

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 482

Representatives Lipps, Miller

Cosponsors: Representatives O'Brien, Lepore-Hagan, West

A BILL

To amend sections 3767.41, 3767.50, 3767.99, 1
5721.17, 5721.18, 5721.19, 5721.192, 5723.05, 2
and 5723.18 of the Revised Code to expedite 3
public nuisance and blight foreclosure actions 4
and to declare an emergency. 5

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

Section 1. That sections 3767.41, 3767.50, 3767.99, 6
5721.17, 5721.18, 5721.19, 5721.192, 5723.05, and 5723.18 of the 7
Revised Code be amended to read as follows: 8

Sec. 3767.41. (A) As used in this section: 9

(1) "Building" means, except as otherwise provided in this 10
division, any building or structure that is used or intended to 11
be used for residential purposes. "Building" includes, but is 12
not limited to, a building or structure in which any floor is 13
used for retail stores, shops, salesrooms, markets, or similar 14
commercial uses, or for offices, banks, civic administration 15
activities, professional services, or similar business or civic 16
uses, and in which the other floors are used, or designed and 17
intended to be used, for residential purposes. "Building" does 18

not include any building or structure that is occupied by its owner and that contains three or fewer residential units.

(2) (a) "Public nuisance" means a building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

(b) "Public nuisance" as it applies to subsidized housing means subsidized housing that fails to meet the following standards as specified in the federal rules governing each standard:

(i) Each building on the site is structurally sound, secure, habitable, and in good repair, as defined in 24 C.F.R. 5.703(b);

(ii) Each building's domestic water, electrical system, elevators, emergency power, fire protection, HVAC, and sanitary system is free of health and safety hazards, functionally adequate, operable, and in good repair, as defined in 24 C.F.R. 5.703(c);

(iii) Each dwelling unit within the building is structurally sound, habitable, and in good repair, and all areas and aspects of the dwelling unit are free of health and safety hazards, functionally adequate, operable, and in good repair, as defined in 24 C.F.R. 5.703(d) (1);

(iv) Where applicable, the dwelling unit has hot and cold running water, including an adequate source of potable water, as

defined in 24 C.F.R. 5.703(d) (2); 48

(v) If the dwelling unit includes its own sanitary 49
facility, it is in proper operating condition, usable in 50
privacy, and adequate for personal hygiene, and the disposal of 51
human waste, as defined in 24 C.F.R. 5.703(d) (3); 52

(vi) The common areas are structurally sound, secure, and 53
functionally adequate for the purposes intended. The basement, 54
garage, carport, restrooms, closets, utility, mechanical, 55
community rooms, daycare, halls, corridors, stairs, kitchens, 56
laundry rooms, office, porch, patio, balcony, and trash 57
collection areas are free of health and safety hazards, 58
operable, and in good repair. All common area ceilings, doors, 59
floors, HVAC, lighting, smoke detectors, stairs, walls, and 60
windows, to the extent applicable, are free of health and safety 61
hazards, operable, and in good repair, as defined in 24 C.F.R. 62
5.703(e); 63

(vii) All areas and components of the housing are free of 64
health and safety hazards. These areas include, but are not 65
limited to, air quality, electrical hazards, elevators, 66
emergency/fire exits, flammable materials, garbage and debris, 67
handrail hazards, infestation, and lead-based paint, as defined 68
in 24 C.F.R. 5.703(f). 69

(3) "Abate" or "abatement" in connection with any building 70
means the removal or correction of any conditions that 71
constitute a public nuisance and the making of any other 72
improvements that are needed to effect a rehabilitation of the 73
building that is consistent with maintaining safe and habitable 74
conditions over its remaining useful life. "Abatement" does not 75
include the closing or boarding up of any building that is found 76
to be a public nuisance. 77

(4) "Interested party" means any owner, mortgagee, 78
lienholder, tenant, or person that possesses an interest of 79
record in any property that becomes subject to the jurisdiction 80
of a court pursuant to this section, and any applicant for the 81
appointment of a receiver pursuant to this section. 82

(5) "Neighbor" means any owner of property, including, but 83
not limited to, any person who is purchasing property by land 84
installment contract or under a duly executed purchase contract, 85
that is located within five hundred feet of any property that 86
becomes subject to the jurisdiction of a court pursuant to this 87
section, and any occupant of a building that is so located. 88

(6) "Tenant" has the same meaning as in section 5321.01 of 89
the Revised Code. 90

(7) "Subsidized housing" means a property consisting of 91
more than four dwelling units that, in whole or in part, 92
receives project-based assistance pursuant to a contract under 93
any of the following federal housing programs: 94

(a) The new construction or substantial rehabilitation 95
program under section 8(b)(2) of the "United States Housing Act 96
of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b) 97
(2) as that program was in effect immediately before the first 98
day of October, 1983; 99

(b) The moderate rehabilitation program under section 8(e) 100
(2) of the "United States Housing Act of 1937," Pub. L. No. 75- 101
412, 50 Stat. 888, 42 U.S.C. 1437f(e)(2); 102

(c) The loan management assistance program under section 8 103
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 104
50 Stat. 888, 42 U.S.C. 1437f; 105

(d) The rent supplement program under section 101 of the 106

"Housing and Urban Development Act of 1965," Pub. L. No. 89-174,	107
79 Stat. 667, 12 U.S.C. 1701s;	108
(e) Section 8 of the "United States Housing Act of 1937,"	109
Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following	110
conversion from assistance under section 101 of the "Housing and	111
Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat.	112
667, 12 U.S.C. 1701s;	113
(f) The program of supportive housing for the elderly	114
under section 202 of the "Housing Act of 1959," Pub. L. No. 86-	115
372, 73 Stat. 654, 12 U.S.C. 1701q;	116
(g) The program of supportive housing for persons with	117
disabilities under section 811 of the "National Affordable	118
Housing Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42	119
U.S.C. 8013;	120
(h) The rental assistance program under section 521 of the	121
"United States Housing Act of 1949," Pub. L. No. 90-448, 82	122
Stat. 551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42	123
U.S.C. 1490a.	124
(8) "Project-based assistance" means the assistance is	125
attached to the property and provides rental assistance only on	126
behalf of tenants who reside in that property.	127
(9) "Landlord" has the same meaning as in section 5321.01	128
of the Revised Code.	129
(B) (1) (a) In any civil action to enforce any local	130
building, housing, air pollution, sanitation, health, fire,	131
zoning, or safety code, ordinance, resolution, or regulation	132
applicable to buildings, that is commenced in a court of common	133
pleas, municipal court, housing or environmental division of a	134
municipal court, or county court, or in any civil action for	135

abatement commenced in a court of common pleas, municipal court, 136
housing or environmental division of a municipal court, or 137
county court, by a municipal corporation or township in which 138
the building involved is located, by any neighbor, tenant, or by 139
a nonprofit corporation that is duly organized and has as one of 140
its goals the improvement of housing conditions in the county or 141
municipal corporation in which the building involved is located, 142
if a building is alleged to be a public nuisance, the municipal 143
corporation, township, neighbor, tenant, or nonprofit 144
corporation may apply in its complaint for an injunction or 145
other order as described in division (C) (1) of this section, or 146
for the relief described in division (C) (2) of this section, 147
including, if necessary, the appointment of a receiver as 148
described in divisions (C) (2) and (3) of this section, or for 149
both such an injunction or other order and such relief. The 150
municipal corporation, township, neighbor, tenant, or nonprofit 151
corporation commencing the action is not liable for the costs, 152
expenses, and fees of any receiver appointed pursuant to 153
divisions (C) (2) and (3) of this section. 154

(b) Prior to commencing a civil action for abatement when 155
the property alleged to be a public nuisance is subsidized 156
housing, the municipal corporation, township, neighbor, tenant, 157
or nonprofit corporation commencing the action shall provide the 158
landlord of that property with written notice that specifies one 159
or more defective conditions that constitute a public nuisance 160
as that term applies to subsidized housing and states that if 161
the landlord fails to remedy the condition within ~~sixty~~thirty 162
days of the service of the notice, a claim pursuant to this 163
section may be brought on the basis that the property 164
constitutes a public nuisance in subsidized housing. Any party 165
authorized to bring an action against the landlord shall make 166

reasonable attempts to serve the notice in the manner prescribed 167
in the Rules of Civil Procedure to the landlord or the 168
landlord's agent for the property at the property's management 169
office, or at the place where the tenants normally pay or send 170
rent. If the landlord is not the owner of record, the party 171
bringing the action shall make a reasonable attempt to serve the 172
owner. If the owner does not receive service the person bringing 173
the action shall certify the attempts to serve the owner. 174

(2) (a) In a civil action described in division (B) (1) of 175
this section, a copy of the complaint and a notice of the date 176
and time of a hearing on the complaint shall be served upon the 177
owner of the building and all other interested parties in 178
accordance with the Rules of Civil Procedure. If certified mail 179
service, personal service, or residence service of the complaint 180
and notice is refused or certified mail service of the complaint 181
and notice is not claimed, and if the municipal corporation, 182
township, neighbor, tenant, or nonprofit corporation commencing 183
the action makes a written request for ordinary mail service of 184
the complaint and notice, or uses publication service, in 185
accordance with the Rules of Civil Procedure, then a copy of the 186
complaint and notice shall be posted in a conspicuous place on 187
the building. 188

(b) The judge in a civil action described in division (B) 189
(1) of this section shall conduct a hearing at least ~~twenty-~~ 190
~~eight~~ fourteen days after the owner of the building and the 191
other interested parties have been served with a copy of the 192
complaint and the notice of the date and time of the hearing in 193
accordance with division (B) (2) (a) of this section. 194

(c) In considering whether subsidized housing is a public 195
nuisance, the judge shall construe the standards set forth in 196

division (A) (2) (b) of this section in a manner consistent with 197
department of housing and urban development and judicial 198
interpretations of those standards. The judge shall deem that 199
the property is not a public nuisance if during the twelve 200
months prior to the service of the notice that division (B) (1) 201
(b) of this section requires, the department of housing and 202
urban development's real estate assessment center issued a score 203
of seventy-five or higher out of a possible one hundred points 204
pursuant to its regulations governing the physical condition of 205
multifamily properties pursuant to 24 C.F.R. part 200, subpart 206
P, and since the most recent inspection, there has been no 207
significant change in the property's conditions that would 208
create a serious threat to the health, safety, or welfare of the 209
property's tenants. 210

