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**Representatives Trakas, Calvert, Koziura, Carano, Aslanides, S. Patton,
Miller, D. Stewart, Reidelbach, J. Stewart, G. Smith, Otterman, Seitz, Beatty,
Blasdel, Buehrer, Callender, Cates, Collier, Domenick, C. Evans, D. Evans,
Flowers, Grendell, Hagan, Hartnett, Hoops, Jolivette, Niehaus, T. Patton,
Peterson, Redfern, Schaffer, Schmidt, Schneider, Setzer, Taylor, Woodard,
Young**

A B I L L

To amend sections 135.22, 135.341, 135.35, 319.302, 1
321.24, 321.46, 323.121, 323.31, 4503.06, 5713.20, 2
5719.051, 5721.10, 5721.30, 5721.31, 5721.32, 3
5721.33, 5721.34, 5721.37, 5721.38, 5721.39, 4
5721.40, and 5721.41 and to enact sections 321.47 5
and 5721.43 of the Revised Code to establish 6
procedures for suspending the investment and 7
portfolio management authority of a county 8
treasurer who fails to meet the initial or 9
continuing education requirements and transfer 10
this authority to a county's investment advisory 11
committee, to modify the investment authority of 12
county treasurers, specify when penalties may be 13
imposed on property subject to delinquent tax 14
contracts, modify the authority of a county 15
treasurer to compensate tax collectors of personal 16
property taxes, modify procedures for the sale and 17
redemption of tax certificates, prohibit certain 18
contacts between tax certificate holders and 19

property owners, and make other changes related to 20
the administration of laws relating to real 21
property, public utility property, and 22
manufactured home taxes. 23

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

Section 1. That sections 135.22, 135.341, 135.35, 319.302, 24
321.24, 321.46, 323.121, 323.31, 4503.06, 5713.20, 5719.051, 25
5721.10, 5721.30, 5721.31, 5721.32, 5721.33, 5721.34, 5721.37, 26
5721.38, 5721.39, 5721.40, and 5721.41 be amended and sections 27
321.47 and 5721.43 of the Revised Code be enacted to read as 28
follows: 29

Sec. 135.22. (A) For purposes of this section: 30

(1) "Treasurer" has the same meaning as in section 135.01 of 31
the Revised Code, but does not include a county treasurer or the 32
treasurer of state. "Treasurer" includes any person whose duties 33
include making investment decisions with respect to the investment 34
or deposit of interim moneys. 35

(2) "Subdivision" has the same meaning as in section 135.01 36
of the Revised Code. 37

(B) To enhance the background and working knowledge of 38
treasurers in investments, cash management, and ethics, the 39
treasurer of state shall provide annual continuing education 40
programs for treasurers. A treasurer annually shall complete the 41
continuing education programs described in this section, unless 42
the treasurer annually provides a notice of exemption described in 43
division (E) of this section. 44

(C) The treasurer of state shall determine the manner, 45
content, and length of the continuing education programs after 46

consultation with appropriate statewide organizations of local government officials. 47
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(D) Upon successful completion of a continuing education program required by this section, the treasurer of state shall issue a certificate indicating that the treasurer has successfully completed the continuing education program prescribed by the treasurer of state. The treasurer of state shall forward to the auditor of state any certificates issued pursuant to this division by the treasurer of state. The auditor of state shall maintain in the auditor's records any certificates forwarded by the treasurer of state pursuant to this division. As part of the auditor of state's audit of the subdivision conducted in accordance with section 117.11 of the Revised Code, the auditor of state shall report whether the treasurer is in compliance with this section of the Revised Code. 49
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(E) Division (B) of this section does not apply to any treasurer who annually provides a notice of exemption to the auditor of state. The notice shall be certified by the treasurer of state and shall provide that the treasurer is not subject to the continuing education requirements set forth in division (B) of this section, because the treasurer invests or deposits public moneys in the following investments only: 62
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(1) Interim deposits pursuant to division (B)(3) of section 135.14 of the Revised Code; 69
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(2) No-load money market mutual funds pursuant to division (B)(5) of section 135.14 of the Revised Code; 71
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(3) The Ohio subdivision's fund pursuant to division (B)(6) of section 135.14 of the Revised Code. 73
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(F) In carrying out the duties required by this section, the treasurer of state may charge the subdivision served by the treasurer a registration fee that will meet actual and necessary 75
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expenses in connection with the training of the treasurer, 78
including instruction fees, site acquisition costs, and the cost 79
of course materials. Any necessary personal expenses of a 80
treasurer incurred as a result of attending the continuing 81
education courses shall be borne by the subdivision represented by 82
the treasurer. 83

(G) The treasurer of state may allow any other interested 84
person to attend any of the continuing education programs that are 85
held pursuant to this section, provided that before attending any 86
such continuing education program, the interested person has paid 87
to the treasurer of state the full registration fee set for the 88
continuing education program. 89

(H) All funds collected pursuant to this section shall be 90
paid into the county treasurer education fund created pursuant to 91
section 321.46 of the Revised Code, and the actual and necessary 92
expenses of the treasurer of state in conducting the continuing 93
education programs required by this section shall be paid from 94
this fund. 95

(I) The treasurer of state may adopt reasonable rules not 96
inconsistent with this section for the implementation of this 97
section. 98

Sec. 135.341. (A) There shall be a county investment advisory 99
committee consisting of three members: two county commissioners to 100
be designated by the board of county commissioners, and the county 101
treasurer. 102

Notwithstanding the preceding sentence, the board of county 103
commissioners may declare that all three county commissioners 104
shall serve on the county investment advisory committee. If the 105
board so declares, the county investment advisory committee shall 106
consist of five members: the three county commissioners, the 107
county treasurer, and the clerk of the court of common pleas of 108

the county. 109

(B) The committee shall elect its own chairperson, and 110
committee members shall receive no additional compensation for the 111
performance of their duties as committee members. 112

(C) The committee shall establish written county investment 113
policies and shall meet at least once every three months, to 114
review or revise its policies and to advise the investing 115
authority on the county investments in order to ensure the best 116
and safest return of funds available to the county for deposit or 117
investment. Any member of the county investment advisory 118
committee, upon giving five days' notice, may call a meeting of 119
the committee. The committee's policies may establish a limit on 120
the period of time that moneys may be invested in any particular 121
type of investment. 122

(D) The committee is authorized to retain the services of an 123
investment advisor, provided that the advisor is licensed by the 124
division of securities under section 1707.141 of the Revised Code 125
or is registered with the securities and exchange commission, and 126
possesses public funds investment management experience, 127
specifically in the area of state and local government investment 128
portfolios, or the advisor is an eligible institution mentioned in 129
section 135.03 of the Revised Code. 130

(E) The committee shall act as the investing authority in 131
place of the treasurer for purposes of investing county funds and 132
managing the county portfolio when this authority is transferred 133
to it pursuant to divisions (E)(1) and (F)(2) of section 321.46 of 134
the Revised Code or when ordered to do so by a court pursuant to 135
section 321.47 of the Revised Code. For these purposes, the 136
committee shall retain the services of an investment advisor 137
described in division (D) of this section. 138

(F) Nothing in this section affects the authority of any of 139

the officers mentioned in section 325.27 of the Revised Code to 140
contract for the services of fiscal and management consultants 141
pursuant to section 325.17 of the Revised Code. 142

Sec. 135.35. (A) The investing authority shall deposit or 143
invest any part or all of the county's inactive moneys and shall 144
invest all of the money in the county library and local government 145
support fund when required by section 135.352 of the Revised Code. 146
The following classifications of securities and obligations are 147
eligible for such deposit or investment: 148

(1) United States treasury bills, notes, bonds, or any other 149
obligation or security issued by the United States treasury ~~or~~ 150
any other obligation guaranteed as to principal or interest by the 151
United States, or any book entry, zero-coupon United States 152
treasury security that is a direct obligation of the United 153
States. 154

Nothing in the classification of eligible securities and 155
obligations set forth in ~~division (A)(1) of this section or in the~~ 156
~~classifications of eligible securities and obligations set forth~~ 157
~~in~~ divisions (A)(2) to ~~(8)~~(11) of this section shall be construed 158
to authorize any investment in stripped principal or interest 159
obligations of such eligible securities and obligations. 160

(2) Bonds, notes, debentures, or any other obligations or 161
securities issued by any federal government agency or 162
instrumentality, including but not limited to, the federal 163
national mortgage association, federal home loan bank, federal 164
farm credit bank, federal home loan mortgage corporation, 165
government national mortgage association, and student loan 166
marketing association. All federal agency securities shall be 167
direct issuances of federal government agencies or 168
instrumentalities. 169

(3) Time certificates of deposit or savings or deposit 170

accounts, including, but not limited to, passbook accounts, in any 171
eligible institution mentioned in section 135.32 of the Revised 172
Code; 173

(4) Bonds and other obligations of this state or the 174
political subdivisions of this state, provided that such political 175
subdivisions are located wholly or partly within the same county 176
as the investing authority; 177

(5) No-load money market mutual funds consisting exclusively 178
of obligations described in division (A)(1) or (2) of this section 179
and repurchase agreements secured by such obligations, provided 180
that investments in securities described in this division are made 181
only through eligible institutions mentioned in section 135.32 of 182
the Revised Code; 183

(6) The Ohio subdivision's fund as provided in section 135.45 184
of the Revised Code; 185

(7) Securities lending agreements with any eligible 186
institution mentioned in section 135.32 of the Revised Code that 187
is a member of the federal reserve system or federal home loan 188
bank, under the terms of which agreements the investing authority 189
lends securities and the eligible institution agrees to 190
simultaneously exchange either securities described in division 191
(A)(1) or (2) of this section or cash or both securities and cash, 192
equal value for equal value; 193

(8) Up to twenty-five per cent of the county's total average 194
portfolio in either of the following investments: 195

(a) Commercial paper notes issued by an entity that is 196
defined in division (D) of section 1705.01 of the Revised Code and 197
that has assets exceeding five hundred million dollars, to which 198
notes all of the following apply: 199

(i) The notes are rated at the time of purchase in the 200
highest classification established by at least two nationally 201

recognized standard rating services.	202
(ii) The aggregate value of the notes does not exceed ten per cent of the aggregate value of the outstanding commercial paper of the issuing corporation.	203 204 205
(iii) The notes mature not later than one <u>two</u> hundred eighty <u>seventy</u> days after purchase.	206 207
(b) Bankers acceptances of banks that are insured by the federal deposit insurance corporation and to which both of the following apply:	208 209 210
(i) The obligations are eligible for purchase by the federal reserve system.	211 212
(ii) The obligations mature not later than one hundred eighty days after purchase.	213 214
No investment shall be made pursuant to division (A)(8) of this section unless the investing authority has completed additional training for making the investments authorized by division (A)(8) of this section. The type and amount of additional training shall be approved by the auditor of state and may be conducted by or provided under the supervision of the auditor of state.	215 216 217 218 219 220 221
<u>(9) Up to fifteen per cent of the county's total average portfolio in notes issued by corporations that are incorporated under the laws of the United States and that are operating within the United States, or by depository institutions that are doing business under authority granted by the United States or any state and that are operating within the United States, provided both of the following apply:</u>	222 223 224 225 226 227 228
<u>(a) The notes are rated in the second highest or higher category by at least two nationally recognized standard rating services at the time of purchase.</u>	229 230 231

<u>(b) The notes mature not later than two years after purchase.</u>	232
<u>(10) No-load money market mutual funds rated in the highest category at the time of purchase by at least one nationally recognized standard rating service and consisting exclusively of obligations described in division (A)(1), (2), or (6) of section 135.143 of the Revised Code;</u>	233 234 235 236 237
<u>(11) Debt interests rated at the time of purchase in the three highest categories by two nationally recognized standard rating services and issued by foreign nations diplomatically recognized by the United States government. All interest and principal shall be denominated and payable in United States funds. The investments made under division (A)(11) of this section shall not exceed in the aggregate one per cent of a county's total average portfolio.</u>	238 239 240 241 242 243 244 245
<u>The investing authority shall invest under division (A)(11) of this section in a debt interest issued by a foreign nation only if the debt interest is backed by the full faith and credit of that foreign nation, there is no prior history of default, and the debt interest matures not later than five years after purchase. For purposes of division (A)(11) of this section, a debt interest is rated in the three highest categories by two nationally recognized standard rating services if either the debt interest itself or the issuer of the debt interest is rated, or is implicitly rated, at the time of purchase in the three highest categories by two nationally recognized standard rating services.</u>	246 247 248 249 250 251 252 253 254 255 256
<u>(B) Nothing in the classifications of eligible obligations and securities set forth in divisions (A)(1) to (8)(11) of this section shall be construed to authorize investment in a derivative, and no investing authority shall invest any county inactive moneys or any moneys in a county library and local government support fund in a derivative. For purposes of this</u>	257 258 259 260 261 262

division, "derivative" means a financial instrument or contract or 263
obligation whose value or return is based upon or linked to 264
another asset or index, or both, separate from the financial 265
instrument, contract, or obligation itself. Any security, 266
obligation, trust account, or other instrument that is created 267
from an issue of the United States treasury or is created from an 268
obligation of a federal agency or instrumentality or is created 269
from both is considered a derivative instrument. An eligible 270
investment described in this section with a variable interest rate 271
payment, based upon a single interest payment or single index 272
comprised of other eligible investments provided for in division 273
(A)(1) or (2) of this section, is not a derivative, provided that 274
such variable rate investment has a maximum maturity of two years. 275
A treasury inflation-protected security shall not be considered a 276
derivative, provided the security matures not later than five 277
years after purchase. 278

(C) Except as provided in division (D) of this section, any 279
investment made pursuant to this section must mature within five 280
years from the date of settlement, unless the investment is 281
matched to a specific obligation or debt of the county or to a 282
specific obligation or debt of a political subdivision of this 283
state located wholly or partly within the county, and the 284
investment is specifically approved by the investment advisory 285
committee. 286

(D) The investing authority may also enter into a written 287
repurchase agreement with any eligible institution mentioned in 288
section 135.32 of the Revised Code or any eligible securities 289
dealer pursuant to division (J) of this section, under the terms 290
of which agreement the investing authority purchases and the 291
eligible institution or dealer agrees unconditionally to 292
repurchase any of the securities listed in divisions (B)(1) to 293
(5), except letters of credit described in division (B)(2), of 294

section 135.18 of the Revised Code. The market value of securities 295
subject to an overnight written repurchase agreement must exceed 296
the principal value of the overnight written repurchase agreement 297
by at least two per cent. A written repurchase agreement must 298
exceed the principal value of the overnight written repurchase 299
agreement, by at least two per cent. A written repurchase 300
agreement shall not exceed thirty days, and the market value of 301
securities subject to a written repurchase agreement must exceed 302
the principal value of the written repurchase agreement by at 303
least two per cent and be marked to market daily. All securities 304
purchased pursuant to this division shall be delivered into the 305
custody of the investing authority or the qualified custodian of 306
the investing authority or an agent designated by the investing 307
authority. A written repurchase agreement with an eligible 308
securities dealer shall be transacted on a delivery versus payment 309
basis. The agreement shall contain the requirement that for each 310
transaction pursuant to the agreement the participating 311
institution shall provide all of the following information: 312

