newspaper shall meet the 3182 requirements of section 7.12 of the Revised Code. The court 3183 ordering the sale may designate in the order of sale the newspaper 3184 in which this public notice shall be published. 3185

The notice shall include all the following information: 3186

(i) The date, time, and place of the sale if the sale is to 3187 be held at a physical location; 3188

(ii) The start date, the minimum duration, and web site 3189 address of the sale if the sale is to be held online; 3190

(iii) The deposit required by section 2329.211 of the Revised 3191 Code; 3192

(iv) That the purchaser shall be responsible for those costs, 3193 allowances, and taxes that the proceeds of the sale are 3194 insufficient to cover; 3195

(v) The provisional second sale date described in division 3196

(B) of section 2329.52 of the Revised Code, if applicable; 3197 provided, however, that no sale shall be invalid, nor shall the 3198 court vacate any sale, if the notice described in division 3199 (A)(1)(a)(i) of this section or the public notice described in 3200 division (A)(2) of this section fails to include the provisional 3201 date for a second sale of the property and the property is sold on 3202 the initial sale date. 3203

(b) If a private selling officer has been ordered to sell the 3204 lands and tenements, the private selling officer shall give the 3205 public notice described in division (A)(2)(a) of this section in 3206 the newspaper designated by the court. If the court has not 3207 designated a newspaper, the private selling officer shall give 3208 this public notice in the newspaper customarily used or designated 3209 by the county sheriff. No sale that otherwise complies with 3210 division (A)(2) of this section shall be invalid. 3211

(3)(B) The officer taking the lands and tenements shall 3212 collect the purchaser's information required by section 2329.271 3213 of the Revised Code. 3214

(B)(C) A sale of lands and tenements taken in execution may 3215 be set aside in accordance with division (A) or (B) of section 3216 2329.27 of the Revised Code. 3217

Sec. 2329.271. (A)(1) Subject to division (A)(2) of this 3218 section, the purchaser of lands and tenements taken in execution 3219 shall submit to the officer who makes the sale the following 3220 information: 3221

(a) The (i) If the purchaser is an individual, the 3222 information shall include the individual's name, mailing address, 3223 and which shall not be a post office box, electronic mail address, 3224 telephone number, and financial transaction device information of 3225 the purchaser; 3226

(ii) If the purchaser is an entity, the information shall 3227 include the entity's legal name, trade name if different from its 3228 legal name, state and date of formation, active status with the 3229 office of the secretary of state, mailing address, telephone 3230 number, financial transaction device information, the name of an 3231 individual contact person for the entity, and the contact person's 3232 title, mailing address, which shall not be a post office box, 3233 electronic mail address, and telephone number. 3234

(b) An attorney or a law firm that represents a purchaser may 3235 submit the information required under division (A)(1)(a) of this 3236 section in a representative capacity, either as an individual or 3237 entity. 3238

(c) If the lands and tenements taken in execution are 3239 residential rental property and the residential rental property is 3240 purchased by a trust, business trust, estate, partnership, limited 3241

partnership, limited liability company, association, corporation, 3242 or any other business entity, the name, address, and telephone 3243 number of the following with the provision that the purchaser be 3244 readily accessible through the identified contact person: 3245

(i) A trustee, in the case of a trust or business trust; 3246

(ii) The executor or administrator, in the case of an estate; 3247

(iii) A general partner, in the case of a partnership or a 3248 limited partnership; 3249

(iv) A member, manager, or officer, in the case of a limited 3250 liability company; 3251

(v) An associate, in the case of an association; 3252

(vi) An officer, in the case of a corporation; 3253

(vii) A member, manager, or officer, in the case of any other 3254 business entity. 3255

(c)(d) A statement indicating whether the purchaser will 3256 occupy the lands and tenements. 3257