(C) (1) If the judge in a civil action described in 211
division (B) (1) of this section finds at the hearing required by 212
division (B) (2) of this section that the building involved is a 213
public nuisance, if the judge additionally determines that the 214
owner of the building previously has not been afforded a 215
reasonable opportunity to abate the public nuisance or has been 216
afforded such an opportunity and has not refused or failed to 217
abate the public nuisance, and if the complaint of the municipal 218
corporation, township, neighbor, tenant, or nonprofit 219
corporation commencing the action requested the issuance of an 220
injunction as described in this division, then the judge may 221
issue an injunction requiring the owner of the building to abate 222
the public nuisance or issue any other order that the judge 223
considers necessary or appropriate to cause the abatement of the 224
public nuisance. If an injunction is issued pursuant to this 225
division, the owner of the building involved shall be given no 226
more than ~~thirty~~ fourteen days from the date of the entry of the 227

judge's order to comply with the injunction, unless the judge, 228
for good cause shown, extends the time for compliance. 229

(2) If the judge in a civil action described in division 230
(B) (1) of this section finds at the hearing required by division 231
(B) (2) of this section that the building involved is a public 232
nuisance, if the judge additionally determines that the owner of 233
the building previously has been afforded a reasonable 234
opportunity to abate the public nuisance and has refused or 235
failed to do so, and if the complaint of the municipal 236
corporation, township, neighbor, tenant, or nonprofit 237
corporation commencing the action requested relief as described 238
in this division, then the judge shall offer any mortgagee, 239
lienholder, or other interested party associated with the 240
property on which the building is located, in the order of the 241
priority of interest in title, the opportunity to undertake the 242
work and to furnish the materials necessary to abate the public 243
nuisance. Prior to selecting any interested party, the judge 244
shall require the interested party to demonstrate the ability to 245
promptly undertake the work and furnish the materials required, 246
to provide the judge with a viable financial and construction 247
plan for the rehabilitation of the building as described in 248
division ~~(D)~~ (E) of this section, and to post security for the 249
performance of the work and the furnishing of the materials. 250

If the judge determines, at the hearing, that no 251
interested party is willing or able to undertake the work and to 252
furnish the materials necessary to abate the public nuisance, or 253
if the judge determines, at any time after the hearing, that any 254
party who is undertaking corrective work pursuant to this 255
division cannot or will not proceed, or has not proceeded with 256
due diligence, the judge may appoint a receiver pursuant to 257
division (C) (3) of this section to take possession and control 258

of the building. 259

(3) (a) The judge in a civil action described in division 260
(B) (1) of this section shall not appoint any person as a 261
receiver unless the person first has provided the judge with a 262
viable financial and construction plan for the rehabilitation of 263
the building involved as described in division ~~(D)~~ (E) of this 264
section and has demonstrated the capacity and expertise to 265
perform the required work and to furnish the required materials 266
in a satisfactory manner. An appointed receiver may be a 267
financial institution that possesses an interest of record in 268
the building or the property on which it is located, a nonprofit 269
corporation as described in divisions (B) (1) and (C) (3) (b) of 270
this section, including, but not limited to, a nonprofit 271
corporation that commenced the action described in division (B) 272
(1) of this section, or any other qualified property manager. 273

(b) To be eligible for appointment as a receiver, no part 274
of the net earnings of a nonprofit corporation shall inure to 275
the benefit of any private shareholder or individual. Membership 276
on the board of trustees of a nonprofit corporation appointed as 277
a receiver does not constitute the holding of a public office or 278
employment within the meaning of sections 731.02 and 731.12 or 279
any other section of the Revised Code and does not constitute a 280
direct or indirect interest in a contract or expenditure of 281
money by any municipal corporation. A member of a board of 282
trustees of a nonprofit corporation appointed as a receiver 283
shall not be disqualified from holding any public office or 284
employment, and shall not forfeit any public office or 285
employment, by reason of membership on the board of trustees, 286
notwithstanding any law to the contrary. 287

(4) In making any finding or determination required by 288

division (C) of this section, the judge shall use the 289
preponderance of the evidence standard. 290

(D) (1) No person shall fail to comply with an injunction 291
or order, regarding abatement of a public nuisance, issued 292
pursuant to division (C) (1) of this section. 293

(2) The offense established under division (D) (1) of this 294
section is a strict liability offense and strict liability is a 295
culpable mental state for purposes of section 2901.20 of the 296
Revised Code. The designation of this offense as a strict 297
liability offense shall not be construed to imply that any other 298
offense, for which there is no specified degree of culpability, 299
is not a strict liability offense. 300

(E) Prior to ordering any work to be undertaken, or the 301
furnishing of any materials, to abate a public nuisance under 302
this section, the judge in a civil action described in division 303
(B) (1) of this section shall review the submitted financial and 304
construction plan for the rehabilitation of the building 305
involved and, if it specifies all of the following, shall 306
approve that plan: 307

(1) The estimated cost of the labor, materials, and any 308
other development costs that are required to abate the public 309
nuisance; 310

(2) The estimated income and expenses of the building and 311
the property on which it is located after the furnishing of the 312
materials and the completion of the repairs and improvements; 313

(3) The terms, conditions, and availability of any 314
financing that is necessary to perform the work and to furnish 315
the materials; 316

(4) If repair and rehabilitation of the building are found 317

not to be feasible, the cost of demolition of the building or of 318
the portions of the building that constitute the public 319
nuisance. 320

~~(E)~~ (F) Upon the written request of any of the interested 321
parties to have a building, or portions of a building, that 322
constitute a public nuisance demolished because repair and 323
rehabilitation of the building are found not to be feasible, the 324
judge may order the demolition. However, the demolition shall 325
not be ordered unless the requesting interested parties have 326
paid the costs of demolition and, if any, of the receivership, 327
and, if any, all notes, certificates, mortgages, and fees of the 328
receivership. 329

~~(F)~~ (G) Before proceeding with the duties of receiver, any 330
receiver appointed by the judge in a civil action described in 331
division (B) (1) of this section may be required by the judge to 332
post a bond in an amount fixed by the judge, but not exceeding 333
the value of the building involved as determined by the judge. 334

The judge may empower the receiver to do any or all of the 335
following: 336

(1) Take possession and control of the building and the 337
property on which it is located, operate and manage the building 338
and the property, establish and collect rents and income, lease 339
and rent the building and the property, and evict tenants; 340

(2) Pay all expenses of operating and conserving the 341
building and the property, including, but not limited to, the 342
cost of electricity, gas, water, sewerage, heating fuel, repairs 343
and supplies, custodian services, taxes and assessments, and 344
insurance premiums, and hire and pay reasonable compensation to 345
a managing agent; 346

(3) Pay pre-receivership mortgages or installments of them	347
and other liens;	348
(4) Perform or enter into contracts for the performance of	349
all work and the furnishing of materials necessary to abate, and	350
obtain financing for the abatement of, the public nuisance;	351
(5) Pursuant to court order, remove and dispose of any	352
personal property abandoned, stored, or otherwise located in or	353
on the building and the property that creates a dangerous or	354
unsafe condition or that constitutes a violation of any local	355
building, housing, air pollution, sanitation, health, fire,	356
zoning, or safety code, ordinance, or regulation;	357
(6) Obtain mortgage insurance for any receiver's mortgage	358
from any agency of the federal government;	359
(7) Enter into any agreement and do those things necessary	360
to maintain and preserve the building and the property and	361
comply with all local building, housing, air pollution,	362
sanitation, health, fire, zoning, or safety codes, ordinances,	363
resolutions, and regulations;	364
(8) Give the custody of the building and the property, and	365
the opportunity to abate the nuisance and operate the property,	366
to its owner or any mortgagee or lienholder of record;	367
(9) Issue notes and secure them by a mortgage bearing	368
interest, and upon terms and conditions, that the judge	369
approves. When sold or transferred by the receiver in return for	370
valuable consideration in money, material, labor, or services,	371
the notes or certificates shall be freely transferable. Any	372
mortgages granted by the receiver shall be superior to any	373
claims of the receiver. Priority among the receiver's mortgages	374
shall be determined by the order in which they are recorded.	375

~~(G)~~-(H) A receiver appointed pursuant to this section is 376
not personally liable except for misfeasance, malfeasance, or 377
nonfeasance in the performance of the functions of the office of 378
receiver. 379

~~(H)~~-(I) (1) The judge in a civil action described in 380
division (B) (1) of this section may assess as court costs, the 381
expenses described in division ~~(F)~~-(G) (2) of this section, and 382
may approve receiver's fees to the extent that they are not 383
covered by the income from the property. Subject to that 384
limitation, a receiver appointed pursuant to divisions (C) (2) 385
and (3) of this section is entitled to receive fees in the same 386
manner and to the same extent as receivers appointed in actions 387
to foreclose mortgages. 388

(2) (a) Pursuant to the police powers vested in the state, 389
all expenditures of a mortgagee, lienholder, or other interested 390
party that has been selected pursuant to division (C) (2) of this 391
section to undertake the work and to furnish the materials 392
necessary to abate a public nuisance, and any expenditures in 393
connection with the foreclosure of the lien created by this 394
division, is a first lien upon the building involved and the 395
property on which it is located and is superior to all prior and 396
subsequent liens or other encumbrances associated with the 397
building or the property, including, but not limited to, those 398
for taxes and assessments, upon the occurrence of both of the 399
following: 400

(i) The prior approval of the expenditures by, and the 401
entry of a judgment to that effect by, the judge in the civil 402
action described in division (B) (1) of this section; 403

(ii) The recordation of a certified copy of the judgment 404
entry and a sufficient description of the property on which the 405

building is located with the county recorder in the county in 406
which the property is located within sixty days after the date 407
of the entry of the judgment. 408

(b) Pursuant to the police powers vested in the state, all 409
expenses and other amounts paid in accordance with division ~~(F)~~ 410
(G) of this section by a receiver appointed pursuant to 411
divisions (C) (2) and (3) of this section, the amounts of any 412
notes issued by the receiver in accordance with division ~~(F)~~(G) 413
of this section, all mortgages granted by the receiver in 414
accordance with that division, the fees of the receiver approved 415
pursuant to division ~~(H)~~(I) (1) of this section, and any amounts 416
expended in connection with the foreclosure of a mortgage 417
granted by the receiver in accordance with division ~~(F)~~(G) of 418
this section or with the foreclosure of the lien created by this 419
division, are a first lien upon the building involved and the 420
property on which it is located and are superior to all prior 421
and subsequent liens or other encumbrances associated with the 422
building or the property, including, but not limited to, those 423
for taxes and assessments, upon the occurrence of both of the 424
following: 425