(1) The par value of the securities; 313

(2) The type, rate, and maturity date of the securities; 314

(3) A numerical identifier generally accepted in the 315
securities industry that designates the securities. 316

No investing authority shall enter into a written repurchase 317
agreement under the terms of which the investing authority agrees 318
to sell securities owned by the county to a purchaser and agrees 319
with that purchaser to unconditionally repurchase those 320
securities. 321

(E) No investing authority shall make an investment under 322
this section, unless the investing authority, at the time of 323
making the investment, reasonably expects that the investment can 324
be held until its maturity. The investing authority's written 325

investment policy shall specify the conditions under which an 326
investment may be redeemed or sold prior to maturity. 327

(F) No investing authority shall pay a county's inactive 328
moneys or moneys of a county library and local government support 329
fund into a fund established by another subdivision, treasurer, 330
governing board, or investing authority, if that fund was 331
established by the subdivision, treasurer, governing board, or 332
investing authority for the purpose of investing or depositing the 333
public moneys of other subdivisions. This division does not apply 334
to the payment of public moneys into either of the following: 335

(1) The Ohio subdivision's fund pursuant to division (A)(6) 336
of this section; 337

(2) A fund created solely for the purpose of acquiring, 338
constructing, owning, leasing, or operating municipal utilities 339
pursuant to the authority provided under section 715.02 of the 340
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 341

For purposes of division (F) of this section, "subdivision" 342
includes a county. 343

(G) The use of leverage, in which the county uses its current 344
investment assets as collateral for the purpose of purchasing 345
other assets, is prohibited. The issuance of taxable notes for the 346
purpose of arbitrage is prohibited. Contracting to sell securities 347
not owned by the county, for the purpose of purchasing such 348
securities on the speculation that bond prices will decline, is 349
prohibited. 350

(H) Any securities, certificates of deposit, deposit 351
accounts, or any other documents evidencing deposits or 352
investments made under authority of this section shall be issued 353
in the name of the county with the county treasurer or investing 354
authority as the designated payee. If any such deposits or 355
investments are registrable either as to principal or interest, or 356

both, they shall be registered in the name of the treasurer. 357

(I) The investing authority shall be responsible for the 358
safekeeping of all documents evidencing a deposit or investment 359
acquired under this section, including, but not limited to, 360
safekeeping receipts evidencing securities deposited with a 361
qualified trustee, as provided in section 135.37 of the Revised 362
Code, and documents confirming the purchase of securities under 363
any repurchase agreement under this section shall be deposited 364
with a qualified trustee, provided, however, that the qualified 365
trustee shall be required to report to the investing authority, 366
auditor of state, or an authorized outside auditor at any time 367
upon request as to the identity, market value, and location of the 368
document evidencing each security, and that if the participating 369
institution is a designated depository of the county for the 370
current period of designation, the securities that are the subject 371
of the repurchase agreement may be delivered to the treasurer or 372
held in trust by the participating institution on behalf of the 373
investing authority. 374

Upon the expiration of the term of office of an investing 375
authority or in the event of a vacancy in the office for any 376
reason, the officer or the officer's legal representative shall 377
transfer and deliver to the officer's successor all documents 378
mentioned in this division for which the officer has been 379
responsible for safekeeping. For all such documents transferred 380
and delivered, ~~such~~ the officer shall be credited with, and the 381
officer's successor shall be charged with, the amount of moneys ~~se~~ 382
evidenced by such documents. 383

(J)(1) All investments, except for investments in securities 384
described in divisions (A)(5) and (6) of this section, shall be 385
made only through a member of the national association of 386
securities dealers, through a bank, savings bank, or savings and 387
loan association regulated by the superintendent of financial 388

institutions, or through an institution regulated by the 389
comptroller of the currency, federal deposit insurance 390
corporation, or board of governors of the federal reserve system. 391

(2) Payment for investments shall be made only upon the 392
delivery of securities representing such investments to the 393
treasurer, investing authority, or qualified trustee. If the 394
securities transferred are not represented by a certificate, 395
payment shall be made only upon receipt of confirmation of 396
transfer from the custodian by the treasurer, governing board, or 397
qualified trustee. 398

(K)(1) Except as otherwise provided in division (K)(2) of 399
this section, no investing authority shall make an investment or 400
deposit under this section, unless there is on file with the 401
auditor of state a written investment policy approved by the 402
investing authority. The policy shall require that all entities 403
conducting investment business with the ~~investment~~ investing 404
authority shall sign the investment policy of that ~~investment~~ 405
investing authority. All brokers, dealers, and financial 406
institutions, described in division (J)(1) of this section, 407
initiating transactions with the ~~investment~~ investing authority by 408
giving advice or making investment recommendations shall sign the 409
~~investment~~ investing authority's investment policy thereby 410
acknowledging their agreement to abide by the policy's contents. 411
All brokers, dealers, and financial institutions, described in 412
division (J)(1) of this section, executing transactions initiated 413
by the ~~investment~~ investing authority, having read the policy's 414
contents, shall sign the investment policy thereby acknowledging 415
their comprehension and receipt. 416

(2) If a written investment policy described in division 417
(K)(1) of this section is not filed on behalf of the county with 418
the auditor of state, the investing authority of that county shall 419
invest the county's inactive moneys and moneys of the county 420

library and local government support fund only in time 421
certificates of deposits or savings or deposit accounts pursuant 422
to division (A)(3) of this section, no-load money market mutual 423
funds pursuant to division (A)(5) of this section, or the Ohio 424
subdivision's fund pursuant to division (A)(6) of this section. 425

(L)(1) The investing authority shall establish and maintain 426
an inventory of all obligations and securities acquired by the 427
investing authority pursuant to this section. The inventory shall 428
include a description of each obligation or security, including 429
type, cost, par value, maturity date, settlement date, and any 430
coupon rate. 431

(2) The investing authority shall also keep a complete record 432
of all purchases and sales of the obligations and securities made 433
pursuant to this section. 434

(3) The investing authority shall maintain a monthly 435
portfolio report and issue a copy of the monthly portfolio report 436
describing such investments to the county investment advisory 437
committee, detailing the current inventory of all obligations and 438
securities, all transactions during the month that affected the 439
inventory, any income received from the obligations and 440
securities, and any investment expenses paid, and stating the 441
names of any persons effecting transactions on behalf of the 442
investing authority. 443

(4) The monthly portfolio report shall be a public record and 444
available for inspection under section 149.43 of the Revised Code. 445

(5) The inventory and the monthly portfolio report shall be 446
filed with the board of county commissioners. 447

(M) An investing authority may enter into a written 448
investment or deposit agreement that includes a provision under 449
which the parties agree to submit to nonbinding arbitration to 450
settle any controversy that may arise out of the agreement, 451

including any controversy pertaining to losses of public moneys 452
resulting from investment or deposit. The arbitration provision 453
shall be set forth entirely in the agreement, and the agreement 454
shall include a conspicuous notice to the parties that any party 455
to the arbitration may apply to the court of common pleas of the 456
county in which the arbitration was held for an order to vacate, 457
modify, or correct the award. Any such party may also apply to the 458
court for an order to change venue to a court of common pleas 459
located more than one hundred miles from the county in which the 460
investing authority is located. 461

For purposes of this division, "investment or deposit 462
agreement" means any agreement between an investing authority and 463
a person, under which agreement the person agrees to invest, 464
deposit, or otherwise manage, on behalf of the investing 465
authority, a county's inactive moneys or moneys in a county 466
library and local government support fund, or agrees to provide 467
investment advice to the investing authority. 468

(N) An investment held in the county portfolio on September 469
27, 1996, that was a legal investment under the law as it existed 470
before September 27, 1996, may be held until maturity, or if the 471
investment does not have a maturity date the investment may be 472
held until five years from September 27, 1996, regardless of 473
whether the investment would qualify as a legal investment under 474
the terms of this section as amended. 475

Sec. 319.302. After complying with section 319.301 of the 476
Revised Code, the county auditor shall reduce the remaining sums 477
to be levied against each parcel of real property listed on the 478
general tax list and duplicate of real and public utility property 479
for the current tax year, and against each manufactured and mobile 480
home that is taxed pursuant to division (D)(2) of section 4503.06 481
of the Revised Code and that is on the manufactured home tax list 482

for the current tax year, by ten per cent. Except as otherwise 483
provided in sections 323.152, 323.158, 505.06, and 715.263 of the 484
Revised Code, the amount of the taxes remaining after such 485
reduction shall be the real and public utility property taxes 486
charged and payable, and the manufactured home tax charged and 487
payable, on each property and shall be the amounts certified to 488
the county treasurer for collection. Upon receipt of the tax 489
duplicate, the treasurer shall certify to the tax commissioner the 490
total amount by which ~~such~~ taxes were reduced under this section, 491
as shown on the duplicate. Such reduction shall not directly or 492
indirectly affect the determination of the principal amount of 493
notes that may be issued in anticipation of any tax levies or the 494
amount of bonds or notes for any planned improvements. If after 495
application of sections 5705.31 and 5705.32 of the Revised Code 496
and other applicable provisions of law, including ~~division~~ 497
divisions (F) and (I) of section 321.24 of the Revised Code, there 498
would be insufficient funds for payment of debt charges on bonds 499
or notes payable from taxes reduced by this section, the reduction 500
of taxes provided for in this section shall be adjusted to the 501
extent necessary to provide funds from such taxes. 502

Sec. 321.24. (A) On or before the fifteenth day of February, 503
in each year, the county treasurer shall settle with the county 504
auditor for all taxes and assessments that the treasurer has 505
collected on the general duplicate of real and public utility 506
property at the time of making the settlement. 507

(B) On or before the thirtieth day of June, in each year, the 508
treasurer shall settle with the auditor for all advance payments 509
of general personal and classified property taxes that the 510
treasurer has received at the time of making the settlement. 511

(C) On or before the tenth day of August, in each year, the 512
treasurer shall settle with the auditor for all taxes and 513

assessments that the treasurer has collected on the general 514
duplicates of real and public utility property at the time of 515
making such settlement, not included in the preceding February 516
settlement. 517

(D) On or before the thirty-first day of October, in each 518
year, the treasurer shall settle with the auditor for all taxes 519
that the treasurer has collected on the general personal and 520
classified property duplicates, and for all advance payments of 521
general personal and classified property taxes, not included in 522
the preceding June settlement, that the treasurer has received at 523
the time of making such settlement. 524

(E) In the event the time for the payment of taxes is 525
extended, pursuant to section 323.17 of the Revised Code, the date 526
on or before which settlement for the taxes so extended must be 527
made, as herein prescribed, shall be deemed to be extended for a 528
like period of time. At each such settlement, the auditor shall 529
allow to the treasurer, on the moneys received or collected and 530
accounted for by the treasurer, the treasurer's fees, at the rate 531
or percentage allowed by law, at a full settlement of the 532
treasurer. 533

(F) Within thirty days after the day of each settlement of 534
taxes required under divisions (A) and (C) of this section, the 535
treasurer shall certify to the tax commissioner any adjustments 536
which have been made to the amount certified previously pursuant 537
to section 319.302 of the Revised Code and that the settlement has 538
been completed. Upon receipt of such certification, the 539
commissioner shall provide for payment to the county treasurer 540
from the general revenue fund of an amount equal to one-half of 541
the amount certified by the treasurer in the preceding tax year 542
under section 319.302 of the Revised Code. Such payment shall be 543
credited upon receipt to the county's undivided income tax fund, 544
and the county auditor shall transfer to the county general fund 545

from the amount thereof the total amount of all fees and charges 546
which the auditor and treasurer would have been authorized to 547
receive had such section not been in effect and that amount had 548
been levied and collected as taxes. The county auditor shall 549
distribute the amount remaining among the various taxing districts 550
in the county as if it had been levied, collected, and settled as 551
real property taxes. 552

(G) Within thirty days after the day of the settlement 553
required in division (D) of this section, the treasurer shall 554
certify to the commissioner that the settlement has been 555
completed. Upon receipt of that certification, the commissioner 556
shall provide for payment to the county treasurer from the general 557
revenue fund of the amount certified under section 319.311 of the 558
Revised Code in the current year. The payment shall be credited 559
upon receipt to the county's undivided income tax fund, and the 560
county auditor shall distribute the amount thereof among the 561
various taxing districts of the county as if it had been levied, 562
collected, and settled as personal property taxes. The amount 563
received by a taxing district under this division shall be 564
apportioned among its funds in the same proportion as the current 565
year's personal property taxes are apportioned. 566

(H)(1) On or before the fifteenth day of April each year, the 567
county treasurer shall settle with the county auditor for all 568
manufactured home taxes that the county treasurer has collected on 569
the manufactured home tax duplicate at the time of making the 570
settlement. 571

(2) On or before the fifteenth day of September each year, 572
the county treasurer shall settle with the county auditor for all 573
remaining manufactured home taxes that the county treasurer has 574
collected on the manufactured home tax duplicate at the time of 575
making the settlement. 576

(3) If the time for payment of such taxes is extended under 577

section 4503.06 of the Revised Code, the time for making the 578
settlement as prescribed by divisions (H)(1) and (2) of this 579
section is extended for a like period of time. 580

(I) Within thirty days after the day of each settlement of 581
taxes required under division (H) of this section, the county 582
treasurer shall certify to the tax commissioner any adjustments 583
that have been made to the amount certified previously pursuant to 584
section 319.302 of the Revised Code and that the settlement has 585
been completed. Upon receipt of such certification, the 586
commissioner shall provide for payment to the county treasurer 587
from the general revenue fund of an amount equal to one-half of 588
the amount certified by the treasurer in the current tax year 589
under section 319.302 of the Revised Code. Such payment shall be 590
credited upon receipt to the county's undivided income tax fund, 591
and the county auditor shall transfer to the county general fund 592
from the amount thereof the total amount of all fees and charges 593
that the auditor and treasurer would have been authorized to 594
receive had such section not been in effect and that amount had 595
been levied and collected as taxes. The county auditor shall 596
distribute the amount remaining among the various taxing districts 597
in the county as if it had been levied, collected, and settled as 598
manufactured home taxes. 599

Sec. 321.46. (A) To enhance the background and working 600
knowledge of county treasurers in governmental accounting, 601
portfolio reporting and compliance, investments, and cash 602
management, the auditor of state and the treasurer of state shall 603
conduct education programs for persons elected for the first time 604
to the office of county treasurer and shall hold ~~annual~~ biennial 605
continuing education programs for persons who continue to hold the 606
office of county treasurer. Education programs for newly elected 607
county treasurers shall be held between the first day of December 608
and the first Monday of September next following that person's 609

election to the office of county treasurer. Similar initial 610
training may also be provided to any county treasurer who is 611
appointed to fill a vacancy or who is elected at a special 612
election. 613

(B)(1) The auditor of state shall determine the manner and 614
content of the education programs in the subject areas of 615
governmental accounting and portfolio reporting and compliance. In 616
those areas, newly elected county treasurers shall ~~be required to~~ 617
take at least thirteen hours of education before taking office. 618

(2) The treasurer of state shall determine the manner and 619
content of the education programs in the subject areas of 620
investments and cash management. In those areas, newly elected 621
county treasurers shall ~~be required to~~ take at least thirteen 622
hours of education before taking office. 623

(3)(a) After completing one year in office, a county 624
treasurer shall ~~be required to~~ take not less than ~~twelve~~ 625
twenty-four hours ~~annually~~ of continuing education during each 626
biennial cycle. For purposes of division (B)(3)(a) of this 627
section, a biennial cycle for continuing education shall be every 628
two calendar years after the treasurer's first year in office. The 629
treasurer of state shall determine the manner and content of the 630
education programs in the subject areas of investments, cash 631
management, the collection of taxes, ethics, and any other subject 632
area that the treasurer of state determines is reasonably related 633
to the duties of the office of the county treasurer. The auditor 634
of state shall determine the manner and content of the education 635
programs in the subject areas of governmental accounting, 636
portfolio reporting and compliance, office management, and any 637
other subject area that the auditor of state determines is 638
reasonably related to the duties of the office of the county 639
treasurer. 640

(b) A county treasurer who accumulates more than twenty-four hours of continuing education in a biennial cycle described in division (B)(3)(a) of this section may credit the hours in excess of twenty-four hours to the next biennial cycle. However, regardless of the total number of hours earned, no more than six hours in the education programs determined by the treasurer of state pursuant to division (B)(3)(a) of this section and six hours in the education programs determined by the auditor of state pursuant to that division shall be carried over to the next biennial cycle.