(2) If the lands and tenements taken in execution are not 3258 residential rental property and the purchaser of those lands and 3259 tenements is a corporation, partnership, association, estate, 3260 trust, or other business organization the only place of business 3261 of which is in the county in which the real property is located, 3262 the information required by divisions (A)(1)(a) and (c)(d) of this 3263 section shall be the contact information for the office of an 3264 employee of the purchasing entity that is located in that county 3265 and that the purchasing entity has designated to receive notices 3266 or inquiries about the property. If the purchasing entity has a 3267 place of business outside the county in which the real property is 3268 located and the purchasing entity's principal place of business is 3269 located in this state, the information required by divisions 3270 (A)(1)(a) and (c)(d) of this section shall be the contact 3271 information for the office of an employee of the purchasing entity 3272 that is located in this state and that the purchasing entity has 3273 designated to receive notices or inquiries about the property. If 3274 the purchasing entity's principal place of business is not located 3275 in this state, the information required by divisions (A)(1)(a) and 3276 (c)(d) of this section shall be the contact 3277 information for a 3277 natural person who is employed by the purchasing entity at the 3278 purchasing entity's principal place of business outside of this 3279 state and whom the purchasing entity has designated to receive 3280 notices or inquiries about the property. 3281

(B)(1) The information required by division (A) of this 3282 section shall be part of the sheriff's record of proceedings and 3283 shall be part of the record of the court of common pleas. The if 3284 the court has ordered or the clerk of the court has issued an 3285 order for the sheriff to advertise and sell the lands and tenements, the information also shall be part of the sheriff's 3287 record of proceedings. Except as provided in division (B)(2) of 3288 this section, the information is a public record and open to 3289 public inspection. 3290

(2) The electronic mail address, telephone number, and 3291 financial transaction device information required in division 3292 (A)(1) of this section are confidential and not public records for 3293 purposes of section 149.43 of the Revised Code. 3294

(C) As used in this section, "financial transaction device" 3295 has the same meaning as in section 301.28 of the Revised Code. 3296

Sec. 2329.28. The sheriff levying officer shall indorse on 3297 the writ of execution his the officer's proceedings thereon, and 3298 the clerk of the court of common pleas, upon the return thereof, 3299 immediately shall record all such indorsements at length, in the 3300 execution docket, or other docket provided for that purpose. That 3301 record shall be a part of the record of the court of common pleas. 3302

Sec. 2329.30. The court from which an execution or order of 3303 sale issues, upon notice and motion of the officer who makes the 3304 sale or of an interested party, may punish any purchaser of lands 3305 and tenements who fails to pay within thirty days of the 3306 confirmation of the sale the balance due on the purchase price of 3307 the lands and tenements by forfeiting the sale of the lands and 3308 tenements and returning any deposit paid in connection with the 3309 sale of the lands and tenements, by forfeiting any deposit paid in 3310 connection with the sale of the lands and tenements, as for 3311 contempt, or in any other manner the court considers appropriate. 3312 Upon motion, the court may order the return of any remaining 3313 portion of the deposit of the purchaser, less the costs of a 3314 subsequent sale and any other remedy the court considers 3315 appropriate. An order for contempt for failure of the purchaser to 3316 pay voids the confirmation of sale and transfer. 3317

Sec. 2329.31. (A) Upon the return of any writ of execution 3318 for the satisfaction of which lands and tenements have been sold, 3319 on careful examination of the proceedings of the officer making 3320 the sale, if the court of common pleas finds that the sale was 3321 made, in all respects, in conformity with sections 2329.01 to 3322 2329.61 of the Revised Code, it shall, within thirty days of the 3323 return of the writ, direct the clerk of the court of common pleas 3324 to make an entry on the journal that the court is satisfied of the 3325 legality of such sale and that the attorney who filed the writ of 3326 execution make to the purchaser a deed for the lands and 3327 tenements. Nothing in this section prevents the court of common 3328 pleas from staying the confirmation of the sale to permit a 3329 property owner time to redeem the property or for any other reason 3330 that it determines is appropriate. In those instances, the sale 3331 shall be confirmed within thirty days after the termination of any 3332 stay of confirmation. 3333

(B) The officer making the sale shall require the purchaser, 3334 including a lienholder, to pay within thirty days of the 3335 confirmation of the sale the balance due on the purchase price of 3336 the lands and tenements. 3337

(C)(1) The officer making the sale shall record the prepared 3338 deed required by section 2329.36 of the Revised Code within 3339 fourteen days after the confirmation of sale and payment of the 3340 balance due. 3341