(i) The approval of the expenses, amounts, or fees by, and 426
the entry of a judgment to that effect by, the judge in the 427
civil action described in division (B) (1) of this section; or 428
the approval of the mortgages in accordance with division ~~(F)~~(G) 429
(9) of this section by, and the entry of a judgment to that 430
effect by, that judge; 431

(ii) The recordation of a certified copy of the judgment 432
entry and a sufficient description of the property on which the 433
building is located, or, in the case of a mortgage, the 434
recordation of the mortgage, a certified copy of the judgment 435

entry, and such a description, with the county recorder of the 436
county in which the property is located within sixty days after 437
the date of the entry of the judgment. 438

(c) Priority among the liens described in divisions ~~(H)~~(I) 439
(2) (a) and (b) of this section shall be determined as described 440
in division ~~(I)~~(J) of this section. Additionally, the creation 441
pursuant to this section of a mortgage lien that is prior to or 442
superior to any mortgage of record at the time the mortgage lien 443
is so created, does not disqualify the mortgage of record as a 444
legal investment under Chapter 1107. or any other chapter of the 445
Revised Code. 446

~~(I)~~(J) (1) If a receiver appointed pursuant to divisions 447
(C) (2) and (3) of this section files with the judge in the civil 448
action described in division (B) (1) of this section a report 449
indicating that the public nuisance has been abated, if the 450
judge confirms that the receiver has abated the public nuisance, 451
and if the receiver or any interested party requests the judge 452
to enter an order directing the receiver to sell the building 453
and the property on which it is located, the judge may enter 454
that order after holding a hearing as described in division ~~(I)~~ 455
(J) (2) of this section and otherwise complying with that 456
division. 457

(2) (a) The receiver or interested party requesting an 458
order as described in division ~~(I)~~(J) (1) of this section shall 459
cause a notice of the date and time of a hearing on the request 460
to be served on the owner of the building involved and all other 461
interested parties in accordance with division (B) (2) (a) of this 462
section. The judge in the civil action described in division (B) 463
(1) of this section shall conduct the scheduled hearing. At the 464
hearing, if the owner or any interested party objects to the 465

sale of the building and the property, the burden of proof shall 466
be upon the objecting person to establish, by a preponderance of 467
the evidence, that the benefits of not selling the building and 468
the property outweigh the benefits of selling them. If the judge 469
determines that there is no objecting person, or if the judge 470
determines that there is one or more objecting persons but no 471
objecting person has sustained the burden of proof specified in 472
this division, the judge may enter an order directing the 473
receiver to offer the building and the property for sale upon 474
terms and conditions that the judge shall specify. 475

(b) In any sale of subsidized housing that is ordered 476
pursuant to this section, the judge shall specify that the 477
subsidized housing not be conveyed unless that conveyance 478
complies with applicable federal law and applicable program 479
contracts for that housing. Any such conveyance shall be subject 480
to the condition that the purchaser enter into a contract with 481
the department of housing and urban development or the rural 482
housing service of the federal department of agriculture under 483
which the property continues to be subsidized housing and the 484
owner continues to operate that property as subsidized housing 485
unless the secretary of housing and urban development or the 486
administrator of the rural housing service terminates that 487
property's contract prior to or upon the conveyance of the 488
property. 489

(3) If a sale of a building and the property on which it 490
is located is ordered pursuant to divisions ~~(I) (1)~~ (J) (1) and 491
(2) of this section and if the sale occurs in accordance with 492
the terms and conditions specified by the judge in the judge's 493
order of sale, then the receiver shall distribute the proceeds 494
of the sale and the balance of any funds that the receiver may 495
possess, after the payment of the costs of the sale, in the 496

following order of priority and in the described manner: 497

(a) First, in satisfaction of any notes issued by the 498
receiver pursuant to division ~~(F)~~(G) of this section, in their 499
order of priority; 500

(b) Second, any unreimbursed expenses and other amounts 501
paid in accordance with division ~~(F)~~(G) of this section by the 502
receiver, and the fees of the receiver approved pursuant to 503
division ~~(H)~~(I)(1) of this section; 504

(c) Third, all expenditures of a mortgagee, lienholder, or 505
other interested party that has been selected pursuant to 506
division (C) (2) of this section to undertake the work and to 507
furnish the materials necessary to abate a public nuisance, 508
provided that the expenditures were approved as described in 509
division ~~(H)~~(I)(2) (a) of this section and provided that, if any 510
such interested party subsequently became the receiver, its 511
expenditures shall be paid prior to the expenditures of any of 512
the other interested parties so selected; 513

(d) Fourth, the amount due for delinquent taxes, 514
assessments, charges, penalties, and interest owed to this state 515
or a political subdivision of this state, provided that, if the 516
amount available for distribution pursuant to division ~~(I)~~(J)(3) 517
(d) of this section is insufficient to pay the entire amount of 518
those taxes, assessments, charges, penalties, and interest, the 519
proceeds and remaining funds shall be paid to each claimant in 520
proportion to the amount of those taxes, assessments, charges, 521
penalties, and interest that each is due. 522

(e) The amount of any pre-receivership mortgages, liens, 523
or other encumbrances, in their order of priority. 524

(4) Following a distribution in accordance with division 525

~~(I)~~(J)(3) of this section, the receiver shall request the judge 526
in the civil action described in division (B)(1) of this section 527
to enter an order terminating the receivership. If the judge 528
determines that the sale of the building and the property on 529
which it is located occurred in accordance with the terms and 530
conditions specified by the judge in the judge's order of sale 531
under division ~~(I)~~(J)(2) of this section and that the receiver 532
distributed the proceeds of the sale and the balance of any 533
funds that the receiver possessed, after the payment of the 534
costs of the sale, in accordance with division ~~(I)~~(J)(3) of this 535
section, and if the judge approves any final accounting required 536
of the receiver, the judge may terminate the receivership. 537

~~(J)~~(K)(1) A receiver appointed pursuant to divisions (C) 538
(2) and (3) of this section may be discharged at any time in the 539
discretion of the judge in the civil action described in 540
division (B)(1) of this section. The receiver shall be 541
discharged by the judge as provided in division ~~(I)~~(J)(4) of 542
this section, or when all of the following have occurred: 543

(a) The public nuisance has been abated; 544

(b) All costs, expenses, and approved fees of the 545
receivership have been paid; 546

(c) Either all receiver's notes issued and mortgages 547
granted pursuant to this section have been paid, or all the 548
holders of the notes and mortgages request that the receiver be 549
discharged. 550

(2) If a judge in a civil action described in division (B) 551
(1) of this section determines that, and enters of record a 552
declaration that, a public nuisance has been abated by a 553
receiver, and if, within three days after the entry of the 554

declaration, all costs, expenses, and approved fees of the 555
receivership have not been paid in full, then, in addition to 556
the circumstances specified in division ~~(I)~~ (J) of this section 557
for the entry of such an order, the judge may enter an order 558
directing the receiver to sell the building involved and the 559
property on which it is located. Any such order shall be 560
entered, and the sale shall occur, only in compliance with 561
division ~~(I)~~ (J) of this section. 562

~~(K)~~ (L) The title in any building, and in the property on 563
which it is located, that is sold at a sale ordered under 564
division ~~(I)~~ (J) or ~~(J)~~ (K) (2) of this section shall be 565
incontestable in the purchaser and shall be free and clear of 566
all liens for delinquent taxes, assessments, charges, penalties, 567
and interest owed to this state or any political subdivision of 568
this state, that could not be satisfied from the proceeds of the 569
sale and the remaining funds in the receiver's possession 570
pursuant to the distribution under division ~~(I)~~ (J) (3) of this 571
section. All other liens and encumbrances with respect to the 572
building and the property shall survive the sale, including, but 573
not limited to, a federal tax lien notice properly filed in 574
accordance with section 317.09 of the Revised Code prior to the 575
time of the sale, and the easements and covenants of record 576
running with the property that were created prior to the time of 577
the sale. 578

~~(L)~~ (M) (1) Nothing in this section shall be construed as a 579
limitation upon the powers granted to a court of common pleas, a 580
municipal court or a housing or environmental division of a 581
municipal court under Chapter 1901. of the Revised Code, or a 582
county court under Chapter 1907. of the Revised Code. 583

(2) The monetary and other limitations specified in 584

Chapters 1901. and 1907. of the Revised Code upon the	585
jurisdiction of municipal and county courts, and of housing or	586
environmental divisions of municipal courts, in civil actions do	587
not operate as limitations upon any of the following:	588
(a) Expenditures of a mortgagee, lienholder, or other	589
interested party that has been selected pursuant to division (C)	590
(2) of this section to undertake the work and to furnish the	591
materials necessary to abate a public nuisance;	592
(b) Any notes issued by a receiver pursuant to division	593
(F) <u>(G)</u> of this section;	594
(c) Any mortgage granted by a receiver in accordance with	595
division (F) <u>(G)</u> of this section;	596
(d) Expenditures in connection with the foreclosure of a	597
mortgage granted by a receiver in accordance with division (F) —	598
<u>(G)</u> of this section;	599
(e) The enforcement of an order of a judge entered	600
pursuant to this section;	601
(f) The actions that may be taken pursuant to this section	602
by a receiver or a mortgagee, lienholder, or other interested	603
party that has been selected pursuant to division (C) (2) of this	604
section to undertake the work and to furnish the materials	605
necessary to abate a public nuisance.	606
(3) A judge in a civil action described in division (B) (1)	607
of this section, or the judge's successor in office, has	608
continuing jurisdiction to review the condition of any building	609
that was determined to be a public nuisance pursuant to this	610
section.	611
(4) Nothing in this section shall be construed to limit or	612

prohibit a municipal corporation or township that has filed with 613
the superintendent of insurance a certified copy of an adopted 614
resolution, ordinance, or regulation authorizing the procedures 615
described in divisions (C) and (D) of section 3929.86 of the 616
Revised Code from receiving insurance proceeds under section 617
3929.86 of the Revised Code. 618

Sec. 3767.50. (A) For purposes of this section: 619

(1) "Blighted parcel" has the same meaning as in section 620
1.08 of the Revised Code. 621

(2) "Owner" means any of the following: 622

(a) The owner of record as shown on the current tax list 623
of the county auditor; 624