(C) The auditor of state and the treasurer of state may each charge counties a registration fee that will meet actual and necessary expenses of the training of county treasurers, including instructor fees, site acquisition costs, and the cost of course materials. The necessary personal expenses of county treasurers as a result of attending the training programs shall be borne by the counties the treasurers represent.

(D) The auditor of state and the treasurer of state may allow any other interested person to attend any of the education programs that are held pursuant to this section, provided that before attending any such education program, the interested person shall pay to either the auditor of state or the treasurer of state, as appropriate, the full registration fee set for the education program.

(E) ~~A (1) If a county treasurer who fails to complete the initial or continuing education programs required by this section without a valid health-related excuse or other special hardship shall be restricted to investing in the Ohio subdivision's fund pursuant to division (A)(6) of section 135.35 of the Revised Code, in no-load money market mutual funds pursuant to division (A)(5) of section 135.35 of the Revised Code, or in time certificate of deposits or deposit accounts pursuant to division (A)(3) of~~

~~section 135.35 of the Revised Code. A county treasurer who has~~ 673
~~failed to complete the initial or continuing education programs~~ 674
~~and invests in other than the investments permitted by this~~ 675
~~division shall be subject to removal from office upon complaint~~ 676
~~and investigation by the county prosecuting attorney, a hearing,~~ 677
~~and a resolution adopted by the board of county commissioners~~ 678
~~approving the removal from office before taking office, the~~ 679
~~treasurer's authority to invest county funds and to manage the~~ 680
~~county portfolio immediately is suspended, and this authority is~~ 681
~~transferred to the county's investment advisory committee until~~ 682
~~full compliance with the initial education programs is determined~~ 683
~~by the treasurer of state.~~ 684

(2) If a county treasurer fails to complete continuing 685
education programs as required by this section, the county 686
treasurer is subject to divisions (B) to (E) of section 321.47 of 687
the Revised Code, including possible suspension of the treasurer's 688
authority to invest county funds and to manage the county 689
portfolio and transfer of this authority to the county's 690
investment advisory committee. 691

(F)(1) Notwithstanding divisions (B) and (E) of this section, 692
a county treasurer who fails to complete the initial or continuing 693
education programs required by this section shall invest only in 694
the Ohio subdivisions fund pursuant to division (A)(6) of section 695
135.35 of the Revised Code, in no load money market mutual funds 696
pursuant to division (A)(5) of section 135.35 of the Revised Code, 697
or in time certificates of deposit or savings or deposit accounts 698
pursuant to division (A)(3) of section 135.35 of the Revised Code. 699

(2) A county treasurer who has failed to complete the initial 700
education programs required by this section and invests in other 701
than the investments permitted by division (F)(1) of this section 702
immediately shall have the county treasurer's authority to invest 703
county funds and to manage the county portfolio suspended, and 704

this authority shall be transferred to the county's investment advisory committee until full compliance with the initial education programs is determined by the treasurer of state. 705
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(3) If a county treasurer fails to complete continuing education programs required by this section and invests in other than the investments permitted by division (F)(1) of this section, the county treasurer is subject to divisions (B) to (E) of section 321.47 of the Revised Code, including possible suspension of the treasurer's authority to invest county funds and to manage the county portfolio and transfer of this authority to the county's investment advisory committee. 708
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(G)(1) There is hereby created in the state treasury the county treasurer education fund, to be used by the treasurer of state for actual and necessary expenses of education programs held pursuant to this section and section 135.22 of the Revised Code. 716
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All registration fees collected by the treasurer of state under this section and section 135.22 of the Revised Code shall be paid into that fund. 720
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(2) All registration fees collected by the auditor of state under this section shall be paid into the auditor of state training program fund established under section 117.44 of the Revised Code. 723
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~~(G)~~(H) The treasurer of state, with the advice and consent of the auditor of state, may adopt reasonable rules not inconsistent with this section for the implementation of this section. 727
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Sec. 321.47. (A) By the fifteenth day of January following completion of each biennial cycle described in division (B)(3)(a) of section 321.46 of the Revised Code, the auditor of state shall notify the treasurer of state of the continuing education hours completed under the auditor of state's supervision by each county 730
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treasurer for that biennial cycle pursuant to section 321.46 of 735
the Revised Code. 736

(B) By the thirty-first day of January following completion 737
of each biennial cycle described in division (B)(3)(a) of section 738
321.46 of the Revised Code, the treasurer of state shall determine 739
whether any county treasurer has failed to comply with the county 740
treasurer's continuing education requirements pursuant to section 741
321.46 of the Revised Code and, by certified mail, shall notify 742
any county treasurer who has not complied with the requirements. 743
The notice shall contain all of the following: 744

(1) Notification that the county treasurer is deficient in 745
continuing education hours; 746

(2) Notification that if the county treasurer believes the 747
treasurer of state's records are in error, the county treasurer 748
has one month to submit proof to the treasurer of state that the 749
county treasurer is in compliance with the continuing education 750
requirements; 751

(3) Notification that completion of the continuing education 752
requirements also may be obtained by attending courses approved by 753
the auditor of state or the treasurer of state, but that the 754
county treasurer must comply fully with the continuing education 755
requirements and that the treasurer of state must have proof of 756
full compliance by the last day of April following completion of 757
each biennial cycle; 758

(4) Notification that if the county treasurer has failed to 759
comply fully with the continuing education requirements by the 760
last day of April following completion of each biennial cycle, the 761
treasurer of state will notify the prosecuting attorney of that 762
treasurer's county of that fact immediately. 763

(C)(1) Upon receipt of the notice described in division 764

(B)(4) of this section, the prosecuting attorney shall petition the court of common pleas of that county for an order suspending the county treasurer's authority to invest county funds and to manage the county investment portfolio. The petition shall contain a brief statement of the facts and shall show that the county treasurer has failed to comply with the continuing education requirements of section 321.46 of the Revised Code. Before or simultaneously with the filing of the petition, the prosecuting attorney shall serve a copy of the petition upon the county treasurer personally or by certified mail, together with a copy of this section. Upon the filing of the petition, the court, on the motion of the prosecuting attorney, shall enter an order fixing a date for hearing not later than two weeks after the date of filing and shall require that a copy of the order be given to the county treasurer in the manner in which a summons is required to be served or substituted service is required to be made in other cases.

(2) On the date fixed for the hearing described in division (C)(1) of this section, or any adjournment of it, the court shall determine from the petition and evidence submitted by either party whether the county treasurer has met the continuing education requirements of section 321.46 of the Revised Code for the preceding biennial cycle described in division (B)(3)(a) of section 321.46 of the Revised Code. If the court finds that the county treasurer has failed to meet these continuing education requirements, it shall enter an order transferring the county treasurer's authority to invest county funds and to manage the county portfolio to the county's investment advisory committee until such time as the county treasurer complies fully with the continuing education requirements.

(3) The costs of the proceeding shall be assessed or apportioned as the court considers equitable.

(D) Upon receiving proof of completion of continuing education requirements for the preceding biennial cycle described in division (B)(3)(a) of section 321.46 of the Revised Code, the treasurer of state shall notify the prosecuting attorney that the county treasurer has complied fully with the continuing education requirements. The prosecuting attorney shall submit this information to the court, and the court shall enter an order terminating the authority of the county's investment advisory committee to invest county funds and to manage the county portfolio and restoring such authority to the county treasurer.

(E) The proceedings described in divisions (C) and (D) of this section are special proceedings, and final orders in the proceedings may be reviewed and affirmed, modified, or reversed on appeal pursuant to the Rules of Appellate Procedure and, to the extent not in conflict with those rules, pursuant to Chapter 2505. of the Revised Code.

Sec. 323.121. (A) ~~If (1)~~ Except as otherwise provided in division (A)(2) of this section, if one-half of the current taxes charged against an entry of real estate together with the full amount of any delinquent taxes ~~or any installment thereof required to be paid under a written delinquent tax contract~~ are not paid on or before the thirty-first day of December in that year or on or before the last day for ~~such~~ payment as extended pursuant to section 323.17 of the Revised Code, a penalty of ten per cent shall be charged against the unpaid balance of such half of the current taxes on the duplicate. If the total amount of all ~~such~~ the taxes is not paid on or before the twentieth day of June, next thereafter, or on or before the last day for ~~such~~ payment as extended pursuant to section 323.17 of the Revised Code, a like penalty shall be charged on the balance of the total amount of such unpaid current taxes.

(2) After a valid delinquent tax contract that includes 828
unpaid current taxes from a first-half collection period described 829
in section 323.12 of the Revised Code has been entered into under 830
section 323.31 or 5713.20 of the Revised Code, no ten per cent 831
penalty shall be charged against such taxes after the second-half 832
collection period while the delinquent tax contract remains in 833
effect. On the day a delinquent tax contract becomes void, the ten 834
per cent penalty shall be charged against such taxes and shall 835
equal the amount of penalty that would have been charged against 836
unpaid current taxes outstanding on the date on which the 837
second-half penalty would have been charged thereon under division 838
(A)(1) of this section if the contract had not been in effect. 839

(B)(1) On the first day of the month following the last day 840
the second installment of taxes may be paid without penalty, 841
interest shall be charged against and computed on all delinquent 842
taxes other than the current taxes that became delinquent taxes at 843
the close of the last day such second installment could be paid 844
without penalty. The charge shall be for interest that accrued 845
during the period that began on the preceding first day of 846
December and ended on the last day of the month that included the 847
last date such second installment could be paid without penalty. 848
The interest shall be computed at the rate per annum prescribed by 849
section 5703.47 of the Revised Code and shall be entered as a 850
separate item on the tax list and duplicate compiled under section 851
319.28 or 5721.011 of the Revised Code, whichever list and 852
duplicate are first compiled after the date on which ~~such~~ the 853
interest is computed and charged. However, for tracts and lots on 854
the real property tax suspension list under section 319.48 of the 855
Revised Code, the interest shall not be entered on the tax list 856
and duplicate compiled under section 319.28 of the Revised Code, 857
but shall be entered on the first tax list and duplicate compiled 858
under section 5721.011 of the Revised Code after the date on which 859

the interest is computed and charged. 860

(2) On the first day of December, the interest shall be 861
charged against and computed on all delinquent taxes. The charge 862
shall be for interest that accrued during the period that began on 863
the first day of the month following the last date prescribed for 864
the payment of the second installment of taxes in the current year 865
and ended on the immediately preceding last day of November. The 866
interest shall be computed at the rate per annum prescribed by 867
section 5703.47 of the Revised Code and shall be entered as a 868
separate item on the tax list and duplicate compiled under section 869
319.28 or 5721.011 of the Revised Code, whichever list and 870
duplicate are first compiled after the date on which ~~such~~ the 871
interest is computed and charged. However, for tracts and lots on 872
the real property tax suspension list under section 319.48 of the 873
Revised Code, the interest shall not be entered on the tax list 874
and duplicate compiled under section 319.28 of the Revised Code, 875
but shall be entered on the first tax list and duplicate compiled 876
under section 5721.011 of the Revised Code after the date on which 877
the interest is computed and charged. 878

(3) After a valid delinquent tax contract has been entered 879
into for the payment of any delinquent taxes, no interest shall be 880
charged against such delinquent taxes while the delinquent tax 881
contract remains in effect in compliance with section 323.31 of 882
the Revised Code. If a valid delinquent tax contract becomes void, 883
interest shall be charged against the delinquent taxes for the 884
periods that interest was not permitted to be charged while the 885
delinquent tax contract was in effect. The interest shall be 886
charged on the day the delinquent tax contract becomes void and 887
shall equal the amount of interest that would have been charged 888
against the unpaid delinquent taxes outstanding on the dates on 889
which interest would have been charged thereon under divisions 890
(B)(1) and (2) of this section had the delinquent tax contract not 891

been in effect. 892

(C) If the full amount of the taxes due at either of the 893
times prescribed by division (A) of this section is paid within 894
ten days after such time, the county treasurer shall waive the 895
collection of and the county auditor shall remit one-half of the 896
penalty provided for in ~~such~~ that division for failure to make 897
that payment by the prescribed time. 898

(D) The county treasurer shall compile and deliver to the 899
county auditor a list of all tax payments the treasurer has 900
received as provided in division (C) of this section. The list 901
shall include any information required by the auditor for the 902
remission of the penalties waived by the treasurer. The taxes so 903
collected shall be included in the settlement next succeeding the 904
settlement then in process. 905

Sec. 323.31. (A)(1) A person who owns agricultural real 906
property or owns and occupies residential real property or a 907
manufactured or mobile home that does not have an outstanding tax 908
lien certificate or judgment of foreclosure against it, and a 909
person who is a vendee of such property under a purchase agreement 910
or land contract and who occupies the property, shall have at 911
least one opportunity to pay ~~the~~ any delinquent or unpaid current 912
taxes, or both, charged against the property by entering into a 913
written delinquent tax contract with the county treasurer in a 914
form prescribed or approved by the tax commissioner. Subsequent 915
opportunities to enter into a delinquent tax contract shall be at 916
the county treasurer's sole discretion. 917

(2) The treasurer may enter into a delinquent tax contract in 918
accordance with division (A) of this section with an owner or 919
vendee of real property, other than residential real property or a 920
manufactured or mobile home that is occupied by the owner, and 921
other than agricultural real property. 922

(3) The delinquent tax contract described in division (A) of this section may be entered into at any time prior to the commencement of foreclosure proceedings by the county treasurer and the county prosecuting attorney pursuant to section 323.25 of the Revised Code or by the county prosecuting attorney pursuant to section 5721.18 of the Revised Code, the commencement of foreclosure proceedings by a private attorney pursuant to section 5721.37 of the Revised Code, the commencement of foreclosure and forfeiture proceedings pursuant to section 5721.14 of the Revised Code, or the commencement of collection proceedings pursuant to division (H) of section 4503.06 of the Revised Code by the filing of a civil action as provided in that division. A duplicate copy of each delinquent tax contract shall be filed with the county auditor, who shall attach the copy to the delinquent land tax certificate, delinquent vacant land tax certificate, or the delinquent manufactured home tax list, or who shall enter an asterisk in the margin next to the entry for the tract or lot on the master list of delinquent tracts, master list of delinquent vacant tracts, or next to the entry for the home on the delinquent manufactured home tax list, prior to filing it with the prosecuting attorney under section 5721.13 of the Revised Code, or, in the case of the delinquent manufactured home tax list, prior to delivering it to the county treasurer under division (H)(2) of section 4503.06 of the Revised Code. If the delinquent tax contract is entered into after the certificate or the master list has been filed with the prosecuting attorney, the treasurer shall file the duplicate copy with the prosecuting attorney.