(2)(a) If the deed is not prepared and recorded within the 3342 fourteen-day period, the purchaser may file a motion with the 3343 court to proceed with the transfer of title. If the court finds 3344 that a proper sale was made, it shall enter an order transferring 3345 the title of the lands and tenements to the purchaser, ordering 3346 the plaintiff to present a certified copy of the order to the 3347 county recorder for recording, and ordering the county recorder to 3348 record the order in the record of deeds. The order, when filed 3349 with the county recorder, shall have the same effect as a deed 3350 prepared pursuant to section 2329.36 of the Revised Code. 3351

(b) Upon the issuance of the court order described in 3352 division (C)(2)(a) of this section, the plaintiff, or the 3353 plaintiff's attorney, shall present a certified copy of the order 3354 to be recorded in the

office of the county recorder. The county 3355 recorder shall record the order in the record of deeds.
3356

(c) The clerk shall issue a copy of the court order to the 3357 county auditor to transfer record ownership of the lands and 3358 tenements for the purpose of real estate taxes. Real estate taxes 3359 coming due after the date of the sale shall not prohibit the 3360 auditor from transferring ownership of the lands and tenements on 3361 its records or cause the recorder to deny recording. The real 3362 estate taxes shall become the responsibility of the new title 3363 holder of the lands and tenements. The sheriff shall not require 3364 the confirmation of sale to be amended for taxes not due and 3365 payable as of the date of the sale. 3366

Sec. 2329.311. In sales of residential properties taken in 3367 execution or order of sale that are sold at an auction with no set 3368 minimum bid pursuant to division (B) of section 2329.52 of the 3369 Revised Code, the judgment creditor and the first lienholder each 3370 have the right to redeem the property within fourteen days after 3371 the sale by paying the purchase price. The redeeming party shall 3372 pay the purchase price to the clerk of the court in which the 3373 judgment was rendered or the order of sale was made. Upon timely 3374 payment, the court shall proceed as described in section 2329.31 3375 of the Revised Code, with the redeeming party considered the 3376 successful purchaser at sale. 3377

Sec. 2329.312. (A) All levying officers appointed or 3378 authorized by a court under this chapter to conduct the judicial 3379 or execution sale of residential property consisting of one to 3380 four single-family units shall submit quarterly reports to the 3381 attorney general for the purpose of assessing the extent to which 3382 deadlines required by this chapter are met. The reports shall 3383 include data on each such sale conducted by the officer. 3384

(B) Starting one year after the effective date of this 3385 section, the attorney general shall do all of the following: 3386

(1) Establish and maintain a database comprised of the 3387 information submitted by levying officers pursuant to division (A) 3388 of this section; 3389

(2) Make the information included in the database publicly 3390 available; 3391

(3) Adopt rules for the creation and administration of the 3392 database. 3393

Sec. 2329.33. In Except as provided in division (C) of section 2308.03 or any other section of the Revised Code, in sales 3395 of real estate on execution or order of sale, at any time before 3396 the confirmation thereof, the debtor may redeem it from sale by 3397 depositing in the hands of the clerk of the court of common pleas 3398 to which such execution or order is returnable, the amount of the 3399 judgment or decree upon which such lands were sold, with all 3400 costs, including poundage, and interest at the rate of eight per 3401 cent per annum on the purchase money from the day of sale to the 3402 time of such deposit, except where the judgment creditor is the 3403 purchaser, the interest at such rate on the excess above his the 3404 judgment creditor's claim. The court of common pleas thereupon 3405 shall make an order setting aside such sale, and apply the deposit 3406 to the payment of such judgment or decree and costs, and award 3407 such interest to the purchaser, who shall receive from the officer 3408 making the sale the purchase money paid by him the purchaser, and 3409 the

interest from the clerk. This section does not take away the 3410 power of the court to set aside such sale for any reason for which 3411 it might have been set aside prior to April 16, 1888. 3412

Sec. 2329.34. Real property may be conveyed by a master 3413 commissioner or special master only: 3414

(A) When, by an order or a judgment in an action or 3415 proceeding, a party is required to convey such property to 3416 another, and he the party neglects or refuses to do so, and the 3417 master is directed to convey on his the party's failure; 3418