(b) A person who has a freehold or lesser estate in the 625
premises; 626

(c) A mortgagee in possession or vendee in possession who 627
evidences charge, care, or control of the premises, including, 628
but not limited to, a person to whom the sheriff has issued a 629
deed for the premises after a judicial sale regardless of 630
whether the deed has been recorded; 631

(d) A person who has charge, care, or control of the 632
premises as executor, administrator, assignee, receiver, 633
trustee, or legal guardian; 634

(e) A person who holds the person's self out to be in 635
charge, care, or control of the premises as evidenced by the 636
negotiation of written or oral lease agreements for the 637
premises, the collection of rents for the premises, the 638
performance of maintenance or repairs on the premises, or the 639
authorization of others to perform maintenance or repairs on the 640

premises. 641

(B) (1) A municipal corporation, in addition to any other 642
remedy authorized by law, has a cause of action in the 643
environmental division of the municipal court to foreclose any 644
existing liens upon a blighted parcel located in the municipal 645
corporation provided that no other foreclosure action affecting 646
the blighted parcel is being actively prosecuted in any court of 647
record. It is an affirmative defense to an action under this 648
division that the owner of the blighted parcel has not been in 649
default on any mortgage on the property for twelve months or 650
more or that there is a bankruptcy proceeding pending in which 651
the blighted parcel has been listed as an asset. To maintain the 652
action, it is not necessary for the municipal corporation to 653
have a lien of its own upon the property. Rather, it is 654
sufficient for the municipal corporation to allege that, because 655
of the continuing existence of conditions causing the property 656
to be a blighted parcel, the owner has defaulted on the terms of 657
any agreement giving rise to a lien for failure to maintain the 658
property, and then to marshal and plead for foreclosure of any 659
or all outstanding liens upon the blighted parcel. Section 660
3767.50 of the Revised Code does not create a cause of action 661
regarding any property not subject to a lien. The municipal 662
corporation shall not marshal a lien held by the United States, 663
a lien held by this state other than a lien for real property 664
taxes and assessments, a lien held by a political subdivision 665
other than itself, or a lien vested by a tax certificate held 666
under sections 5721.30 to 5721.43 of the Revised Code. The 667
municipal corporation shall join as a party to the action a 668
lienholder whose lien is being marshaled and shall notify the 669
lienholder party that the municipal corporation is proceeding to 670
foreclose the lien under this section and that the lienholder 671

party may remediate the conditions of the parcel constituting 672
blight. If a lienholder party certifies to the court that the 673
party will remediate the conditions of the parcel constituting 674
blight within ~~sixty~~thirty days after the party is served with a 675
copy of the complaint of the foreclosure action, the municipal 676
corporation shall move to dismiss the action. 677

In a judicial sale of a blighted parcel that is ordered as 678
a result of the foreclosure action, the priority of distribution 679
of the proceeds from the sale shall not be altered because the 680
municipal corporation marshaled and foreclosed on one or more 681
liens. Rather, proceeds from the sale shall be distributed 682
according to the priorities otherwise established by law. 683

(2) The environmental division of the municipal court has 684
exclusive original jurisdiction of an action under this section. 685

(C) (1) With respect to any blighted parcel that is or may 686
be subject to an action under this section, the municipal 687
corporation may notify the taxing authority of each taxing unit 688
in which the blighted parcel is located that the municipal 689
corporation is proceeding to foreclose the lien under this 690
section. The notice shall state that the taxing authority may 691
preserve its claim on any distributions of delinquent or unpaid 692
taxes and assessments charged against the blighted parcel and 693
arising from the judicial sale proceeds by responding in writing 694
to the municipal corporation within a period of time to be 695
specified in the notice. The written response shall be certified 696
by the taxing authority or by the fiscal officer or other person 697
authorized by the taxing authority to respond. If such a 698
response is received by the municipal corporation within the 699
specified time, or if such a notice is not provided, the taxing 700
authority's claim on distributions of delinquent or unpaid taxes 701

and assessments charged against the blighted parcel and payable 702
from proceeds of the judicial sale shall be preserved and shall 703
be disposed of in the priority and manner otherwise prescribed 704
by law. If such a notice is provided and the response is not 705
received within the specified time, the taxing authority's claim 706
on the delinquent or unpaid taxes and assessments is 707
extinguished, the lien for such taxes is satisfied and 708
discharged to the extent of that claim, and the blighted parcel 709
may be sold at judicial sale free and clear of such lien to that 710
extent, unless the successful bidder at the judicial sale is a 711
lienholder of the blighted parcel. If the successful bidder is a 712
lienholder of the blighted parcel, the lien for all delinquent 713
or unpaid taxes and assessments charged against the blighted 714
parcel shall continue until discharged as otherwise provided by 715
law. 716

(2) The taxing authority of a taxing unit and a municipal 717
corporation may enter into an agreement whereby the taxing 718
authority consents in advance to release the taxing authority's 719
claim on distributions of delinquent or unpaid taxes and 720
assessments charged against blighted parcels in the taxing 721
unit's territory and waives its right to prior notice and 722
response under division (C)(1) of this section. The agreement 723
shall provide for any terms and conditions on the release of 724
such claim as are mutually agreeable to the taxing authority and 725
municipal corporation, including any option vesting in the 726
taxing authority the right to revoke its release with respect to 727
any blighted parcel before the release becomes effective, and 728
the manner in which notice of such revocation shall be effected. 729

(D) In making any finding or determination in a 730
foreclosure action conducted pursuant to this section, the judge 731
shall use the preponderance of the evidence standard. 732

Sec. 3767.99. (A) Whoever is guilty of contempt under 733
sections 3767.01 to 3767.11 or violates section 3767.14 of the 734
Revised Code is guilty of a misdemeanor of the first degree. 735

(B) Whoever violates section 3767.12 or 3767.29, or, being 736
an association, violates section 3767.30 of the Revised Code is 737
guilty of a misdemeanor of the fourth degree. 738

(C) Whoever violates section 3767.13, 3767.19, or 3767.32 739
or, being a natural person, violates section 3767.30 of the 740
Revised Code is guilty of a misdemeanor of the third degree. The 741
sentencing court may, in addition to or in lieu of the penalty 742
provided in this division, require a person who violates section 743
3767.32 of the Revised Code to remove litter from any public or 744
private property, or in or on waters of the state. 745

(D) Whoever violates section 3767.16, 3767.17, 3767.18, 746
3767.201, or 3767.34 of the Revised Code is guilty of a minor 747
misdemeanor. 748

(E) Whoever violates division (D) of section 3767.41 of 749
the Revised Code is guilty of a misdemeanor of the first degree. 750
Notwithstanding section 2929.28 of the Revised Code, the 751
sentencing court may impose a fine of up to five hundred dollars 752
for each day the violation persists. 753

Sec. 5721.17. (A) Upon the delivery by the county auditor 754
of a delinquent land tax certificate for, a delinquent vacant 755
land tax certificate for, or a master list of delinquent vacant 756
tracts or delinquent tracts that includes, any property on which 757
is located a building subject to a receivership under section 758
3767.41 of the Revised Code, the prosecuting attorney may 759
institute a foreclosure proceeding under section 5721.18 of the 760
Revised Code or a foreclosure and forfeiture proceeding under 761

section 5721.14 of the Revised Code. The proceeds resulting from 762
the sale of that property pursuant to a foreclosure or 763
forfeiture sale shall be distributed in the order set forth in 764
division (B) (1) or (2) of this section. 765

(B) (1) In rendering its judgment in a foreclosure 766
proceeding under section 5721.18 of the Revised Code that 767
relates to property as described in division (A) of this section 768
and in ordering the distribution of the proceeds of the 769
resulting foreclosure sale, a court shall comply with sections 770
5721.18 and 5721.19 of the Revised Code, except that the court 771
shall order that the proceeds of the sale shall be distributed 772
in the following order of priority: 773

(a) First, in satisfaction of any notes issued by the 774
receiver pursuant to division ~~(F)~~(G) of section 3767.41 of the 775
Revised Code, in their order of priority; 776

(b) Second, any unreimbursed expenses and other amounts 777
paid in accordance with division ~~(F)~~(G) of section 3767.41 of 778
the Revised Code by the receiver, and the fees of the receiver 779
approved pursuant to division ~~(H)~~(I)(1) of that section; 780

(c) Third, any remaining proceeds in the order set forth 781
in division (D) of section 5721.19 of the Revised Code. 782

(2) In rendering its judgment in a foreclosure and 783
forfeiture proceeding under section 5721.14 of the Revised Code 784
that relates to property as described in division (A) of this 785
section and in ordering the distribution of the proceeds of the 786
resulting forfeiture sale, a court shall comply with sections 787
5721.14 and 5721.16 and Chapter 5723. of the Revised Code, 788
except that the court shall order that the proceeds of the sale 789
shall be distributed in the following order of priority: 790

(a) First, in satisfaction of any notes issued by the receiver pursuant to division ~~(F)~~(G) of section 3767.41 of the Revised Code, in their order of priority;

(b) Second, any unreimbursed expenses and other amounts paid in accordance with division ~~(F)~~(G) of section 3767.41 of the Revised Code by the receiver, and the fees of the receiver approved pursuant to division ~~(H)~~(I)(1) of that section;

(c) Third, any remaining proceeds in the order set forth in division (A) of section 5723.18 of the Revised Code.

(C) If, after the distribution of available proceeds pursuant to division (B) (1) or (2) of this section, the proceeds from the foreclosure or forfeiture sale are insufficient to pay in full the notes, unreimbursed expenses and other amounts, and fees described in divisions (B) (1) (a) and (b) or (B) (2) (a) and (b) of this section, and the amounts due under division (D) of section 5721.19 or division (A) of section 5723.18 of the Revised Code, the court shall enter a deficiency judgment for the unpaid amount pursuant to section 5721.192 of the Revised Code.