(4) A delinquent tax contract entered into under ~~this~~ division (A) of this section shall provide for the payment of any delinquent ~~and~~ or unpaid current taxes, or both, in installments over a period not to exceed five years after the date of the first payment made under the contract; however, a person entering into a

delinquent tax contract who owns and occupies residential real 955
property may request, and the treasurer shall allow, a delinquent 956
tax contract providing for payment in installments over a period 957
of no fewer than two years after the date of the first payment 958
made under the contract. 959

(5) For each delinquent tax contract entered into under 960
division (A) of this section, the county treasurer shall determine 961
and shall specify in the delinquent tax contract the number of 962
installments, the amount of each installment, and the schedule for 963
payment of the installments. The part of each installment payment 964
representing taxes and penalties and interest thereon shall be 965
apportioned among the several taxing districts in the same 966
proportion that the amount of taxes levied by each district 967
against the entry in the preceding tax year bears to the taxes 968
levied by all such districts against the entry in the preceding 969
tax year. The part of each payment representing assessments and 970
other charges shall be credited to those items in the order in 971
which they became due. Each payment made to a taxing district 972
shall be apportioned among the taxing district's several funds for 973
which taxes or assessments have been levied. 974

(6) When an installment payment is not received by the 975
treasurer when due under a delinquent tax contract entered into 976
under division (A) of this section or any current taxes or special 977
assessments charged against the property become unpaid, the 978
delinquent tax contract becomes void unless the treasurer permits 979
a new delinquent tax contract to be entered into; if the treasurer 980
does not permit a new delinquent tax contract to be entered into, 981
the treasurer shall certify to the auditor that the delinquent tax 982
contract has become void. 983

(7) Upon receipt of ~~such~~ a certification described in 984
division (A)(6) of this section, the auditor shall destroy the 985
duplicate copy of the voided delinquent tax contract. If such copy 986

has been filed with the prosecuting attorney, the auditor 987
immediately shall deliver the certification to the prosecuting 988
attorney, who shall attach it to the appropriate certificate and 989
the duplicate copy of the voided delinquent tax contract or strike 990
through the asterisk entered in the margin of the master list next 991
to the entry for the tract or lot that is the subject of the 992
voided delinquent tax contract. The prosecuting attorney then 993
shall institute a proceeding to foreclose the lien of the state in 994
accordance with section 323.25 or 5721.18 of the Revised Code or, 995
in the case of delinquent vacant land, a foreclosure proceeding in 996
accordance with section 323.25 or 5721.18 of the Revised Code, or 997
a foreclosure and forfeiture proceeding in accordance with section 998
5721.14 of the Revised Code. In the case of a manufactured or 999
mobile home, the county treasurer shall cause a civil action to be 1000
brought as provided under division (H) of section 4503.06 of the 1001
Revised Code. 1002

(B) If there is an outstanding tax certificate respecting a 1003
delinquent parcel under section 5721.32 or 5721.33 of the Revised 1004
Code, a written delinquent tax contract may not be entered into 1005
under this section. To redeem a tax certificate in installments, 1006
the owner or other person seeking to redeem the tax certificate 1007
shall enter into a redemption payment plan under division (C) of 1008
section 5721.38 of the Revised Code. 1009

(C) As used in this section, "unpaid current taxes" means any 1010
current taxes charged on the general tax list and duplicate of 1011
real and public utility property or the manufactured home tax list 1012
and duplicate that remain unpaid after the last day prescribed for 1013
payment of the first installment of such taxes without penalty, 1014
and any penalties associated with such taxes. 1015

Sec. 4503.06. (A) The owner of each manufactured or mobile 1016
home that has acquired situs in this state shall pay either a real 1017

property tax pursuant to Title LVII of the Revised Code or a 1018
manufactured home tax pursuant to division (C) of this section. 1019

(B) The owner of a manufactured or mobile home shall pay real 1020
property taxes if either of the following applies: 1021

(1) The manufactured or mobile home acquired situs in the 1022
state or ownership in the home was transferred on or after January 1023
1, 2000, and all of the following apply: 1024

(a) The home is affixed to a permanent foundation as defined 1025
in division (C)(5) of section 3781.06 of the Revised Code; 1026

(b) The home is located on land that is owned by the owner of 1027
the home; 1028

(c) The certificate of title has been inactivated by the 1029
clerk of the court of common pleas that issued it, pursuant to 1030
division (H) of section 4505.11 of the Revised Code. 1031

(2) The manufactured or mobile home acquired situs in the 1032
state or ownership in the home was transferred before January 1, 1033
2000, and all of the following apply: 1034

(a) The home is affixed to a permanent foundation as defined 1035
in division (C)(5) of section 3781.06 of the Revised Code; 1036

(b) The home is located on land that is owned by the owner of 1037
the home; 1038

(c) The owner of the home has elected to have the home taxed 1039
as real property and, pursuant to section 4505.11 of the Revised 1040
Code, has surrendered the certificate of title to the auditor of 1041
the county containing the taxing district in which the home has 1042
its situs, together with proof that all taxes have been paid; 1043

(d) The county auditor has placed the home on the real 1044
property tax list and delivered the certificate of title to the 1045
clerk of the court of common pleas that issued it and the clerk 1046

has inactivated the certificate. 1047

(C)(1) Any mobile or manufactured home that is not taxed as 1048
real property as provided in division (B) of this section is 1049
subject to an annual manufactured home tax, payable by the owner, 1050
for locating the home in this state. The tax as levied in this 1051
section is for the purpose of supplementing the general revenue 1052
funds of the local subdivisions in which the home has its situs 1053
pursuant to this section. 1054

(2) The year for which the manufactured home tax is levied 1055
commences on the first day of January and ends on the following 1056
thirty-first day of December. The state shall have the first lien 1057
on any manufactured or mobile home on the list for the amount of 1058
taxes, penalties, and interest charged against the owner of the 1059
home under this section. The lien of the state for the tax for a 1060
year shall attach on the first day of January to a home that has 1061
acquired situs on that date. The lien for a home that has not 1062
acquired situs on the first day of January, but that acquires 1063
situs during the year, shall attach on the next first day of 1064
January. The lien shall continue until the tax, including any 1065
penalty or interest, is paid. 1066

(3)(a) The situs of a manufactured or mobile home located in 1067
this state on the first day of January is the local taxing 1068
district in which the home is located on that date. 1069

(b) The situs of a manufactured or mobile home not located in 1070
this state on the first day of January, but located in this state 1071
subsequent to that date, is the local taxing district in which the 1072
home is located thirty days after it is acquired or first enters 1073
this state. 1074

(4) The tax is collected by and paid to the county treasurer 1075
of the county containing the taxing district in which the home has 1076
its situs. 1077

(D) The manufactured home tax shall be computed and assessed 1078
by the county auditor of the county containing the taxing district 1079
in which the home has its situs as follows: 1080

(1) On a home that acquired situs in this state prior to 1081
January 1, 2000; 1082

(a) By multiplying the assessable value of the home by the 1083
tax rate of the taxing district in which the home has its situs, 1084
and deducting from the product thus obtained any reduction 1085
authorized under section 4503.065 of the Revised Code. The tax 1086
levied under this formula shall not be less than thirty-six 1087
dollars, unless the home qualifies for a reduction in assessable 1088
value under section 4503.065 of the Revised Code, in which case 1089
there shall be no minimum tax and the tax shall be the amount 1090
calculated under this division. 1091

(b) The assessable value of the home shall be forty per cent 1092
of the amount arrived at by the following computation: 1093

(i) If the cost to the owner, or market value at time of 1094
purchase, whichever is greater, of the home includes the 1095
furnishings and equipment, such cost or market value shall be 1096
multiplied according to the following schedule: 1097

For the first calendar year			1098
in which the			1099
home is owned by the			1100
current owner		80%	1101
2nd calendar year	x	75%	1102
3rd "	x	70%	1103
4th "	x	65%	1104
5th "	x	60%	1105
6th "	x	55%	1106
7th "	x	50%	1107
8th "	x	45%	1108

9th "	x	40%	1109
10th and each year thereafter		35%	1110

The first calendar year means any period between the first day of January and the thirty-first day of December of the first year. 1111
1112
1113

(ii) If the cost to the owner, or market value at the time of purchase, whichever is greater, of the home does not include the furnishings and equipment, such cost or market value shall be multiplied according to the following schedule: 1114
1115
1116
1117

For the first calendar year			1118
in which the			1119
home is owned by the			1120
current owner		95%	1121
2nd calendar year	x	90%	1122
3rd "	x	85%	1123
4th "	x	80%	1124
5th "	x	75%	1125
6th "	x	70%	1126
7th "	x	65%	1127
8th "	x	60%	1128
9th "	x	55%	1129
10th and each year thereafter		50%	1130

The first calendar year means any period between the first day of January and the thirty-first day of December of the first year. 1131
1132
1133

(2) On a home in which ownership was transferred or that first acquired situs in this state on or after January 1, 2000: 1134
1135

(a) By multiplying the assessable value of the home by the effective tax rate, as defined in section 323.08 of the Revised 1136
1137

Code, for residential real property of the taxing district in 1138
which the home has its situs, and deducting from the product thus 1139
obtained the reductions required or authorized under section 1140
319.302, division (B) of section 323.152, or section 4503.065 of 1141
the Revised Code. 1142

(b) The assessable value of the home shall be thirty-five per 1143
cent of its true value as determined under division (L) of this 1144
section. 1145

(3) On or before the fifteenth day of January each year, the 1146
county auditor shall record the assessable value and the amount of 1147
tax on the manufactured or mobile home on the tax list and deliver 1148
a duplicate of the list to the county treasurer. In the case of an 1149
emergency as defined in section 323.17 of the Revised Code, the 1150
tax commissioner, by journal entry, may extend the times for 1151
delivery of the duplicate for an additional fifteen days upon 1152
receiving a written application from the county auditor regarding 1153
an extension for the delivery of the duplicate, or from the county 1154
treasurer regarding an extension of the time for the billing and 1155
collection of taxes. The application shall contain a statement 1156
describing the emergency that will cause the unavoidable delay and 1157
must be received by the tax commissioner on or before the last day 1158
of the month preceding the day delivery of the duplicate is 1159
otherwise required. When an extension is granted for delivery of 1160
the duplicate, the time period for payment of taxes shall be 1161
extended for a like period of time. When a delay in the closing of 1162
a tax collection period becomes unavoidable, the tax commissioner, 1163
upon application by the county auditor and county treasurer, may 1164
order the time for payment of taxes to be extended if the tax 1165
commissioner determines that penalties have accrued or would 1166
otherwise accrue for reasons beyond the control of the taxpayers 1167
of the county. The order shall prescribe the final extended date 1168
for payment of taxes for that collection period. 1169

(4) After January 1, 1999, the owner of a manufactured or mobile home taxed pursuant to division (D)(1) of this section may elect to have the home taxed pursuant to division (D)(2) of this section by filing a written request with the county auditor of the taxing district in which the home is located on or before the first day of December of any year. Upon the filing of the request, the county auditor shall determine whether all taxes levied under division (D)(1) of this section have been paid, and if those taxes have been paid, the county auditor shall tax the manufactured or mobile home pursuant to division (D)(2) of this section commencing in the next tax year.

(5) A manufactured or mobile home that acquired situs in this state prior to January 1, 2000, shall be taxed pursuant to division (D)(2) of this section if no manufactured home tax had been paid for the home and the home was not exempted from taxation pursuant to division (E) of this section for the year for which the taxes were not paid.