(B) When specific real property is sold by a master under an 3419 order or judgment of the court appointing him the master. No court 3420 shall make or issue an order to a master for the sale of real 3421 estate except in response to a motion by a judgment creditor, 3422 unless which motion shall be granted only if there exists some 3423 special reason why the sale should not be made by the sheriff of 3424 the county where the decree or order was made, which reason, if or 3425 by a private selling officer. If the court finds any such reason 3426 to exist, that reason shall be embodied in and made part of the 3427 judgment, order, or decree for such sale. 3428

Sec. 2329.39. Sale Except as provided in sections 2329.152 3429 and 2329.153 of the Revised Code, sale of lands or tenements under 3430 execution or order of sale must be held in the county in which 3431 they are situated and at the courthouse, unless otherwise ordered 3432 by the court. Purchase of real or personal property, by the 3433 officer making the sale thereof, or by an appraiser of such 3434 property, shall be fraudulent and void. 3435

Sec. 2329.45. If a judgment in satisfaction of which lands, 3436 or tenements are sold, is reversed on appeal, such reversal shall 3437 not defeat or affect the title of the purchaser. In such case 3438 restitution must be made by the judgment creditor of in an amount 3439 equal to the money for which such lands or tenements were sold, 3440 with interest from the day of sale, must be made by the judgment 3441 creditor. In ordering restitution, the court shall take into 3442 consideration all persons who lost an interest in the property by 3443 reason of the judgment and sale and the order of the priority of 3444 those interests. 3445

Sec. 2329.52. When (A) Except as otherwise provided in 3446 division (B) of this section, when premises are ordered to be 3447 sold, if said premises, or a part thereof, remain unsold for want 3448 of bidders after having been once appraised, advertised, and 3449 offered for sale, the court from which the order of sale issued 3450 may, on motion of the plaintiff or defendant and from time to time 3451 until said premises are disposed of, order a new appraisal and 3452 sale or direct the amount for which said premises, or a part 3453 thereof, may be sold. 3454 The court may order that the premises be sold as follows: One 3455 third cash in hand, one third in nine months from the day of sale, 3456 and the remaining one third in eighteen months from the day of 3457 sale, the deferred payments to draw interest at six per cent and 3458 be secured by a mortgage on the premises. 3459

(B) When a residential property is ordered to be sold 3460 pursuant to a residential mortgage loan foreclosure action, and 3461 the sale will be held at a physical location and not online, and 3462 if the property remains unsold after the first auction, then a 3463 second auction shall be held and the property shall be sold to the 3464 highest bidder without regard to the minimum bid requirement in 3465 section 2329.20 of the Revised Code, but subject to section 3466 2329.21 of the Revised Code

relating to costs, allowances, and 3467 real estate taxes. This second auction shall be held not earlier 3468 than seven days and not later than thirty days after the first 3469 auction. A residential property that remains unsold after two 3470 auctions may be subsequently offered for sale without regard to 3471 the minimum bid requirement in section 2329.20 of the Revised Code 3472 or disposed of in any other manner pursuant to this chapter or any 3473 other provision of the Revised Code. 3474

Sec. 2329.56. When a freeholder, summoned as an appraiser, 3475 fails to appear at the time and place appointed by the officers 3476 ordering his the freeholder's appearance and discharge his the 3477 duty as such, on complaint made to a judge of the county court in 3478 the district in which such freeholder resides, unless he the 3479 freeholder has a reasonable excuse, he the freeholder shall pay 3480 fifty cents dollars for each neglect, which shall be collected by 3481 the judge, and paid into the county treasury for the use of the 3482 county. 3483

Sec. 2909.07. (A) No person shall: 3484

(1) Without privilege to do so, knowingly move, deface, 3485 damage, destroy, or otherwise improperly tamper with the either of 3486 the following: 3487

(a) The property of another; 3488

(b) One's own residential real property with the purpose to 3489 decrease the value of or enjoyment of the residential real 3490 property, if both of the following apply: 3491

(i) The residential real property is subject to a mortgage. 3492

(ii) The person has been served with a summons and complaint 3493 in a pending residential mortgage loan foreclosure action relating 3494 to that real property. As used in this division, "pending" 3495 includes the time between judgment entry and confirmation of sale. 3496