(D) When property as described in division (A) of this section is the subject of a foreclosure proceeding under section 5721.18 of the Revised Code or a foreclosure and forfeiture proceeding under section 5721.14 of the Revised Code, the notice of foreclosure set forth in division (B) of section 5721.181 of the Revised Code and the notice set forth in division (C) of that section, the notice of foreclosure and forfeiture set forth in division (B) of section 5721.15 of the Revised Code and the notice set forth in division (C) of that section, and the advertisements for sale set forth in sections 5721.191 and 5723.10 of the Revised Code shall be modified to reflect the

provisions of divisions (B) and (C) of this section. 821

Sec. 5721.18. The county prosecuting attorney, upon the 822
delivery to the prosecuting attorney by the county auditor of a 823
delinquent land or delinquent vacant land tax certificate, or of 824
a master list of delinquent or delinquent vacant tracts, shall 825
institute a foreclosure proceeding under this section in the 826
name of the county treasurer to foreclose the lien of the state, 827
in any court with jurisdiction or in the county board of 828
revision with jurisdiction pursuant to section 323.66 of the 829
Revised Code, unless the taxes, assessments, charges, penalties, 830
and interest are paid prior to the time a complaint is filed, or 831
unless a foreclosure or foreclosure and forfeiture action has 832
been or will be instituted under section 323.25, sections 323.65 833
to 323.79, or section 5721.14 of the Revised Code. If the 834
delinquent land or delinquent vacant land tax certificate or the 835
master list of delinquent or delinquent vacant tracts lists 836
minerals or rights to minerals listed pursuant to sections 837
5713.04, 5713.05, and 5713.06 of the Revised Code, the county 838
prosecuting attorney may institute a foreclosure proceeding in 839
the name of the county treasurer, in any court with 840
jurisdiction, to foreclose the lien of the state against such 841
minerals or rights to minerals, unless the taxes, assessments, 842
charges, penalties, and interest are paid prior to the time the 843
complaint is filed, or unless a foreclosure or foreclosure and 844
forfeiture action has been or will be instituted under section 845
323.25, sections 323.65 to 323.79, or section 5721.14 of the 846
Revised Code. 847

Nothing in this section or section 5721.03 of the Revised 848
Code prohibits the prosecuting attorney from instituting a 849
proceeding under this section before the delinquent tax list or 850
delinquent vacant land tax list that includes the parcel is 851

published pursuant to division (B) of section 5721.03 of the Revised Code if the list is not published within the time prescribed by that division. The prosecuting attorney shall prosecute the proceeding to final judgment and satisfaction. Within ten days after obtaining a judgment, the prosecuting attorney shall notify the treasurer in writing that judgment has been rendered. If there is a copy of a written delinquent tax contract attached to the certificate or an asterisk next to an entry on the master list, or if a copy of a delinquent tax contract is received from the auditor prior to the commencement of the proceeding under this section, the prosecuting attorney shall not institute the proceeding under this section, unless the prosecuting attorney receives a certification of the treasurer that the delinquent tax contract has become void.

(A) This division applies to all foreclosure proceedings not instituted and prosecuted under section 323.25 of the Revised Code or division (B) or (C) of this section. The foreclosure proceedings shall be instituted and prosecuted in the same manner as is provided by law for the foreclosure of mortgages on land, except that, if service by publication is necessary, such publication shall be made once a week for three consecutive weeks instead of as provided by the Rules of Civil Procedure, and the service shall be complete at the expiration of three weeks after the date of the first publication. In any proceeding prosecuted under this section, if the prosecuting attorney determines that service upon a defendant may be obtained ultimately only by publication, the prosecuting attorney may cause service to be made simultaneously by certified mail, return receipt requested, ordinary mail, and publication.

In any county that has adopted a permanent parcel number

system, the parcel may be described in the notice by parcel 883
number only, instead of also with a complete legal description, 884
if the prosecuting attorney determines that the publication of 885
the complete legal description is not necessary to provide 886
reasonable notice of the foreclosure proceeding to the 887
interested parties. If the complete legal description is not 888
published, the notice shall indicate where the complete legal 889
description may be obtained. 890

It is sufficient, having been made a proper party to the 891
foreclosure proceeding, for the treasurer to allege in the 892
treasurer's complaint that the certificate or master list has 893
been duly filed by the auditor, that the amount of money 894
appearing to be due and unpaid is due and unpaid, and that there 895
is a lien against the property described in the certificate or 896
master list, without setting forth in the complaint any other or 897
special matter relating to the foreclosure proceeding. The 898
prayer of the complaint shall be that the court or the county 899
board of revision with jurisdiction pursuant to section 323.66 900
of the Revised Code issue an order that the property be sold or 901
conveyed by the sheriff or otherwise be disposed of, and the 902
equity of redemption be extinguished, according to the 903
alternative redemption procedures prescribed in sections 323.65 904
to 323.79 of the Revised Code, or if the action is in the 905
municipal court by the bailiff, in the manner provided in 906
section 5721.19 of the Revised Code. 907

In the foreclosure proceeding, the treasurer may join in 908
one action any number of lots or lands, but the decree shall be 909
rendered separately, and any proceedings may be severed, in the 910
discretion of the court or board of revision, for the purpose of 911
trial or appeal, and the court or board of revision shall make 912
such order for the payment of costs as is considered proper. The 913

certificate or master list filed by the auditor with the 914
prosecuting attorney is prima-facie evidence at the trial of the 915
foreclosure action of the amount and validity of the taxes, 916
assessments, charges, penalties, and interest appearing due and 917
unpaid and of their nonpayment. 918

(B) Foreclosure proceedings constituting an action in rem 919
may be commenced by the filing of a complaint after the end of 920
the second year from the date on which the delinquency was first 921
certified by the auditor. Prior to filing such an action in rem, 922
the prosecuting attorney shall cause a title search to be 923
conducted for the purpose of identifying any lienholders or 924
other persons with interests in the property subject to 925
foreclosure. Following the title search, the action in rem shall 926
be instituted by filing in the office of the clerk of a court 927
with jurisdiction a complaint bearing a caption substantially in 928
the form set forth in division (A) of section 5721.181 of the 929
Revised Code. 930

Any number of parcels may be joined in one action. Each 931
separate parcel included in a complaint shall be given a serial 932
number and shall be separately indexed and docketed by the clerk 933
of the court in a book kept by the clerk for such purpose. A 934
complaint shall contain the permanent parcel number of each 935
parcel included in it, the full street address of the parcel 936
when available, a description of the parcel as set forth in the 937
certificate or master list, the name and address of the last 938
known owner of the parcel if they appear on the general tax 939
list, the name and address of each lienholder and other person 940
with an interest in the parcel identified in the title search 941
relating to the parcel that is required by this division, and 942
the amount of taxes, assessments, charges, penalties, and 943
interest due and unpaid with respect to the parcel. It is 944

sufficient for the treasurer to allege in the complaint that the certificate or master list has been duly filed by the auditor with respect to each parcel listed, that the amount of money with respect to each parcel appearing to be due and unpaid is due and unpaid, and that there is a lien against each parcel, without setting forth any other or special matters. The prayer of the complaint shall be that the court issue an order that the land described in the complaint be sold in the manner provided in section 5721.19 of the Revised Code.

(1) Within thirty days after the filing of a complaint, the clerk of the court in which the complaint was filed shall cause a notice of foreclosure substantially in the form of the notice set forth in division (B) of section 5721.181 of the Revised Code to be published once a week for three consecutive weeks in a newspaper of general circulation in the county. The newspaper shall meet the requirements of section 7.12 of the Revised Code. In any county that has adopted a permanent parcel number system, the parcel may be described in the notice by parcel number only, instead of also with a complete legal description, if the prosecuting attorney determines that the publication of the complete legal description is not necessary to provide reasonable notice of the foreclosure proceeding to the interested parties. If the complete legal description is not published, the notice shall indicate where the complete legal description may be obtained.

After the third publication, the publisher shall file with the clerk of the court an affidavit stating the fact of the publication and including a copy of the notice of foreclosure as published. Service of process for purposes of the action in rem shall be considered as complete on the date of the last publication.

Within thirty days after the filing of a complaint and 976
before the final date of publication of the notice of 977
foreclosure, the clerk of the court also shall cause a copy of a 978
notice substantially in the form of the notice set forth in 979
division (C) of section 5721.181 of the Revised Code to be 980
mailed by certified mail, with postage prepaid, to each person 981
named in the complaint as being the last known owner of a parcel 982
included in it, or as being a lienholder or other person with an 983
interest in a parcel included in it. The notice shall be sent to 984
the address of each such person, as set forth in the complaint, 985
and the clerk shall enter the fact of such mailing upon the 986
appearance docket. If the name and address of the last known 987
owner of a parcel included in a complaint is not set forth in 988
it, the auditor shall file an affidavit with the clerk stating 989
that the name and address of the last known owner does not 990
appear on the general tax list. 991

(2) (a) An answer may be filed in an action in rem under 992
this division by any person owning or claiming any right, title, 993
or interest in, or lien upon, any parcel described in the 994
complaint. The answer shall contain the caption and number of 995
the action and the serial number of the parcel concerned. The 996
answer shall set forth the nature and amount of interest claimed 997
in the parcel and any defense or objection to the foreclosure of 998
the lien of the state for delinquent taxes, assessments, 999
charges, penalties, and interest as shown in the complaint. The 1000
answer shall be filed in the office of the clerk of the court, 1001
and a copy of the answer shall be served on the prosecuting 1002
attorney, not later than twenty-eight days after the date of 1003
final publication of the notice of foreclosure. If an answer is 1004
not filed within such time, a default judgment may be taken as 1005
to any parcel included in a complaint as to which no answer has 1006

been filed. A default judgment is valid and effective with 1007
respect to all persons owning or claiming any right, title, or 1008
interest in, or lien upon, any such parcel, notwithstanding that 1009
one or more of such persons are minors, incompetents, absentees 1010
or nonresidents of the state, or convicts in confinement. 1011

(b) (i) A receiver appointed pursuant to divisions (C) (2) 1012
and (3) of section 3767.41 of the Revised Code may file an 1013
answer pursuant to division (B) (2) (a) of this section, but is 1014
not required to do so as a condition of receiving proceeds in a 1015
distribution under division (B) (1) of section 5721.17 of the 1016
Revised Code. 1017

(ii) When a receivership under section 3767.41 of the 1018
Revised Code is associated with a parcel, the notice of 1019
foreclosure set forth in division (B) of section 5721.181 of the 1020
Revised Code and the notice set forth in division (C) of that 1021
section shall be modified to reflect the provisions of division 1022
(B) (2) (b) (i) of this section. 1023