(6)(a) Immediately upon receipt of any manufactured home tax duplicate from the county auditor, but not less than twenty days prior to the last date on which the first one-half taxes may be paid without penalty as prescribed in division (F) of this section, the county treasurer shall cause to be prepared and mailed or delivered to each person charged on that duplicate with taxes, or to an agent designated by such person, the tax bill prescribed by the tax commissioner under division (D)(7) of this section. When taxes are paid by installments, the county treasurer shall mail or deliver to each person charged on such duplicate or the agent designated by ~~such~~ that person a second tax bill showing the amount due at the time of the second tax collection. The second half tax bill shall be mailed or delivered at least twenty days prior to the close of the second half tax collection period. A change in the mailing address of any tax bill shall be made in

writing to the county treasurer. Failure to receive a bill 1202
required by this section does not excuse failure or delay to pay 1203
any taxes shown on the bill or, except as provided in division (A) 1204
of section 5715.39 of the Revised Code, avoid any penalty, 1205
interest, or charge for such delay. 1206

(b) After delivery of the copy of the delinquent manufactured 1207
home tax list under division (H) of this section, the county 1208
treasurer may prepare and mail to each person in whose name a home 1209
is listed an additional tax bill showing the total amount of 1210
delinquent taxes charged against the home as shown on the list. 1211
The tax bill shall include a notice that the interest charge 1212
prescribed by division (G) of this section has begun to accrue. 1213

(7) Each tax bill prepared and mailed or delivered under 1214
division (D)(6) of this section shall be in the form and contain 1215
the information required by the tax commissioner. The commissioner 1216
may prescribe different forms for each county and may authorize 1217
the county auditor to make up tax bills and tax receipts to be 1218
used by the county treasurer. The tax bill shall not contain or be 1219
mailed or delivered with any information or material that is not 1220
required by this section or that is not authorized by section 1221
321.45 of the Revised Code or by the tax commissioner. In addition 1222
to the information required by the commissioner, each tax bill 1223
shall contain the following information: 1224

(a) The taxes levied and the taxes charged and payable 1225
against the manufactured or mobile home; 1226

(b) The following notice: "Notice: If the taxes are not paid 1227
within sixty days after the county auditor delivers the delinquent 1228
manufactured home tax list to the county treasurer, you and your 1229
home may be subject to collection proceedings for tax 1230
delinquency." Failure to provide such notice has no effect upon 1231
the validity of any tax judgment to which a home may be subjected. 1232

(c) In the case of manufactured or mobile homes taxed under 1233
division (D)(2) of this section, the following additional 1234
information: 1235

(i) The effective tax rate. The words "effective tax rate" 1236
shall appear in boldface type. 1237

(ii) The following notice: "Notice: If the taxes charged 1238
against this home have been reduced by the 2-1/2 per cent tax 1239
reduction for residences occupied by the owner but the home is not 1240
a residence occupied by the owner, the owner must notify the 1241
county auditor's office not later than March 31 of the year for 1242
which the taxes are due. Failure to do so may result in the owner 1243
being convicted of a fourth degree misdemeanor, which is 1244
punishable by imprisonment up to 30 days, a fine up to \$250, or 1245
both, and in the owner having to repay the amount by which the 1246
taxes were erroneously or illegally reduced, plus any interest 1247
that may apply. 1248

If the taxes charged against this home have not been reduced 1249
by the 2-1/2 per cent tax reduction and the home is a residence 1250
occupied by the owner, the home may qualify for the tax reduction. 1251
To obtain an application for the tax reduction or further 1252
information, the owner may contact the county auditor's office at 1253
..... (insert the address and telephone number of the county 1254
auditor's office)." 1255

(E)(1) A manufactured or mobile home is not subject to this 1256
section when any of the following applies: 1257

(a) It is taxable as personal property pursuant to section 1258
5709.01 of the Revised Code. Any manufactured or mobile home that 1259
is used as a residence shall be subject to this section and shall 1260
not be taxable as personal property pursuant to section 5709.01 of 1261
the Revised Code. 1262

(b) It bears a license plate issued by any state other than 1263

this state unless the home is in this state in excess of an 1264
accumulative period of thirty days in any calendar year. 1265

(c) The annual tax has been paid on the home in this state 1266
for the current year. 1267

(d) The tax commissioner has determined, pursuant to section 1268
5715.27 of the Revised Code, that the property is exempt from 1269
taxation, or would be exempt from taxation under Chapter 5709. of 1270
the Revised Code if it were classified as real property. 1271

(2) A travel trailer or park trailer, as these terms are 1272
defined in section 4501.01 of the Revised Code, is not subject to 1273
this section if it is unused or unoccupied and stored at the 1274
owner's normal place of residence or at a recognized storage 1275
facility. 1276

(3) A travel trailer or park trailer, as these terms are 1277
defined in section 4501.01 of the Revised Code, is subject to this 1278
section and shall be taxed as a manufactured or mobile home if it 1279
has a situs longer than thirty days in one location and is 1280
connected to existing utilities, unless either of the following 1281
applies: 1282

(a) The situs is in a state facility or a camping or park 1283
area as defined in division (B), (G), (H), or (R) of section 1284
3733.01 of the Revised Code; 1285

(b) The situs is in a camping or park area that is a tract of 1286
land that has been limited to recreational use by deed or zoning 1287
restrictions and subdivided for sale of five or more individual 1288
lots for the express or implied purpose of occupancy by either 1289
self-contained recreational vehicles as defined in division (E) of 1290
section 3733.01 of the Revised Code or by dependent recreational 1291
vehicles as defined in division (F) of section 3733.01 of the 1292
Revised Code. 1293

(F) Except as provided in division (D)(3) of this section, 1294

the manufactured home tax is due and payable as follows: 1295

(1) When a manufactured or mobile home has a situs in this 1296
state, as provided in this section, on the first day of January, 1297
one-half of the amount of the tax is due and payable on or before 1298
the first day of March and the balance is due and payable on or 1299
before the thirty-first day of July. At the option of the owner of 1300
the home, the tax for the entire year may be paid in full on the 1301
first day of March. 1302

(2) When a manufactured or mobile home first acquires a situs 1303
in this state after the first day of January, no tax is due and 1304
payable for that year. 1305

(G)(1) ~~If (a) Except as otherwise provided in division~~ 1306
~~(G)(1)(b) of this section, if~~ one-half of the current taxes 1307
charged under this section against a manufactured or mobile home, 1308
together with the full amount of any delinquent taxes ~~or any~~ 1309
~~installment thereof required to be paid under a written~~ 1310
~~undertaking,~~ are not paid on or before the ~~thirty-first day of~~ 1311
~~January~~ first day of March in that year, or on or before the last 1312
day for such payment as extended pursuant to section 4503.063 of 1313
the Revised Code, a penalty of ten per cent shall be charged 1314
against the unpaid balance of such half of the current taxes. If 1315
the total amount of all such taxes is not paid on or before the 1316
thirty-first day of July, next thereafter, or on or before the 1317
last day for ~~such~~ payment as extended pursuant to section 4503.063 1318
of the Revised Code, a like penalty shall be charged on the 1319
balance of the total amount of ~~such~~ the unpaid current taxes. 1320

(b) After a valid delinquent tax contract that includes 1321
unpaid current taxes from a first-half collection period described 1322
in division (F) of this section has been entered into under 1323
section 323.31 of the Revised Code, no ten per cent penalty shall 1324
be charged against such taxes after the second-half collection 1325
period while the delinquent tax contract remains in effect. On the 1326

day a delinquent tax contract becomes void, the ten per cent 1327
penalty shall be charged against such taxes and shall equal the 1328
amount of penalty that would have been charged against unpaid 1329
current taxes outstanding on the date on which the second-half 1330
penalty would have been charged thereon under division (G)(1)(a) 1331
of this section if the contract had not been in effect. 1332

(2)(a) On the first day of the month following the last day 1333
the second installment of taxes may be paid without penalty 1334
beginning in 2000, interest shall be charged against and computed 1335
on all delinquent taxes other than the current taxes that became 1336
delinquent taxes at the close of the last day such second 1337
installment could be paid without penalty. The charge shall be for 1338
interest that accrued during the period that began on the 1339
preceding first day of December and ended on the last day of the 1340
month that included the last date such second installment could be 1341
paid without penalty. The interest shall be computed at the rate 1342
per annum prescribed by section 5703.47 of the Revised Code and 1343
shall be entered as a separate item on the delinquent manufactured 1344
home tax list compiled under division (H) of this section. 1345

(b) On the first day of December beginning in 2000, the 1346
interest shall be charged against and computed on all delinquent 1347
taxes. The charge shall be for interest that accrued during the 1348
period that began on the first day of the month following the last 1349
date prescribed for the payment of the second installment of taxes 1350
in the current year and ended on the immediately preceding last 1351
day of November. The interest shall be computed at the rate per 1352
annum prescribed by section 5703.47 of the Revised Code and shall 1353
be entered as a separate item on the delinquent manufactured home 1354
tax list. 1355

(c) After a valid undertaking has been entered into for the 1356
payment of any delinquent taxes, no interest shall be charged 1357
against such delinquent taxes while the undertaking remains in 1358

effect in compliance with section 323.31 of the Revised Code. If a 1359
valid undertaking becomes void, interest shall be charged against 1360
the delinquent taxes for the periods that interest was not 1361
permitted to be charged while the undertaking was in effect. The 1362
interest shall be charged on the day the undertaking becomes void 1363
and shall equal the amount of interest that would have been 1364
charged against the unpaid delinquent taxes outstanding on the 1365
dates on which interest would have been charged thereon under 1366
divisions (G)(1) and (2) of this section had the undertaking not 1367
been in effect. 1368

(3) If the full amount of the taxes due at either of the 1369
times prescribed by division (F) of this section is paid within 1370
ten days after such time, the county treasurer shall waive the 1371
collection of and the county auditor shall remit one-half of the 1372
penalty provided for in this division for failure to make that 1373
payment by the prescribed time. 1374

(4) The treasurer shall compile and deliver to the county 1375
auditor a list of all tax payments the treasurer has received as 1376
provided in division (G)(3) of this section. The list shall 1377
include any information required by the auditor for the remission 1378
of the penalties waived by the treasurer. The taxes so collected 1379
shall be included in the settlement next succeeding the settlement 1380
then in process. 1381

(H)(1) Beginning in 2000, the county auditor shall compile 1382
annually a "delinquent manufactured home tax list" consisting of 1383
homes the county treasurer's records indicate have taxes that were 1384
not paid within the time prescribed by divisions (D)(3) and (F) of 1385
this section, have taxes that remain unpaid from prior years, or 1386
have unpaid tax penalties or interest that have been assessed. 1387

(2) Within thirty days after the settlement under division 1388
(H)(2) of section 321.24 of the Revised Code beginning in 2000, 1389
the county auditor shall deliver a copy of the delinquent 1390

manufactured home tax list to the county treasurer. The auditor 1391
shall update and publish the delinquent manufactured home tax list 1392
annually in the same manner as delinquent real property tax lists 1393
are published. The county auditor shall apportion the cost of 1394
publishing the list among taxing districts in proportion to the 1395
amount of delinquent manufactured home taxes so published that 1396
each taxing district is entitled to receive upon collection of 1397
those taxes. 1398

(3) When taxes, penalties, or interest are charged against a 1399
person on the delinquent manufactured home tax list and are not 1400
paid within sixty days after the list is delivered to the county 1401
treasurer, the county treasurer shall, in addition to any other 1402
remedy provided by law for the collection of taxes, penalties, and 1403
interest, enforce collection of such taxes, penalties, and 1404
interest by civil action in the name of the treasurer against the 1405
owner for the recovery of the unpaid taxes following the 1406
procedures for the recovery of delinquent real property taxes in 1407
sections 323.25 to 323.28 of the Revised Code. The action may be 1408
brought in municipal or county court, provided the amount charged 1409
does not exceed the monetary limitations for original jurisdiction 1410
for civil actions in those courts. 1411

It is sufficient, having made proper parties to the suit, for 1412
the county treasurer to allege in the treasurer's bill of 1413
particulars or petition that the taxes stand chargeable on the 1414
books of the county treasurer against such person, that they are 1415
due and unpaid, and that such person is indebted in the amount of 1416
taxes appearing to be due the county. The treasurer need not set 1417
forth any other matter relating thereto. If it is found on the 1418
trial of the action that the person is indebted to the state, 1419
judgment shall be rendered in favor of the county treasurer 1420
prosecuting the action. The judgment debtor is not entitled to the 1421
benefit of any law for stay of execution or exemption of property 1422

from levy or sale on execution in the enforcement of the judgment. 1423

Upon the filing of an entry of confirmation of sale or an 1424
order of forfeiture in a proceeding brought under this division, 1425
title to the manufactured or mobile home shall be in the 1426
purchaser. The clerk of courts shall issue a certificate of title 1427
to the purchaser upon presentation of proof of filing of the entry 1428
of confirmation or order and, in the case of a forfeiture, 1429
presentation of the county auditor's certificate of sale. 1430

(I) The total amount of taxes collected shall be distributed 1431
in the following manner: four per cent shall be allowed as 1432
compensation to the county auditor for the county auditor's 1433
service in assessing the taxes; two per cent shall be allowed as 1434
compensation to the county treasurer for the services the county 1435
treasurer renders as a result of the tax levied by this section. 1436
Such amounts shall be paid into the county treasury, to the credit 1437
of the county general revenue fund, on the warrant of the county 1438
auditor. Fees to be paid to the credit of the real estate 1439
assessment fund shall be collected pursuant to division (B) of 1440
section 319.54 of the Revised Code and paid into the county 1441
treasury, on the warrant of the county auditor. The balance of the 1442
taxes collected shall be distributed among the taxing subdivisions 1443
of the county in which the taxes are collected and paid in the 1444
same ratio as those taxes were collected for the benefit of the 1445
taxing subdivision. The taxes levied and revenues collected under 1446
this section shall be in lieu of any general property tax and any 1447
tax levied with respect to the privilege of using or occupying a 1448
manufactured or mobile home in Ohio except as provided in sections 1449
4503.04 and 5741.02 of the Revised Code. 1450

(J) An agreement to purchase or a bill of sale for a 1451
manufactured home shall show whether or not the furnishings and 1452
equipment are included in the purchase price. 1453

(K) If the county treasurer and the county prosecuting 1454

attorney agree that an item charged on the delinquent manufactured 1455
home tax list is uncollectible, they shall certify that 1456
determination and the reasons to the county board of revision. If 1457
the board determines the amount is uncollectible, it shall certify 1458
its determination to the county auditor, who shall strike the item 1459
from the list. 1460

(L)(1) The county auditor shall appraise at its true value 1461
any manufactured or mobile home in which ownership is transferred 1462
or which first acquires situs in this state on or after January 1, 1463
2000, and any manufactured or mobile home the owner of which has 1464
elected, under division (D)(4) of this section, to have the home 1465
taxed under division (D)(2) of this section. The true value shall 1466
include the value of the home, any additions, and any fixtures, 1467
but not any furnishings in the home. In determining the true value 1468
of a manufactured or mobile home, the auditor shall consider all 1469
facts and circumstances relating to the value of the home, 1470
including its age, its capacity to function as a residence, any 1471
obsolete characteristics, and other factors that may tend to prove 1472
its true value. 1473

(2)(a) If a manufactured or mobile home has been the subject 1474
of an arm's length sale between a willing seller and a willing 1475
buyer within a reasonable length of time prior to the 1476
determination of true value, the county auditor shall consider the 1477
sale price of the home to be the true value for taxation purposes. 1478

(b) The sale price in an arm's length transaction between a 1479
willing seller and a willing buyer shall not be considered the 1480
true value of the home if either of the following occurred after 1481
the sale: 1482

(i) The home has lost value due to a casualty; 1483

(ii) An addition or fixture has been added to the home. 1484

(3) The county auditor shall have each home viewed and 1485

appraised at least once in each six-year period in the same year 1486
in which real property in the county is appraised pursuant to 1487
Chapter 5713. of the Revised Code, and shall update the appraised 1488
values in the third calendar year following the appraisal. The 1489
person viewing or appraising a home may enter the home to 1490
determine by actual view any additions or fixtures that have been 1491
added since the last appraisal. In conducting the appraisals and 1492
establishing the true value, the auditor shall follow the 1493
procedures set forth for appraising real property in sections 1494
5713.01 and 5713.03 of the Revised Code. 1495