(2) With purpose to interfere with the use or enjoyment of 3497 property of another, employ a tear gas device, stink bomb, smoke 3498 generator, or other device releasing a substance that is harmful 3499 or offensive to persons exposed or that tends to cause public 3500 alarm; 3501

(3) Without privilege to do so, knowingly move, deface, 3502 damage, destroy, or otherwise improperly tamper with a bench mark, 3503 triangulation station, boundary marker, or other survey station, 3504 monument, or marker; 3505

(4) Without privilege to do so, knowingly move, deface, 3506 damage, destroy, or otherwise improperly tamper with any safety 3507 device, the property of another, or the property of the offender 3508 when required or placed for the safety of others, so as to destroy 3509 or diminish its effectiveness or availability for its intended 3510 purpose; 3511

(5) With purpose to interfere with the use or enjoyment of 3512 the property of another, set a fire on the land of another or 3513 place personal property that has been set on fire on the land of 3514 another, which fire or personal property is outside and apart from 3515 any building, other structure, or personal property that is on 3516 that land; 3517

(6) Without privilege to do so, and with intent to impair the 3518 functioning of any computer, computer system, computer network, 3519 computer software, or computer program, knowingly do any of the 3520 following: 3521

(a) In any manner or by any means, including, but not limited to, computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program; 3526

(b) Introduce a computer contaminant into a computer, computer system, computer network, computer software, or computer program. 3529

(B) As used in this section, "safety device" means any fire extinguisher, fire hose, or fire axe, or any fire escape, emergency exit, or emergency escape equipment, or any life line, life-saving ring, life preserver, or life boat or raft, or any alarm, light, flare, signal, sign, or notice intended to warn of danger or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal, or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property. 3540

(C)(1) Whoever violates this section is guilty of criminal mischief, and shall be punished as provided in division (C)(2) or 3542

(3) of this section. 3543

(2) Except as otherwise provided in this division, criminal mischief committed in violation of division (A)(1), (2), (3), (4), or (5) of this section is a misdemeanor of the third degree. 3546

Except as otherwise provided in this division, if the violation of division (A)(1), (2), (3), (4), or (5) of this section creates a risk of physical harm to any person, criminal mischief committed in violation of division (A)(1), (2), (3), (4), or (5) of this section is a misdemeanor of the first degree. If the property involved in the violation of division (A)(1), (2), (3), (4), or (5) of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement, or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft, criminal mischief committed in violation of division (A)(1), (2), (3), (4), or (5) of this section is one of the following: 3552

(5) of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement, or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft, criminal mischief committed in violation of division (A)(1), (2), (3), (4), or (5) of this section is one of the following: 3559

(a) If the violation creates a risk of physical harm to any person, except as otherwise provided in division (C)(2)(b) of this section, criminal mischief committed in violation of division (A)(1), (2), (3), (4), or (5) of this section is a felony of the fifth degree. 3564

(b) If the violation creates a substantial risk of physical harm to any person or if the property involved in a violation of this section is an occupied aircraft, criminal mischief committed in violation of division (A)(1), (2), (3), (4), or (5) of this section is a felony of the fourth degree. 3569

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

3578 software, computer program, or data involved in the violation of 3579 division (A)(6) of this section is used or intended to be used in 3580 the operation of an aircraft and the violation creates a risk of 3581 physical harm to any person, criminal mischief committed in 3582 violation of division (A)(6) of this section is a felony of the 3583 fifth degree. If the value of the computer, computer system, 3584 computer network, computer software, computer program, or data 3585 involved in the violation of division (A)(6) of this section or 3586 the loss to the victim resulting from the violation is ten 3587 thousand dollars or more, or if the computer, computer system, 3588 computer network, computer software, computer program, or data 3589 involved in the violation of division (A)(6) of this section is 3590 used or intended to be used in the operation of an aircraft and 3591 the violation creates a substantial risk of physical harm to any 3592 person or the aircraft in question is an occupied aircraft, 3593 criminal mischief committed in violation of division (A)(6) of 3594 this section is a felony of the fourth degree. 3595 END

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