(3) At the trial of an action in rem under this division, 1024
the certificate or master list filed by the auditor with the 1025
prosecuting attorney shall be prima-facie evidence of the amount 1026
and validity of the taxes, assessments, charges, penalties, and 1027
interest appearing due and unpaid on the parcel to which the 1028
certificate or master list relates and their nonpayment. If an 1029
answer is properly filed, the court may, in its discretion, and 1030
shall, at the request of the person filing the answer, grant a 1031
severance of the proceedings as to any parcel described in such 1032
answer for purposes of trial or appeal. 1033

(C) In addition to the actions in rem authorized under 1034
division (B) of this section and section 5721.14 of the Revised 1035
Code, an action in rem may be commenced under this division. An 1036

action commenced under this division shall conform to all of the 1037
requirements of division (B) of this section except as follows: 1038

(1) The prosecuting attorney shall not cause a title 1039
search to be conducted for the purpose of identifying any 1040
lienholders or other persons with interests in the property 1041
subject to foreclosure, except that the prosecuting attorney 1042
shall cause a title search to be conducted to identify any 1043
receiver's lien. 1044

(2) The names and addresses of lienholders and persons 1045
with an interest in the parcel shall not be contained in the 1046
complaint, and notice shall not be mailed to lienholders and 1047
persons with an interest as provided in division (B)(1) of this 1048
section, except that the name and address of a receiver under 1049
section 3767.41 of the Revised Code shall be contained in the 1050
complaint and notice shall be mailed to the receiver. 1051

(3) With respect to the forms applicable to actions 1052
commenced under division (B) of this section and contained in 1053
section 5721.181 of the Revised Code: 1054

(a) The notice of foreclosure prescribed by division (B) 1055
of section 5721.181 of the Revised Code shall be revised to 1056
exclude any reference to the inclusion of the name and address 1057
of each lienholder and other person with an interest in the 1058
parcel identified in a statutorily required title search 1059
relating to the parcel, and to exclude any such names and 1060
addresses from the published notice, except that the revised 1061
notice shall refer to the inclusion of the name and address of a 1062
receiver under section 3767.41 of the Revised Code and the 1063
published notice shall include the receiver's name and address. 1064
The notice of foreclosure also shall include the following in 1065
boldface type: 1066

"If pursuant to the action the parcel is sold, the sale shall not affect or extinguish any lien or encumbrance with respect to the parcel other than a receiver's lien and other than the lien for land taxes, assessments, charges, interest, and penalties for which the lien is foreclosed and in satisfaction of which the property is sold. All other liens and encumbrances with respect to the parcel shall survive the sale."

(b) The notice to the owner, lienholders, and other persons with an interest in a parcel shall be a notice only to the owner and to any receiver under section 3767.41 of the Revised Code, and the last two sentences of the notice shall be omitted.

(4) As used in this division, a "receiver's lien" means the lien of a receiver appointed pursuant to divisions (C) (2) and (3) of section 3767.41 of the Revised Code that is acquired pursuant to division ~~(H)~~(I) (2) (b) of that section for any unreimbursed expenses and other amounts paid in accordance with division ~~(F)~~(G) of that section by the receiver and for the fees of the receiver approved pursuant to division ~~(H)~~(I) (1) of that section.

(D) The conveyance by the owner of any parcel against which a complaint has been filed pursuant to this section at any time after the date of publication of the parcel on the delinquent tax list but before the date of a judgment of foreclosure pursuant to section 5721.19 of the Revised Code shall not nullify the right of the county to proceed with the foreclosure.

Sec. 5721.19. (A) In its judgment of foreclosure rendered with respect to actions filed pursuant to section 5721.18 of the Revised Code, the court or the county board of revision with

jurisdiction pursuant to section 323.66 of the Revised Code 1097
shall enter a finding with respect to each parcel of the amount 1098
of the taxes, assessments, charges, penalties, and interest, and 1099
the costs incurred in the foreclosure proceeding instituted 1100
against it, that are due and unpaid. The court or the county 1101
board of revision shall order such premises to be transferred 1102
pursuant to division (I) of this section or may order each 1103
parcel to be sold, without appraisal, for not less than either 1104
of the following: 1105

(1) The fair market value of the parcel, as determined by 1106
the county auditor, plus the costs incurred in the foreclosure 1107
proceeding; 1108

(2) The total amount of the finding entered by the court 1109
or the county board of revision, including all taxes, 1110
assessments, charges, penalties, and interest payable subsequent 1111
to the delivery to the county prosecuting attorney of the 1112
delinquent land tax certificate or master list of delinquent 1113
tracts and prior to the transfer of the deed of the parcel to 1114
the purchaser following confirmation of sale, plus the costs 1115
incurred in the foreclosure proceeding. For purposes of 1116
determining such amount, the county treasurer may estimate the 1117
amount of taxes, assessments, interest, penalties, and costs 1118
that will be payable at the time the deed of the property is 1119
transferred to the purchaser. 1120

Notwithstanding the minimum sales price provisions of 1121
divisions (A) (1) and (2) of this section to the contrary, a 1122
parcel sold pursuant to this section shall not be sold for less 1123
than the amount described in division (A) (2) of this section if 1124
the highest bidder is the owner of record of the parcel 1125
immediately prior to the judgment of foreclosure or a member of 1126

the following class of parties connected to that owner: a member 1127
of that owner's immediate family, a person with a power of 1128
attorney appointed by that owner who subsequently transfers the 1129
parcel to the owner, a sole proprietorship owned by that owner 1130
or a member of that owner's immediate family, or a partnership, 1131
trust, business trust, corporation, or association in which the 1132
owner or a member of the owner's immediate family owns or 1133
controls directly or indirectly more than fifty per cent. If a 1134
parcel sells for less than the amount described in division (A) 1135
(2) of this section, the officer conducting the sale shall 1136
require the buyer to complete an affidavit stating that the 1137
buyer is not the owner of record immediately prior to the 1138
judgment of foreclosure or a member of the specified class of 1139
parties connected to that owner, and the affidavit shall become 1140
part of the court records of the proceeding. If the county 1141
auditor discovers within three years after the date of the sale 1142
that a parcel was sold to that owner or a member of the 1143
specified class of parties connected to that owner for a price 1144
less than the amount so described, and if the parcel is still 1145
owned by that owner or a member of the specified class of 1146
parties connected to that owner, the auditor within thirty days 1147
after such discovery shall add the difference between that 1148
amount and the sale price to the amount of taxes that then stand 1149
charged against the parcel and is payable at the next succeeding 1150
date for payment of real property taxes. As used in this 1151
paragraph, "immediate family" means a spouse who resides in the 1152
same household and children. 1153

(B) Each parcel affected by the court's finding and order 1154
of sale shall be separately sold, unless the court orders any of 1155
such parcels to be sold together. 1156

Each parcel shall be advertised and sold by the officer to 1157

whom the order of sale is directed in the manner provided by law 1158
for the sale of real property on execution. The advertisement 1159
for sale of each parcel shall be published once a week for three 1160
consecutive weeks and shall include the date on which a second 1161
sale will be conducted if no bid is accepted at the first sale. 1162
Any number of parcels may be included in one advertisement. 1163

The notice of the advertisement shall be substantially in 1164
the form of the notice set forth in section 5721.191 of the 1165
Revised Code. In any county that has adopted a permanent parcel 1166
number system, the parcel may be described in the notice by 1167
parcel number only, instead of also with a complete legal 1168
description, if the prosecuting attorney determines that the 1169
publication of the complete legal description is not necessary 1170
to provide reasonable notice of the foreclosure sale to 1171
potential bidders. If the complete legal description is not 1172
published, the notice shall indicate where the complete legal 1173
description may be obtained. 1174

(C) (1) Whenever the officer charged to conduct the sale 1175
offers any parcel for sale the officer first shall read aloud a 1176
complete legal description of the parcel, or in the alternative, 1177
may read aloud only a summary description, including the 1178
complete street address of the parcel, if any, and a parcel 1179
number if the county has adopted a permanent parcel number 1180
system and if the advertising notice prepared pursuant to this 1181
section includes a complete legal description or indicates where 1182
the complete legal description may be obtained. Whenever the 1183
officer charged to conduct the sale offers any parcel for sale 1184
and no bids are made equal to the lesser of the amounts 1185
described in divisions (A) (1) and (2) of this section, the 1186
officer shall adjourn the sale of the parcel to the second date 1187
that was specified in the advertisement of sale. The second date 1188

shall be not less than two weeks or more than six weeks from the 1189
day on which the parcel was first offered for sale. The second 1190
sale shall be held at the same place and commence at the same 1191
time as set forth in the advertisement of sale. The officer 1192
shall offer any parcel not sold at the first sale. Upon the 1193
conclusion of any sale, or if any parcel remains unsold after 1194
being offered at two sales, the officer conducting the sale 1195
shall report the results to the court. 1196

(2) (a) If a parcel remains unsold after being offered at 1197
two sales, or one sale in the case of abandoned lands foreclosed 1198
under sections 323.65 to 323.79 of the Revised Code, or if a 1199
parcel sells at any sale but the amount of the price is less 1200
than the costs incurred in the proceeding instituted against the 1201
parcel under section 5721.18 of the Revised Code, then the clerk 1202
of the court shall certify to the county auditor the amount of 1203
those costs that remains unpaid. At the next semiannual 1204
apportionment of real property taxes that occurs following any 1205
such certification, the auditor shall reduce the real property 1206
taxes that the auditor otherwise would distribute to each taxing 1207
district. In making the reductions, the auditor shall subtract 1208
from the otherwise distributable real property taxes to a taxing 1209
district an amount that shall be determined by multiplying the 1210
certified costs by a fraction the numerator of which shall be 1211
the amount of the taxes, assessments, charges, penalties, and 1212
interest on the parcel owed to that taxing district at the time 1213
the parcel first was offered for sale pursuant to this section, 1214
and the denominator of which shall be the total of the taxes, 1215
assessments, charges, penalties, and interest on the parcel owed 1216
to all the taxing districts at that time. The auditor promptly 1217
shall pay to the clerk of the court the amounts of the 1218
reductions. 1219

(b) If reductions occur pursuant to division (C) (2) (a) of 1220
this section, and if at a subsequent time a parcel is sold at a 1221
foreclosure sale or a forfeiture sale pursuant to Chapter 5723. 1222
of the Revised Code, then, notwithstanding other provisions of 1223
the Revised Code, except section 5721.17 of the Revised Code, 1224
governing the distribution of the proceeds of a foreclosure or 1225
forfeiture sale, the proceeds first shall be distributed to 1226
reimburse the taxing districts subjected to reductions in their 1227
otherwise distributable real property taxes. The distributions 1228
shall be based on the same proportions used for purposes of 1229
division (C) (2) (a) of this section. 1230