(4) The county auditor shall place the true value of each 1496
home on the manufactured home tax list upon completion of an 1497
appraisal. 1498

(5)(a) If the county auditor changes the true value of a 1499
home, the auditor shall notify the owner of the home in writing, 1500
delivered by mail or in person. The notice shall be given at least 1501
thirty days prior to the issuance of any tax bill that reflects 1502
the change. Failure to receive the notice does not invalidate any 1503
proceeding under this section. 1504

(b) Any owner of a home or any other person or party listed 1505
in division (A)(1) of section 5715.19 of the Revised Code may file 1506
a complaint against the true value of the home as appraised under 1507
this section. The complaint shall be filed with the county auditor 1508
on or before the thirty-first day of March of the current tax year 1509
or the date of closing of the collection for the first half of 1510
manufactured home taxes for the current tax year, whichever is 1511
later. The auditor shall present to the county board of revision 1512
all complaints filed with the auditor under this section. The 1513
board shall hear and investigate the complaint and may take action 1514
on it as provided under sections 5715.11 to 5715.19 of the Revised 1515
Code. 1516

(c) If the county board of revision determines, pursuant to a 1517

complaint against the valuation of a manufactured or mobile home 1518
filed under this section, that the amount of taxes, assessments, 1519
or other charges paid was in excess of the amount due based on the 1520
valuation as finally determined, then the overpayment shall be 1521
refunded in the manner prescribed in section 5715.22 of the 1522
Revised Code. 1523

(d) Payment of all or part of a tax under this section for 1524
any year for which a complaint is pending before the county board 1525
of revision does not abate the complaint or in any way affect the 1526
hearing and determination thereof. 1527

(M) If the county auditor determines that any tax~~7~~ 1528
~~assessment, or other~~ charge~~7~~, or any part thereof has been 1529
erroneously charged as a result of a clerical error as defined in 1530
section 319.35 of the Revised Code, the county ~~treasurer and~~ 1531
auditor shall call the attention of the county board of revision 1532
to the erroneous charges. If the board finds that the taxes or 1533
other charges have been erroneously charged or collected, it shall 1534
certify the finding to the auditor. Upon receipt of the 1535
certification, the auditor shall remove the erroneous charges on 1536
the manufactured home tax list or delinquent manufactured home tax 1537
list in the same manner as is prescribed in section 319.35 of the 1538
Revised Code for erroneous charges against real property, and 1539
refund any erroneous charges that have been collected, with 1540
interest, in the same manner as is prescribed in section 319.36 of 1541
the Revised Code for erroneous charges against real property. 1542

(N) As used in this section and section 4503.061 of the 1543
Revised Code: 1544

(1) "Manufactured home taxes" includes taxes, penalties, and 1545
interest charged under division (C) or (G) of this section and any 1546
penalties charged under division (G) or (H)(5) of section 4503.061 1547
of the Revised Code. 1548

(2) "Current taxes" means all manufactured home taxes charged 1549
against a manufactured or mobile home that have not appeared on 1550
the manufactured home tax list for any prior year. Current taxes 1551
become delinquent taxes if they remain unpaid after the last day 1552
prescribed for payment of the second installment of current taxes 1553
without penalty, whether or not they have been certified 1554
delinquent. 1555

(3) "Delinquent taxes" means: 1556

(a) Any manufactured home taxes that were charged against a 1557
manufactured or mobile home for a prior year, including any 1558
penalties or interest charged for a prior year, and that remain 1559
unpaid; 1560

(b) Any current manufactured home taxes charged against a 1561
manufactured or mobile home that remain unpaid after the last day 1562
prescribed for payment of the second installment of current taxes 1563
without penalty, whether or not they have been certified 1564
delinquent, including any penalties or interest. 1565

Sec. 5713.20. (A) If the county auditor discovers that any 1566
building, structure, or tract of land or any lot or part of 1567
either, has been omitted from the list of real property, the 1568
auditor shall add it to the list, with the name of the owner, and 1569
ascertain the taxable value thereof and place it opposite such 1570
property. The county auditor shall compute the sum of the simple 1571
taxes for the preceding years in which ~~such~~ the property was 1572
omitted from the list of real property, not exceeding five years, 1573
unless in the meantime the property has changed ownership, in 1574
which case only the taxes chargeable since the last change of 1575
ownership shall be computed. No penalty or interest shall be added 1576
to the amount of taxes so computed. 1577

The county auditor shall order the county treasurer to 1578

correct the duplicate of real property accordingly, and shall 1579
certify to the county treasurer the sum of taxes determined by the 1580
county auditor under this section to be due on the omitted 1581
property. The county treasurer thereupon shall notify the owner by 1582
certified mail, return receipt requested, of the sum of taxes due, 1583
and inform the owner that the owner may enter into a ~~delinquent~~ an 1584
omitted tax contract with the county treasurer to pay the taxes in 1585
installments, or that the owner, if the owner desires, may pay the 1586
amount of such taxes into the county treasury. 1587

~~A delinquent~~ (B) An omitted tax contract entered into under 1588
this section for the payment of taxes in installments shall 1589
require that the installments be payable at the times and in the 1590
amounts specified by the county treasurer in the contract. The 1591
owner may request, and the treasurer shall allow, a ~~delinquent~~ an 1592
omitted tax contract providing for payment in installments over no 1593
fewer than two years; however, the treasurer shall not permit a 1594
contract to provide for payment in installments over more than 1595
five years. Each installment payment shall be apportioned among 1596
the several funds for which the taxes on the omitted property 1597
would have been assessed had the property not been omitted, and 1598
shall be applied to the items of taxes charged in the order in 1599
which they became due. If an installment payment is not received 1600
by the county treasurer when due, or any payment of current taxes 1601
is not made when due, the contract becomes void, and the county 1602
treasurer shall order payment of the entire outstanding balance of 1603
taxes determined to be due under this section in one lump-sum 1604
payment. 1605

Sec. 5719.051. If the board of county commissioners deems it 1606
necessary, it may authorize the county treasurer to employ 1607
collectors to collect the taxes mentioned in section 5719.05 of 1608
the Revised Code or part thereof, and fix the ~~salary~~ compensation 1609
of such collectors, and provide for the reasonable and necessary 1610

expenses of such collectors in the pursuit of their duties, which 1611
shall be paid out of the county treasury. All such ~~salaries~~ 1612
compensation and expenses shall be apportioned ratably by the 1613
county auditor among all the funds entitled to share in the 1614
distribution of ~~such~~ the taxes. 1615

Sec. 5721.10. Except as otherwise provided under sections 1616
5721.30 to ~~5721.42~~ 5721.43 of the Revised Code, the state shall 1617
have the first lien on the lands and lots described in the 1618
delinquent land list, for the amount of taxes, assessments, 1619
interest, and penalty charged prior to the delivery of such list. 1620
If the taxes have not been paid for one year after having been 1621
certified as delinquent, the state shall institute foreclosure 1622
proceedings in the manner provided by sections 5721.01 to 5721.28 1623
of the Revised Code, unless a tax certificate respecting that 1624
property has been sold under section 5721.32 or 5721.33 of the 1625
Revised Code, or unless such taxes are the subject of a valid 1626
delinquent tax contract under section 323.31 of the Revised Code 1627
for which the county treasurer has not made certification to the 1628
county auditor that the delinquent tax contract has become void. 1629
The court shall levy, as costs in the foreclosure proceedings 1630
instituted on ~~said~~ the certification of delinquency, the cost of 1631
an abstract or certificate of title to the property described in 1632
~~said~~ the certification, if ~~the same~~ it is required by the court, 1633
to be paid into the general fund of the county. Sections 5721.01 1634
to 5721.28 of the Revised Code do not prevent the partial payment 1635
of such delinquent taxes, assessments, interest, and penalty 1636
during the period the delinquency is being discharged in 1637
accordance with a delinquent tax contract under section 323.31 of 1638
the Revised Code, but ~~such~~ the partial payments may be made and 1639
received as provided by law without prejudice to the right of the 1640
state to institute foreclosure proceedings for any amount then 1641

remaining unpaid, if the county treasurer certifies to the county auditor that the delinquent tax contract has become void.

Sec. 5721.30. As used in sections 5721.30 to ~~5721.42~~ 5721.43 of the Revised Code:

(A) "Tax certificate," "certificate," or "duplicate certificate" means a document ~~which~~ that may be issued as a physical certificate, in book-entry form, or through an electronic medium, at the discretion of the county treasurer. Such document shall contain the information required by section 5721.31 of the Revised Code and shall be prepared, transferred, or redeemed in the manner prescribed by sections 5721.30 to ~~5721.41~~ 5721.43 of the Revised Code. As used in those sections, "tax certificate," "certificate," and "duplicate certificate" do not refer to the delinquent land tax certificate or the delinquent vacant land tax certificate issued under section 5721.13 of the Revised Code.

(B) "Certificate parcel" means the parcel of delinquent land that is the subject of and is described in a tax certificate.

(C) "Certificate holder" means a person who purchases a tax certificate under section 5721.32 ~~or~~, 5721.33, or 5721.42 of the Revised Code, or a person to whom a tax certificate has been transferred pursuant to section 5721.36 of the Revised Code.

(D) "Certificate purchase price" means, with respect to the sale of tax certificates under sections 5721.32 ~~and~~, 5721.33, and 5721.42 of the Revised Code, the amount equal to delinquent taxes, assessments, penalties, and interest computed under section 323.121 of the Revised Code charged against a certificate parcel at the time the tax certificate respecting that parcel is sold, not including any delinquent taxes, assessments, penalties, interest, and charges, the lien for which has been conveyed to a certificate holder through a prior sale of a tax certificate

respecting that parcel; provided, however, that payment of the 1672
certificate purchase price in a sale under section 5721.33 of the 1673
Revised Code may be made wholly in cash or partially in cash and 1674
partially by noncash consideration acceptable to the county 1675
treasurer from the purchaser. In the event that any such noncash 1676
consideration is delivered to pay a portion of the certificate 1677
purchase price, such noncash consideration may be subordinate to 1678
the rights of the holders of other obligations whose proceeds paid 1679
the cash portion of the certificate purchase price. 1680

"Certificate purchase price" also includes the amount of the 1681
fee charged by the county treasurer to the purchaser of the 1682
certificate under division (H) of section 5721.32 of the Revised 1683
Code. 1684

(E) With respect to a sale of tax certificates under section 1685
5721.32 of the Revised Code and except as provided in division 1686
(E)~~(3)~~(2) of this section, "certificate both of the following 1687
apply: 1688

(1) "Certificate redemption price" means the amount 1689
determined under division (E)(1) or (2) of this section. 1690

~~(1) During the first year after the date on which a tax~~ 1691
~~certificate is sold, the sum of the following:~~ 1692

~~(a) The certificate purchase price;~~ 1693

~~(b) The plus the greater of the following:~~ 1694

~~(i)(a) Interest, at the certificate rate of interest,~~ 1695
accruing during the certificate interest period on the certificate 1696
purchase price, calculated in accordance with section 5721.41 of 1697
the Revised Code; 1698

~~(ii)(b) Six per cent of the certificate purchase price.~~ 1699

~~(c) The fee charged by the county treasurer to the purchaser~~ 1700
~~of the certificate under division (H) of section 5721.32 of the~~ 1701

Revised Code.	1702
(2) After the first year after the date on which a tax certificate is sold, the sum of the following:	1703
(a)(i) If division (E)(1)(b)(i) applied during the first year, the certificate purchase price;	1704
(a)(ii) If division (E)(1)(b)(ii) applied during the first year, the sum of the certificate purchase price plus six per cent of the certificate purchase price.	1705
(b)(i) If division (E)(1)(b)(i) applied during the first year, interest at the certificate rate of interest accruing during the certificate interest period on the certificate purchase price;	1706
(b)(ii) If division (E)(1)(b)(ii) applied during the first year, interest at the certificate rate of interest, accruing during the part of the certificate interest period that begins one year after the date of the sale of the certificate, on the sum of the certificate purchase price plus six per cent of the certificate purchase price.	1707
(c) The fee charged by the county treasurer to the purchaser of the certificate under division (H) of section 5721.32 of the Revised Code.	1708
(3)(2) If the certificate rate of interest equals zero, the certificate redemption price equals the certificate purchase price plus the fee charged by the county treasurer to the purchaser of the certificate under division (H) of section 5721.32 of the Revised Code.	1709
(F) With respect to a sale of tax certificates under section 5721.33 of the Revised Code, "certificate redemption price" means the amount equal to the sum of the following:	1710
(1) The certificate purchase price;	1711
(2) Interest accrued on the certificate purchase price at the	1712
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certificate rate of interest from the date on which a tax 1732
certificate is delivered through and including the day immediately 1733
preceding the day on which the certificate redemption price is 1734
paid; 1735

(3) The fee, if any, charged by the county treasurer to the 1736
purchaser of the certificate under division (J) of section 5721.33 1737
of the Revised Code; 1738

(4) Any other fees charged by any county office in connection 1739
with the recording of tax certificates. 1740

(G) "Certificate rate of interest" means the rate of simple 1741
interest per year bid by the winning bidder in an auction of a tax 1742
certificate held under section 5721.32 of the Revised Code, or the 1743
rate of simple interest per year not to exceed eighteen per cent 1744
per year fixed pursuant to section 5721.42 of the Revised Code or 1745
by the county treasurer with respect to any tax certificate sold 1746
pursuant to a negotiated sale under section 5721.33 of the Revised 1747
Code. 1748

(H) "Cash" means United States currency, certified checks, 1749
money orders, bank drafts, or electronic transfer of funds, and 1750
excludes any other form of payment. 1751

(I) "The date on which a tax certificate is sold," "the date 1752
the certificate was sold," "the date the certificate is 1753
purchased," and any other phrase of similar content mean, with 1754
respect to a sale pursuant to an auction under section 5721.32 of 1755
the Revised Code, the date designated by the county treasurer for 1756
the submission of bids and, with respect to a negotiated sale 1757
under section 5721.33 of the Revised Code, the date of delivery of 1758
the tax certificates to the purchasers thereof pursuant to a tax 1759
certificate sale/purchase agreement. 1760

(J) "Purchaser of a tax certificate pursuant to section 1761
5721.32 of the Revised Code" means the winning bidder in an 1762

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auction of a tax certificate held under section 5721.32 of the
Revised Code.

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(K) "Certificate interest period" means, with respect to a
tax certificate sold under section 5721.32 or 5721.42 of the
Revised Code and for the purpose of accruing interest under
section 5721.41 of the Revised Code, the period beginning on the
date on which the certificate is purchased and, with respect to a
tax certificate sold under section 5721.33 of the Revised Code,
the period beginning on the date of delivery of the tax
certificate, and in either case ending on one of the following
dates:

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(1) In the case of foreclosure proceedings instituted under
section 5721.37 of the Revised Code, the date the certificate
holder submits a payment to the treasurer under division (B) of
that section;

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(2) In the case of a certificate parcel redeemed under
division (A) or (C) of section 5721.38 of the Revised Code, the
date the owner of record of the certificate parcel, or any other
person entitled to redeem that parcel, pays to the county
treasurer or to the certificate holder, as applicable, the full
amount determined under that section.