(3) The court, in its discretion, may order any parcel not 1231
sold pursuant to the original order of sale to be advertised and 1232
offered for sale at a subsequent foreclosure sale. For such 1233
purpose, the court may direct the parcel to be appraised and fix 1234
a minimum price for which it may be sold. 1235

(D) Except as otherwise provided in division (B) (1) of 1236
section 5721.17 of the Revised Code, upon the confirmation of a 1237
sale, the proceeds of the sale shall be applied as follows: 1238

(1) The costs incurred in any proceeding filed against the 1239
parcel pursuant to section 5721.18 of the Revised Code shall be 1240
paid first. 1241

(2) Following the payment required by division (D) (1) of 1242
this section, the part of the proceeds that is equal to five per 1243
cent of the taxes and assessments due shall be deposited in 1244
equal shares into each of the delinquent tax and assessment 1245
collection funds created pursuant to section 321.261 of the 1246
Revised Code. If a county land reutilization corporation is 1247
operating in the county, the board of county commissioners, by 1248
resolution, may provide that an additional amount, not to exceed 1249

five per cent of such taxes and assessments, shall be credited 1250
to the county land reutilization corporation fund created by 1251
section 321.263 of the Revised Code to pay for the corporation's 1252
expenses. If such a resolution is in effect, the percentage of 1253
such taxes and assessments so provided shall be credited to that 1254
fund. 1255

(3) Following the payment required by division (D) (2) of 1256
this section, the amount found due for taxes, assessments, 1257
charges, penalties, and interest shall be paid, including all 1258
taxes, assessments, charges, penalties, and interest payable 1259
subsequent to the delivery to the county prosecuting attorney of 1260
the delinquent land tax certificate or master list of delinquent 1261
tracts and prior to the transfer of the deed of the parcel to 1262
the purchaser following confirmation of sale. If the proceeds 1263
available for distribution pursuant to division (D) (3) of this 1264
section are sufficient to pay the entire amount of those taxes, 1265
assessments, charges, penalties, and interest, the portion of 1266
the proceeds representing taxes, interest, and penalties shall 1267
be paid to each claimant in proportion to the amount of taxes 1268
levied by the claimant in the preceding tax year, and the amount 1269
representing assessments and other charges shall be paid to each 1270
claimant in the order in which they became due. If the proceeds 1271
are not sufficient to pay that entire amount, the proportion of 1272
the proceeds representing taxes, penalties, and interest shall 1273
be paid to each claimant in the same proportion that the amount 1274
of taxes levied by the claimant against the parcel in the 1275
preceding tax year bears to the taxes levied by all such 1276
claimants against the parcel in the preceding tax year, and the 1277
proportion of the proceeds representing items of assessments and 1278
other charges shall be credited to those items in the order in 1279
which they became due. 1280

(E) If the proceeds from the sale of a parcel are 1281
insufficient to pay in full the amount of the taxes, 1282
assessments, charges, penalties, and interest which are due and 1283
unpaid; the costs incurred in the foreclosure proceeding 1284
instituted against it which are due and unpaid; and, if division 1285
(B) (1) of section 5721.17 of the Revised Code is applicable, any 1286
notes issued by a receiver pursuant to division ~~(F)~~ (G) of 1287
section 3767.41 of the Revised Code and any receiver's lien as 1288
defined in division (C) (4) of section 5721.18 of the Revised 1289
Code, the court, pursuant to section 5721.192 of the Revised 1290
Code, may enter a deficiency judgment against the owner of 1291
record of the parcel for the unpaid amount. If that owner of 1292
record is a corporation, the court may enter the deficiency 1293
judgment against the stockholder holding a majority of that 1294
corporation's stock. 1295

If after distribution of proceeds from the sale of the 1296
parcel under division (D) of this section the amount of proceeds 1297
to be applied to pay the taxes, assessments, charges, penalties, 1298
interest, and costs is insufficient to pay them in full, and the 1299
court does not enter a deficiency judgment against the owner of 1300
record pursuant to this division, the taxes, assessments, 1301
charges, penalties, interest, and costs shall be deemed 1302
satisfied. 1303

(F) (1) Upon confirmation of a sale, a spouse of the party 1304
charged with the delinquent taxes or assessments shall thereby 1305
be barred of the right of dower in the property sold, though 1306
such spouse was not a party to the action. No statute of 1307
limitations shall apply to such action. When the land or lots 1308
stand charged on the tax duplicate as certified delinquent, it 1309
is not necessary to make the state a party to the foreclosure 1310
proceeding, but the state shall be deemed a party to such action 1311

through and be represented by the county treasurer. 1312

(2) Except as otherwise provided in divisions (F) (3) and 1313
(G) of this section, unless such land or lots were previously 1314
redeemed pursuant to section 5721.25 of the Revised Code, upon 1315
the filing of the entry of confirmation of any sale or the 1316
expiration of the alternative redemption period as defined in 1317
section 323.65 of the Revised Code, if applicable, the title to 1318
such land or lots shall be incontestable in the purchaser and 1319
shall be free and clear of all liens and encumbrances, except a 1320
federal tax lien notice of which is properly filed in accordance 1321
with section 317.09 of the Revised Code prior to the date that a 1322
foreclosure proceeding is instituted pursuant to division (B) of 1323
section 5721.18 of the Revised Code and the easements and 1324
covenants of record running with the land or lots that were 1325
created prior to the time the taxes or assessments, for the 1326
nonpayment of which the land or lots are sold at foreclosure, 1327
became due and payable. 1328

(3) When proceedings for foreclosure are instituted under 1329
division (C) of section 5721.18 of the Revised Code, unless the 1330
land or lots were previously redeemed pursuant to section 1331
5721.25 of the Revised Code or before the expiration of the 1332
alternative redemption period, upon the filing of the entry of 1333
confirmation of sale or after the expiration of the alternative 1334
redemption period, as may apply to the case, the title to such 1335
land or lots shall be incontestable in the purchaser and shall 1336
be free of any receiver's lien as defined in division (C) (4) of 1337
section 5721.18 of the Revised Code and, except as otherwise 1338
provided in division (G) of this section, the liens for land 1339
taxes, assessments, charges, interest, and penalties for which 1340
the lien was foreclosed and in satisfaction of which the 1341
property was sold. All other liens and encumbrances with respect 1342

to the land or lots shall survive the sale. 1343

(4) The title shall not be invalid because of any 1344
irregularity, informality, or omission of any proceedings under 1345
this chapter, or in any processes of taxation, if such 1346
irregularity, informality, or omission does not abrogate the 1347
provision for notice to holders of title, lien, or mortgage to, 1348
or other interests in, such foreclosed lands or lots, as 1349
prescribed in this chapter. 1350

(G) If a parcel is sold under this section for the amount 1351
described in division (A)(2) of this section, and the county 1352
treasurer's estimate exceeds the amount of taxes, assessments, 1353
interest, penalties, and costs actually payable when the deed is 1354
transferred to the purchaser, the officer who conducted the sale 1355
shall refund to the purchaser the difference between the 1356
estimate and the amount actually payable. If the amount of 1357
taxes, assessments, interest, penalties, and costs actually 1358
payable when the deed is transferred to the purchaser exceeds 1359
the county treasurer's estimate, the officer shall certify the 1360
amount of the excess to the treasurer, who shall enter that 1361
amount on the real and public utility property tax duplicate 1362
opposite the property; the amount of the excess shall be payable 1363
at the next succeeding date prescribed for payment of taxes in 1364
section 323.12 of the Revised Code. 1365

(H) If a parcel is sold or transferred under this section 1366
or sections 323.28 and 323.65 to 323.79 of the Revised Code, the 1367
officer who conducted the sale or made the transfer of the 1368
property shall collect the recording fee and any associated 1369
costs to cover the recording from the purchaser or transferee at 1370
the time of the sale or transfer and, following confirmation of 1371
the sale or transfer, shall execute and record the deed 1372

conveying title to the parcel to the purchaser or transferee. 1373
For purposes of recording such deed, by placement of a bid or 1374
making a statement of interest by any party ultimately awarded 1375
the parcel, that purchaser or transferee thereby appoints the 1376
officer who makes the sale or is charged with executing and 1377
delivering the deed as agent for the purchaser or transferee for 1378
the sole purpose of accepting delivery of the deed. For such 1379
purposes, the confirmation of any such sale or order to transfer 1380
the parcel without appraisal or sale shall be deemed delivered 1381
upon the confirmation of such sale or transfer. 1382

(I) Notwithstanding section 5722.03 of the Revised Code, 1383
if the complaint alleges that the property is delinquent vacant 1384
land as defined in section 5721.01 of the Revised Code, 1385
abandoned lands as defined in section 323.65 of the Revised 1386
Code, or lands described in division (F) of section 5722.01 of 1387
the Revised Code, and the value of the taxes, assessments, 1388
penalties, interest, and all other charges and costs of the 1389
action exceed the auditor's fair market value of the parcel, 1390
then the court or board of revision having jurisdiction over the 1391
matter on motion of the plaintiff, or on the court's or board's 1392
own motion, shall, upon any adjudication of foreclosure, order, 1393
without appraisal and without sale, the fee simple title of the 1394
property to be transferred to and vested in an electing 1395
subdivision as defined in division (A) of section 5722.01 of the 1396
Revised Code. For purposes of determining whether the taxes, 1397
assessments, penalties, interest, and all other charges and 1398
costs of the action exceed the actual fair market value of the 1399
parcel, the auditor's most current valuation shall be rebuttably 1400
presumed to be, and constitute prima-facie evidence of, the fair 1401
market value of the parcel. In such case, the filing for 1402
journalization of a decree of foreclosure ordering that direct 1403

transfer without appraisal or sale shall constitute confirmation 1404
of the transfer and thereby terminate any further statutory or 1405
common law right of redemption. 1406

Sec. 5721.192. (A) If the proceeds from a sale of a parcel 1407
under section 5721.19 or 5723.06 of the Revised Code are 1408
insufficient to pay in full the amount of the taxes, 1409
assessments, charges, penalties, and interest which are due and 1410
unpaid; the costs incurred in the foreclosure proceeding, the 1411
foreclosure and forfeiture proceeding, or both foreclosure and 1412
forfeiture proceedings which are due and unpaid; and, if 1413
division (B) (1) or (2) of section 5721.17 of the Revised Code is 1414
applicable, any notes issued by a receiver pursuant to division 1415
~~(F)~~ (G) of section 3767.41 of the Revised Code and any 1416
receiver's lien as defined in division (C) (4) of section 5721.18 1417
of the Revised Code, the court may enter a deficiency judgment 1418
for the unpaid amount as authorized by sections 5721.17, 1419
5721.19, 5723.05, and 5723.18 of the Revised Code, in accordance 1420
with this section. 1421

(B) Before entering the deficiency judgment, the court 1422
shall notify the board of revision of the county in which the 1423
parcel is located, of its intention to enter the judgment, and 1424
request the board to make a recommendation with respect to 1425
whether the judgment should be entered and to specify the 1426
reasons why it should or should not be entered. The notification 1427
shall list, and shall require the board to consider in making 1428
its recommendation, the factors that the court is required to 1429
consider under divisions (C) (1) to (3) of this section, but, in 1430
making its recommendation, the board also may consider other 1431
relevant factors. Additionally, if a corporate owner of record 1432
of foreclosed lands or a corporate last owner of record of 1433
forfeited lands is involved, the court shall specify in its 1434

notification whether the judgment is proposed to be made against 1435
the corporation or the majority stockholder of the corporation. 1436
To assist the board in making its recommendation, the board may 1437
invite the person against whom the judgment would be entered to 1438
appear before it. The board shall make a recommendation to the 1439
court within thirty days from the date that the court notified 1440
it under this division. 1441

(C) In determining whether to enter the deficiency 1442
judgment, the court shall consider all relevant factors, 1443
including, but not limited to, the following: 1444

(1) Whether the owner of record or, in the case of 1445
forfeited lands, the last owner of record, appears to have owned 1446
the parcel only for speculative purposes, and had the means to 1447
pay, but purposely did not pay, the taxes, assessments, charges, 1448
penalties, and interest due; 1449

(2) Whether the owner of record or, in the case of 1450
forfeited lands, the last owner of record purposely failed to 1451
pay the delinquent taxes, assessments, charges, penalties, and 1452
interest, ~~although he~~ despite having had the means to do so; 1453

(3) Whether there are other circumstances that would make 1454
it inequitable to enter the deficiency judgment. 1455

(D) At least thirty days from the date of any notification 1456
to the board of revision under division (B) of this section, and 1457
if the court proposes to enter a deficiency judgment, the clerk 1458
of the court shall notify the person against whom the judgment 1459
is proposed to be entered, by ordinary mail, of the proposed 1460
entry of the judgment and its amount. The notification shall 1461
state that the person against whom the judgment is proposed to 1462
be entered may file, within ten days from the date the notice is 1463

mailed, a motion with the court protesting the proposed entry of 1464
the judgment and requesting an opportunity to appear and show 1465
cause why the judgment should not be entered. The notification 1466
also shall state that, if such a motion is not filed within the 1467
ten-day period, the judgment shall be entered and shall be 1468
considered to be a final judgment. If the proposed judgment 1469
would be entered against the majority stockholder of a 1470
corporation, the notification shall be sent to ~~him~~ the majority 1471
stockholder at the address of the principal office of the 1472
corporation. 1473

(E) Proceeds paid pursuant to the entry and satisfaction 1474
of a deficiency judgment shall be distributed as if they had 1475
been received as a part of the proceeds from the sale of the 1476
parcel under section 5721.19 or 5723.06 of the Revised Code to 1477
satisfy the amount of the taxes, assessments, charges, 1478
penalties, and interest which are due and unpaid; the costs 1479
incurred in the associated proceeding or proceedings which were 1480
due and unpaid; and, if division (B)(1) or (2) of section 1481
5721.17 of the Revised Code is applicable, any notes issued by a 1482
receiver pursuant to division ~~(F)~~ (G) of section 3767.41 of the 1483
Revised Code and any receiver's lien as defined in division (C) 1484
(4) of section 5721.18 of the Revised Code. 1485

Sec. 5723.05. If the taxes, assessments, charges, 1486
penalties, interest, and costs due on the forfeited lands have 1487
not been paid when the county auditor fixes the date for the 1488
sale of forfeited lands, the auditor shall give notice of them 1489
once a week for two consecutive weeks prior to the date fixed by 1490
the auditor for the sale, as provided in section 5721.03 of the 1491
Revised Code. The notice shall state that if the taxes, 1492
assessments, charges, penalties, interest, and costs charged 1493
against the lands forfeited to the state for nonpayment of taxes 1494

are not paid into the county treasury, and the county 1495
treasurer's receipt produced for the payment before the time 1496
specified in the notice for the sale of the lands, which day 1497
shall be named in the notice, each forfeited tract on which the 1498
taxes, assessments, charges, penalties, interest, and costs 1499
remain unpaid will be offered for sale beginning on the date set 1500
by the auditor, at the courthouse in the county, in order to 1501
satisfy the unpaid taxes, assessments, charges, penalties, 1502
interest, and costs, and that the sale will continue from day to 1503
day until each of the tracts is sold or offered for sale. 1504

The notice also shall state that, if the forfeited land is 1505
sold for an amount that is less than the amount of the 1506
delinquent taxes, assessments, charges, penalties, and interest 1507
against it, and, if division (B) (2) of section 5721.17 of the 1508
Revised Code is applicable, any notes issued by a receiver 1509
pursuant to division ~~(F)~~ (G) of section 3767.41 of the Revised 1510
Code and any receiver's lien as defined in division (C) (4) of 1511
section 5721.18 of the Revised Code, the court, in a separate 1512
order, may enter a deficiency judgment against the last owner of 1513
record of the land before its forfeiture to the state, for the 1514
amount of the difference; and that, if that owner of record is a 1515
corporation, the court may enter the deficiency judgment against 1516
the stockholder holding a majority of that corporation's stock. 1517

Sec. 5723.18. (A) Except as otherwise provided in division 1518
(B) (2) of section 5721.17 and division (B) of section 319.43 of 1519
the Revised Code, the proceeds from a forfeiture sale shall be 1520
distributed as follows: 1521

(1) The county auditor shall deduct all costs pertaining 1522
to the forfeiture and sale of forfeited lands, including costs 1523
pertaining to a foreclosure and forfeiture proceeding instituted 1524

under section 5721.14 of the Revised Code, except those paid 1525
under section 5721.04 of the Revised Code, from the moneys 1526
received from the sale of land and town lots forfeited to the 1527
state for the nonpayment of taxes, and shall pay such costs into 1528
the proper fund. In the case of the forfeiture sale of a parcel 1529
against which a foreclosure and forfeiture proceeding was 1530
instituted under section 5721.14 of the Revised Code, if the 1531
proceeds from the forfeiture sale are insufficient to pay the 1532
costs pertaining to such proceeding, the county auditor, at the 1533
next semiannual apportionment of real property taxes, shall 1534
reduce the amount of real property taxes that the auditor 1535
otherwise would distribute to each subdivision to which taxes, 1536
assessments, charges, penalties, or interest charged against the 1537
parcel are due. The reduction in each subdivision's real 1538
property tax distribution shall equal the amount of the unpaid 1539
costs multiplied by a fraction, the numerator of which is the 1540
amount of taxes, assessments, charges, penalties, and interest 1541
due the subdivision, and the denominator of which is the total 1542
amount of taxes, assessments, charges, penalties, and interest 1543
due all such subdivisions. 1544

(2) Following the payment required by division (A) (1) of 1545
this section, the part of the proceeds that is equal to ten per 1546
cent of the taxes and assessments due shall be deposited in 1547
equal shares into each of the delinquent tax and assessment 1548
collection funds created pursuant to section 321.261 of the 1549
Revised Code. 1550

(3) Following the payment required by division (A) (2) of 1551
this section, the remaining proceeds shall be distributed by the 1552
auditor to the appropriate subdivisions to pay the taxes, 1553
assessments, charges, penalties, and interest which are due and 1554
unpaid. If the proceeds available for distribution under this 1555

division are insufficient to pay the entire amount of those 1556
taxes, assessments, charges, penalties, and interest, the 1557
auditor shall distribute the proceeds available for distribution 1558
under this division to the appropriate subdivisions in 1559
proportion to the amount of those taxes, assessments, charges, 1560
penalties, and interest that each is due. 1561

(B) If the proceeds from the sale of forfeited land are 1562
insufficient to pay in full the amount of the taxes, 1563
assessments, charges, penalties, and interest; the costs 1564
incurred in the proceedings instituted pursuant to this chapter 1565
and section 5721.18 of the Revised Code, or the foreclosure and 1566
forfeiture proceeding instituted pursuant to section 5721.14 of 1567
the Revised Code; and, if division (B) (2) of section 5721.17 of 1568
the Revised Code is applicable, any notes issued by a receiver 1569
pursuant to division ~~(F)~~ (G) of section 3767.41 of the Revised 1570
Code and any receiver's lien as defined in division (C) (4) of 1571
section 5721.18 of the Revised Code, the court may enter a 1572
deficiency judgment against the last owner of record of the land 1573
before its forfeiture to the state, for the unpaid amount. The 1574
court shall enter the judgment pursuant to section 5721.192 of 1575
the Revised Code. Except as otherwise provided in division (B) 1576
of section 319.43 of the Revised Code, the proceeds paid 1577
pursuant to the entry and satisfaction of such a judgment shall 1578
be distributed as if they had been received as a part of the 1579
proceeds from the sale of the land to satisfy the amount of the 1580
taxes, assessments, charges, penalties, and interest which are 1581
due and unpaid; the costs incurred in the associated proceedings 1582
which were due and unpaid; and, if division (B) (2) of section 1583
5721.17 of the Revised Code is applicable, any notes issued by a 1584
receiver pursuant to division ~~(F)~~ (G) of section 3767.41 of the 1585
Revised Code and any receiver's lien as defined in division (C) 1586

(4) of section 5721.18 of the Revised Code. 1587

Section 2. That existing sections 3767.41, 3767.50, 1588
3767.99, 5721.17, 5721.18, 5721.19, 5721.192, 5723.05, and 1589
5723.18 of the Revised Code are hereby repealed. 1590

Section 3. This act is hereby declared to be an emergency 1591
measure necessary for the immediate preservation of the public 1592
peace, health, and safety. The reason for such necessity is the 1593
dangerous conditions caused by nuisance and blighted properties. 1594
Therefore, this act shall go into immediate effect. 1595