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(L) "County treasurer" means, with respect to the sale of tax
certificates under section 5721.32, or 5721.33 of the Revised
Code, the county treasurer of a county having a population of at
least two hundred thousand according to the then most recent
federal decennial census.

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(M) "Qualified trustee" means a trust company within the
state or a bank having the power of a trust company within the
state with a combined capital stock, surplus, and undivided
profits of at least one hundred million dollars.

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(N) "Tax certificate sale/purchase agreement" means the

purchase and sale agreement described in division (C) of section 1794
5721.33 of the Revised Code setting forth the certificate purchase 1795
price, plus any applicable premium or less any applicable 1796
discount, including, without limitation, the amount ~~thereof~~ to be 1797
paid in cash and the amount and nature of any noncash 1798
consideration, the date of delivery of the tax certificates, and 1799
the other terms and conditions of the sale, including, without 1800
limitation, the rate of interest that the tax certificates shall 1801
bear. 1802

(O) "Noncash consideration" means any form of consideration 1803
other than cash, including, but not limited to, promissory notes 1804
whether subordinate or otherwise. 1805

(P) "Private attorney" means for purposes of section 5721.37 1806
of the Revised Code, any attorney licensed to practice law in this 1807
state, whether practicing with a firm of attorneys or otherwise, 1808
whose license has not been revoked or otherwise suspended and who 1809
brings foreclosure proceedings pursuant to section 5721.37 of the 1810
Revised Code on behalf of a certificate holder. 1811

(Q) "Related certificate parcel" means, with respect to a 1812
certificate holder, the certificate parcel with respect to which 1813
the certificate holder has purchased and holds a tax certificate 1814
pursuant to sections 5721.30 to ~~5721.41~~ 5721.43 of the Revised 1815
Code and, with respect to a tax certificate, the certificate 1816
parcel against which the tax certificate has been sold pursuant to 1817
those sections. 1818

Sec. 5721.31. (A) After receipt of a duplicate of the 1819
delinquent land list compiled under section 5721.011 of the 1820
Revised Code, or a delinquent land list compiled previously under 1821
that section, for a county having a population of at least two 1822
hundred thousand according to the most recent federal decennial 1823
census, the county treasurer may select from the list parcels of 1824

delinquent land the lien against which the county treasurer may 1825
attempt to transfer by the sale of tax certificates under sections 1826
5721.30 to ~~5721.41~~ 5721.43 of the Revised Code. The county 1827
treasurer may select only those eligible parcels for which taxes, 1828
assessments, penalties, interest, and charges have not yet been 1829
paid or for which a valid delinquent tax contract under section 1830
323.31 of the Revised Code is not in force. Each certificate shall 1831
contain the same information as is required to be contained in the 1832
delinquent land list. The county treasurer shall compile a 1833
separate list, the list of parcels selected for tax certificate 1834
sales, including the same information as is required to be 1835
included in the delinquent land list. 1836

Upon compiling the list of parcels selected for tax 1837
certificate sales, the county treasurer may conduct a title search 1838
for any parcel on the list. 1839

(B)(1) ~~When~~ Except as otherwise provided in division (B)(3) 1840
of this section, when tax certificates are to be sold under 1841
section 5721.32 of the Revised Code with respect to parcels, the 1842
county treasurer shall send written notice by certified or 1843
registered mail to either the owner of record or all interested 1844
parties discoverable through a title search, or both, of each 1845
parcel on the list. A notice to an owner shall be sent to the 1846
owner's last known tax mailing address. The notice shall inform 1847
the owner or interested parties that a tax certificate will be 1848
offered for sale on the parcel, and that the owner or interested 1849
parties may incur additional expenses as a result of the sale. 1850

(2) ~~When~~ Except as otherwise provided in division (B)(3) of 1851
this section, when tax certificates are to be sold under section 1852
5721.33 of the Revised Code with respect to parcels, the county 1853
treasurer, at least ~~sixty~~ thirty days prior to the date of sale of 1854
such tax certificates, shall send written notice of the sale by 1855

certified or registered mail, or both, to the last known 1856
tax-mailing address of the record owner of the property or parcel 1857
and may send such notice to all parties with an interest in the 1858
property that has been recorded in the property records of the 1859
county pursuant to section 317.08 of the Revised Code, ~~the~~. The 1860
notice shall state that a tax certificate will be offered for sale 1861
on the parcel, and that the owner or interested parties may incur 1862
additional expenses as a result of the sale. 1863

(3) The county treasurer is not required to send a notice 1864
under division (B)(1) or (B)(2) of this section if the treasurer 1865
previously has attempted to send such notice to the owner of the 1866
parcel and the notice has been returned by the post office as 1867
undeliverable. The absence of a valid tax mailing address for the 1868
owner of a parcel does not preclude the county treasurer from 1869
selling a tax certificate for the parcel. 1870

(C) The county treasurer shall advertise the sale of tax 1871
certificates under section 5721.32 of the Revised Code in a 1872
newspaper of general circulation in the county, once a week for 1873
two consecutive weeks. The advertisement shall include the date, 1874
the time, and the place of the public auction, descriptions of the 1875
parcels, and the names of the owners of record of the parcels. 1876

(D) After the county treasurer has compiled the list of 1877
parcels selected for tax certificate sales but before a tax 1878
certificate respecting a parcel is sold, if the owner of record of 1879
the parcel pays to the county treasurer in cash the full amount of 1880
delinquent taxes, assessments, penalties, interest, and charges 1881
then due and payable or enters into a valid delinquent tax 1882
contract under section 323.31 of the Revised Code to pay that 1883
amount, the owner of record of the parcel also shall pay a fee in 1884
an amount prescribed by the treasurer to cover the administrative 1885
costs of the treasurer under this section respecting the parcel 1886
and credited to the tax certificate administration fund. 1887

(E) A tax certificate administration fund shall be created in 1888
the county treasury of each county selling tax certificates under 1889
sections 5721.30 to ~~5721.41~~ 5721.43 of the Revised Code. The fund 1890
shall be administered by the county treasurer, and used solely for 1891
the purposes of sections 5721.30 to ~~5721.41~~ 5721.43 of the Revised 1892
Code. Any fee received by the treasurer under sections 5721.30 to 1893
~~5721.41~~ 5721.43 of the Revised Code shall be credited to the fund, 1894
except the bidder registration fee under division (B) of section 1895
5721.32 of the Revised Code and the county prosecuting attorney's 1896
fee under division (B)(3) of section 5721.37 of the Revised Code. 1897

(F) The county treasurers of more than one county may jointly 1898
conduct a regional sale of tax certificates under section 5721.32 1899
of the Revised Code. A regional sale shall be held at a single 1900
location in one county, where the tax certificates from each of 1901
the participating counties shall be offered for sale at public 1902
auction. Before the regional sale, each county treasurer shall 1903
advertise the sale for the parcels in the treasurer's county as 1904
required by division (C) of this section. At the regional sale, 1905
tax certificates shall be sold on parcels from one county at a 1906
time, with all of the certificates for one county offered for sale 1907
before any certificates for the next county are offered for sale. 1908

(G) The tax commissioner shall prescribe the form of the tax 1909
certificate under this section, and county treasurers shall use 1910
the form prescribed by the commissioner. 1911

Sec. 5721.32. (A) The sale of tax certificates by public 1912
auction may be conducted at any time after completion of the 1913
advertising of the sale under section 5721.31 of the Revised Code, 1914
on the date and at the time and place designated in the 1915
advertisements, and may be continued from time to time as the 1916
county treasurer directs. The county treasurer may offer the tax 1917
certificates for sale in blocks of tax certificates, consisting of 1918

any number of tax certificates as determined by the county 1919
treasurer. 1920

(B)(1) The sale of tax certificates under this section shall 1921
be conducted at a public auction by the county treasurer or a 1922
designee of the county treasurer. 1923

(2) No person shall be permitted to bid without completing a 1924
bidder registration form, in the form prescribed by the tax 1925
commissioner, and filing the form with the county treasurer prior 1926
to the start of the auction, together with remittance of a 1927
registration fee, in cash, of five hundred dollars. The bidder 1928
registration form shall include a tax identification number of the 1929
registrant. The registration fee is refundable at the end of 1930
bidding on the day of the auction, unless the registrant is the 1931
winning bidder for one or more tax certificates or one or more 1932
blocks of tax certificates, in which case the fee may be applied 1933
toward the deposit required by this section. 1934

(3) The county treasurer may require a person who wishes to 1935
bid on one or more parcels to submit a letter from a financial 1936
institution stating that the bidder has sufficient funds available 1937
to pay the purchase price of the parcels and a written 1938
authorization for the treasurer to verify such information with 1939
the financial institution. The county treasurer may require 1940
submission of the letter and authorization sufficiently in advance 1941
of the auction to allow for verification. No person who fails to 1942
submit the required letter and authorization, or whose financial 1943
institution fails to provide the requested verification, shall be 1944
permitted to bid. 1945

(C) At the auction, the county treasurer or the treasurer's 1946
designee or agent shall begin the bidding at eighteen per cent per 1947
year simple interest, and accept lower bids in even increments of 1948
one-fourth of one per cent to the rate of zero per cent. The 1949

county treasurer, designee, or agent shall award the tax 1950
certificate to the person bidding the lowest certificate rate of 1951
interest. 1952

(D) The winning bidder shall pay the county treasurer a cash 1953
deposit of at least ten per cent of the certificate purchase price 1954
not later than the close of business on the day of the sale. The 1955
winning bidder shall pay the balance and the fee required under 1956
division (H) of this section not later than five business days 1957
after the day on which the certificate is sold. If the winning 1958
bidder fails to pay the balance and fee within the prescribed 1959
time, the bidder forfeits the deposit, and the county treasurer 1960
shall retain the tax certificate and may attempt to sell it at any 1961
auction conducted at a later date. The county treasurer shall 1962
deposit the forfeited deposit in the county treasury to the credit 1963
of the tax certificate administration fund. 1964

(E) Upon receipt of the full payment of the certificate 1965
purchase price from the purchaser, the county treasurer shall 1966
issue the tax certificate and record the tax certificate sale by 1967
marking on the tax certificate and into a tax certificate 1968
register, the certificate purchase price, the certificate rate of 1969
interest, the date the certificate was sold, and the name and 1970
address of the certificate holder, which may be, upon receipt of 1971
instructions from the purchaser, the secured party of the actual 1972
purchaser, or an agent or custodian for the purchaser or secured 1973
party. The county treasurer also shall transfer the tax 1974
certificate to the certificate holder and, upon presentation to 1975
the treasurer of instructions signed by the certificate purchaser, 1976
shall record in the tax certificate register the name and address 1977
of any secured party of the certificate purchaser having a 1978
security interest in the tax certificate. Upon the transfer of a 1979
tax certificate, the county treasurer shall apportion the part of 1980
the proceeds from the sale representing taxes, penalties, and 1981

interest among the several taxing districts in the same proportion 1982
that the amount of taxes levied by each district against the 1983
certificate parcel in the preceding tax year bears to the taxes 1984
levied by all such districts against the certificate parcel in the 1985
preceding tax year, and credit the part of the proceeds 1986
representing assessments and other charges to the items of 1987
assessments and charges in the order in which those items became 1988
due. Upon completion of the sale of a tax certificate, the 1989
delinquent taxes, assessments, penalties, and interest that make 1990
up the certificate purchase price are transferred, and the 1991
superior lien of the state and its taxing districts for those 1992
taxes, assessments, penalties, and interest is conveyed intact to 1993
the certificate holder. 1994

(F) If a tax certificate is offered for sale under this 1995
section but is not sold, the county treasurer may strike the 1996
corresponding certificate parcel from the list of parcels selected 1997
for tax certificate sales. The lien for taxes, assessments, 1998
charges, penalties, and interest against a parcel stricken from 1999
the list thereafter may be foreclosed in the manner prescribed by 2000
section 323.25, 5721.14, or 5721.18 of the Revised Code unless, 2001
prior to the institution of such proceedings against the parcel, 2002
the county treasurer restores the parcel to the list of parcels 2003
selected for tax certificate sales. 2004

(G) A certificate holder shall not be liable for damages 2005
arising from a violation of sections 3737.87 to 3737.891 or 2006
Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6109., or 2007
6111. of the Revised Code, or a rule adopted or order, permit, 2008
license, variance, or plan approval issued under any of those 2009
chapters, that is or was committed by another person in connection 2010
with the parcel for which the tax certificate is held. 2011

(H) When selling a tax certificate under this section, the 2012
county treasurer shall charge a fee to the purchaser of the 2013

certificate. The county treasurer shall set the fee at a 2014
reasonable amount that covers the treasurer's costs of 2015
administering the sale of the tax certificate. The county 2016
treasurer shall deposit the fee in the county treasury to the 2017
credit of the tax certificate administration fund. 2018

(I) After selling a tax certificate under this section, the 2019
county treasurer shall send written notice by certified or 2020
registered mail to the owner of the certificate parcel at the 2021
owner's last known tax-mailing address. The notice shall inform 2022
the owner that the tax certificate was sold, shall describe the 2023
owner's options to redeem the parcel, including entering into a 2024
redemption payment plan under division (C)(1) of section 5721.38 2025
of the Revised Code, and shall name the certificate holder and its 2026
secured party, if any. 2027

(J) A tax certificate shall not be sold to the owner of the 2028
certificate parcel. 2029

Sec. 5721.33. (A) A county treasurer may, in the treasurer's 2030
discretion, negotiate the sale of any number of tax certificates 2031
with one or more persons, including, without limitation, any 2032
premium to be added to or discount to be subtracted from the 2033
certificate purchase price for the tax certificates and any other 2034
terms of the sale that the county treasurer, in the treasurer's 2035
discretion, determines appropriate or necessary for the sale. 2036

(B) The sale of tax certificates under this section shall be 2037
governed by the criteria established by the county treasurer 2038
pursuant to division (E) of this section. 2039

(C) The county treasurer may execute a tax certificate 2040
sale/purchase agreement and other necessary agreements with a 2041
designated purchaser or purchasers to complete a negotiated sale 2042
of tax certificates. 2043

(D) The tax certificate may be sold at a premium to or 2044
discount from the certificate purchase price. The county treasurer 2045
may establish as one of the terms of the negotiated sale the 2046
portion of the certificate purchase price, plus any applicable 2047
premium or less any applicable discount, that the purchaser or 2048
purchasers shall pay in cash on the date the tax certificates are 2049
sold and the portion, if any, of the certificate purchase price, 2050
plus any applicable premium or less any applicable discount, that 2051
the purchaser or purchasers shall pay in noncash consideration and 2052
the nature of that consideration. 2053

The county treasurer shall sell such tax certificates at a 2054
certificate purchase price, plus any applicable premium and less 2055
any applicable discount, and at a certificate rate of interest 2056
that, in the treasurer's determination, ~~is~~ are in the best 2057
interests of the county. 2058

(E)(1) The county treasurer ~~may promulgate~~ shall adopt rules 2059
governing the eligibility of persons to purchase tax certificates 2060
or to otherwise participate in a negotiated sale under this 2061
section. The rules may provide for precertification of such 2062
persons, including a requirement for disclosure of income, assets, 2063
and any other financial information the county treasurer 2064
determines appropriate. The rules ~~may~~ also may prohibit any person 2065
that is delinquent in the payment of any tax to the county or to 2066
the state, or that is in default in or on any other obligation to 2067
the county or to the state, from purchasing a tax certificate or 2068
otherwise participating in a negotiated sale of tax certificates 2069
under this section. The eligibility information required shall 2070
include the tax identification number of the purchaser and may 2071
include the tax identification number of the participant. The 2072
county treasurer, upon request, shall provide a copy of the rules 2073
adopted under this section. 2074

(2) Any person that intends to purchase a tax certificate in 2075

a negotiated sale shall submit an affidavit to the county 2076
treasurer that establishes compliance with the applicable 2077
eligibility criteria and includes any other information required 2078
by the treasurer. Any person that fails to submit such an 2079
affidavit is ineligible to purchase a tax certificate. Any person 2080
that knowingly submits a false or misleading affidavit shall 2081
forfeit any tax certificate or certificates purchased by the 2082
person at a sale for which the affidavit was submitted, shall be 2083
liable for payment of the full certificate purchase price, plus 2084
any applicable premium and less any applicable discount, of the 2085
tax certificate or certificates, and shall be disqualified from 2086
participating in any tax certificate sale conducted in the county 2087
during the next five years. 2088

(3) A tax certificate shall not be sold to the owner of the 2089
certificate parcel or to any corporation, partnership, or 2090
association in which such owner has an interest. No person that 2091
purchases a tax certificate in a negotiated sale shall assign or 2092
transfer the tax certificate to the owner of the certificate 2093
parcel or to any corporation, partnership, or association in which 2094
the owner has an interest. Any person that knowingly or 2095
negligently transfers or assigns ~~such~~ a tax certificate to the 2096
owner of the certificate parcel or to any corporation, 2097
partnership, or association in which such owner has an interest 2098
shall be liable for payment of the full certificate purchase 2099
price, plus any applicable premium and less any applicable 2100
discount, and shall not be entitled to a refund of any amount 2101
paid. Such tax certificate shall be deemed void and the tax lien 2102
sold under ~~such~~ the tax certificate shall revert to the county as 2103
if no sale of ~~such~~ the tax certificate had occurred. 2104

(F) The purchaser in a negotiated sale under this section 2105
shall deliver the certificate purchase price, plus any applicable 2106
premium and less any applicable discount and including any noncash 2107

consideration, to the county treasurer not later than the close of 2108
business on the date the tax certificates are delivered to the 2109
purchaser. The certificate purchase price, plus any applicable 2110
premium and less any applicable discount, or portion of the price, 2111
that is paid in cash shall be deposited in the county's general 2112
fund to the credit of the account to which ad valorem real 2113
property taxes are credited and further credited as provided in 2114
division (G) of this section. The purchaser ~~shall~~ also shall pay 2115
on the date the tax certificates are delivered to the purchaser 2116
the fee, if any, negotiated under division (J) of this section. If 2117
the purchaser fails to pay the certificate purchase price, plus 2118
any applicable premium and less any applicable discount, and any 2119
such fee within the time periods required by this section, the 2120
county treasurer shall retain the tax certificate and may attempt 2121
to sell it at any auction or negotiated sale conducted at a later 2122
date. 2123

(G) Upon receipt of the full payment of the certificate 2124
purchase price, plus any applicable premium and less any 2125
applicable discount, and the negotiated fee, if any, from the 2126
purchaser, the county treasurer, or a qualified trustee whom the 2127
treasurer has engaged for such purpose, shall issue the tax 2128
certificate and record the tax certificate sale by marking on each 2129
of the tax certificates sold or, if issued in book-entry form, on 2130
the global tax certificate, and marking into a tax certificate 2131
register, the certificate purchase price, any premium paid or 2132
discount taken, the certificate rate of interest, the date the 2133
certificates were sold, and the name and address of the 2134
certificate holder or, in the case of issuance of the tax 2135
certificates in a book-entry system, the name and address of the 2136
nominee, which may be, upon receipt of instructions from the 2137
purchaser, the secured party of the actual purchaser, or an agent 2138
or custodian for the purchaser or secured party. The county 2139
treasurer also shall transfer the tax certificates to the 2140

certificate holder and, upon presentation to the treasurer of 2141
instructions signed by the certificate purchaser or purchasers, 2142
shall record in the tax certificate register the name and address 2143
of any secured party of the certificate purchaser or purchasers 2144
having a security interest in the tax certificate. Upon the 2145
transfer of the tax certificates, the county treasurer shall 2146
apportion the part of the cash proceeds from the sale representing 2147
taxes, penalties, and interest among the several taxing districts 2148
in the same proportion that the amount of taxes levied by each 2149
district against the certificate parcels in the preceding tax year 2150
bears to the taxes levied by all such districts against the 2151
certificate parcels in the preceding tax year, and credit the part 2152
of the proceeds representing assessments and other charges to the 2153
items of assessments and charges in the order in which those items 2154
became due. If the cash proceeds from the sale are not sufficient 2155
to fully satisfy the items of outstanding delinquent taxes, 2156
assessments, penalties, interest, and charges on the certificate 2157
parcels against which tax certificates were sold, the county 2158
treasurer shall credit the cash proceeds to such items pro rata 2159
based upon the proportion that each ~~such~~ item of delinquent taxes, 2160
assessments, penalties, interest, and charges bears to the 2161
aggregate of all such items, or by any other method that the 2162
county treasurer, in the treasurer's sole discretion, determines 2163
is equitable. Upon completion of the sale of the tax certificates, 2164
the delinquent taxes, assessments, penalties, and interest that 2165
make up the certificate purchase price are transferred, and the 2166
superior lien of the state and its taxing districts for those 2167
taxes, assessments, penalties, and interest is conveyed intact to 2168
the certificate holder or holders. 2169

(H) If a tax certificate is offered for sale under this 2170
section but is not sold, the county treasurer may strike the 2171
corresponding certificate parcel from the list of parcels selected 2172
for tax certificate sales. The lien for taxes, assessments, 2173

charges, penalties, and interest against a parcel stricken from 2174
the list thereafter may be foreclosed in the manner prescribed by 2175
section 323.25, 5721.14, or 5721.18 of the Revised Code unless, 2176
prior to the institution of such proceedings against the parcel, 2177
the county treasurer restores the parcel to the list of parcels 2178
selected for tax certificate sales. 2179

(I) Neither a certificate holder nor its secured party, if 2180
any, shall be liable for damages arising from a violation of 2181
sections 3737.87 to 3737.891 or Chapter 3704_, 3734., 3745., 2182
3746., 3750., 3751., 3752., 6109., or 6111. of the Revised Code, 2183
or a rule adopted or order, permit, license, variance, or plan 2184
approval issued under any of those chapters, that is or was 2185
committed by another person in connection with the parcel for 2186
which the tax certificate is held. 2187

(J) When selling a tax certificate under this section, the 2188
county treasurer may negotiate with the purchaser of the 2189
certificate for a fee paid by the purchaser to the treasurer to 2190
reimburse the treasurer for any part or all of the treasurer's 2191
costs of preparing for and administering the sale of the tax 2192
certificate. Such fee, if any, shall be added to the certificate 2193
purchase price of the certificate and shall be paid by the 2194
purchaser on the date of delivery of the tax certificate. The 2195
county treasurer shall deposit the fee in the county treasury to 2196
the credit of the tax certificate administration fund. 2197

(K) After selling tax certificates under this section, the 2198
county treasurer shall send written notice by certified or 2199
registered mail to the last known address of the owner of the 2200
certificate parcel. The notice shall inform the owner that a tax 2201
certificate with respect to such owner's parcel was sold and shall 2202
describe the owner's options to redeem the parcel, including 2203
entering into a redemption payment plan under division (C)(2) of 2204
section 5721.38 of the Revised Code. 2205

Sec. 5721.34. (A) A county treasurer shall not sell any tax certificate respecting a parcel of delinquent land upon which the full amount of delinquent taxes, assessments, penalties, interest, charges, and costs then due and payable have been paid, or with respect to which a valid delinquent tax contract under section 323.31 of the Revised Code to pay that amount has been entered into, prior to the sale of the certificate by the county treasurer. A certificate sold in violation of this section is void.

(B) ~~If, within sixty days after the date of the sale of a tax certificate,~~ the county treasurer discovers that the certificate is void under division (A) of this section, the holder of the void certificate is entitled to a refund of the certificate purchase price, plus any applicable premium and less any applicable discount, and the fee charged by the treasurer under division (H) of section 5721.32 or division (J) of section 5721.33 of the Revised Code, as applicable. If the county treasurer discovers after makes the discovery more than sixty days from after the certificate's date of sale that a tax certificate is void, the holder of the void certificate also is entitled to a refund equal to the certificate purchase price, plus any applicable premium and less any applicable discount, and the treasurer's fee, plus interest on the certificate purchase price, plus any applicable premium and less any applicable discount, at the rate of five per cent per year. The holder of a void certificate shall present the certificate to the county treasurer to obtain shall notify the certificate holder that the certificate is void and shall issue the refund, and the. The county auditor shall issue a warrant for the amount portion of the refund from the undivided tax fund, which portion consists of the certificate purchase price, plus any applicable premium and less any applicable discount; the portion of the refund consisting of interest and the treasurer's fee shall

be paid from the tax certificate administration fund. 2238

(C) With respect to a tax certificate sold under section 2239
5721.32 of the Revised Code and found to be void under division 2240
(A) of this section, in addition to the remedies available under 2241
division (B) of this section, the county treasurer may, with the 2242
approval of the certificate holder, substitute for such tax 2243
certificate or portion thereof another tax certificate that has a 2244
value equivalent to the value of the tax certificate found to be 2245
void. Whenever a tax certificate of ~~such~~ equivalent value is to be 2246
substituted for a tax certificate that has been found to be void, 2247
the county treasurer shall provide written notice of the intention 2248
to substitute ~~such~~ a tax certificate of equivalent value to any 2249
person required to be notified under division (I) of section 2250
5721.32 of the Revised Code. 2251

(D) If an application for the exemption from and remission of 2252
taxes made under section 3735.67 or 5715.27 of the Revised Code, 2253
or under any other section of the Revised Code under the 2254
jurisdiction of the director of environmental protection, is 2255
granted for a parcel for which a tax certificate has been sold, 2256
the county treasurer shall refund to the certificate holder, in 2257
the manner provided in this section, the amount of any taxes 2258
exempted or remitted that were included in the certificate 2259
purchase price. If the whole amount of the taxes included in the 2260
certificate purchase price are exempted or remitted, the tax 2261
certificate is void. If all of the taxes that were included in the 2262
certificate purchase price are not exempted or remitted, the 2263
county treasurer shall adjust the tax certificate register to 2264
reflect the remaining amount of taxes that were not exempted or 2265
remitted, and notify the certificate holder of the adjustment in 2266
writing. 2267

Sec. 5721.37. (A)(1) With respect to a tax certificate 2268

purchased under section 5721.32 of the Revised Code, or section 2269
5721.42 of the Revised Code in counties to which section 5721.32 2270
of the Revised Code applies, at any time after one year from the 2271
date shown on the tax certificate as the date the tax certificate 2272
was sold, and not later than three years after that date, the 2273
certificate holder may file with the county treasurer a request 2274
for foreclosure, or a private attorney on behalf of the 2275
certificate holder may file with the county treasurer a notice of 2276
intent to foreclose, on a form prescribed by the tax commissioner 2277
and provided by the county treasurer, provided the parcel has not 2278
yet been redeemed under division (A) or (C) of section 5721.38 of 2279
the Revised Code. 2280

(2) With respect to a tax certificate purchased under section 2281
5721.33 of the Revised Code, or section 5721.42 of the Revised 2282
Code in counties to which section 5721.33 of the Revised Code 2283
applies, at any time after one year from the date shown on the tax 2284
certificate as the date the tax certificate was sold, and not 2285
later than six years after that date or any extension of that date 2286
pursuant to division (C)(2) of section 5721.38 of the Revised 2287
Code, a private attorney on behalf of the certificate holder may 2288
file with the county treasurer a notice of intent to foreclose on 2289
a form prescribed by the tax commissioner and provided by the 2290
county treasurer, provided the parcel has not yet been redeemed 2291
under division (A) or (C) of section 5721.38 of the Revised Code. 2292

(3) ~~If~~ (a) With respect to a tax certificate purchased under 2293
section 5721.32 of the Revised Code or section 5721.42 of the 2294
Revised Code in counties to which section 5721.32 of the Revised 2295
Code applies, if, before the expiration of three years ~~from~~ after 2296
the date a tax certificate was sold, the owner of property for 2297
which the certificate was sold files a petition in bankruptcy, the 2298
county treasurer shall notify the certificate holder by ordinary 2299
first-class or certified mail of the filing of the petition, ~~and,~~ 2300

If the owner of the property files a petition in bankruptcy, the 2301
last day on which the certificate holder may file a request for 2302
foreclosure shall be is the later of three years from after the 2303
date the certificate was sold or one hundred eighty days after the 2304
bankruptcy case is closed; however, the three-year period being 2305
measured from the date that the certificate was sold is tolled 2306
while the owner of the property's petition in bankruptcy is being 2307
heard and remains open. 2308

(b) With respect to a tax certificate purchased under section 2309
5721.33 of the Revised Code or section 5721.42 of the Revised Code 2310
in counties to which section 5721.33 of the Revised Code applies, 2311
if, before the expiration of six years after the date a tax 2312
certificate was sold, the owner of the property files a petition 2313
in bankruptcy, the county treasurer shall notify the certificate 2314
holder by ordinary first-class or certified mail of the filing of 2315
the petition. If the owner of the property files a petition in 2316
bankruptcy, the last day on which the certificate holder may file 2317
a notice of intent to foreclose is the later of six years after 2318
the date that the tax certificate was sold or one hundred eighty 2319
days after the bankruptcy case is closed; however, the six-year 2320
period being measured after the date that the certificate was sold 2321
is tolled while the owner of the property's petition in bankruptcy 2322
is being heard and remains open. 2323

(4) If, before the expiration of three years from the date a 2324
tax certificate was sold, the owner of property for which the 2325
certificate was sold applies for an exemption under section 2326
3735.67 or 5715.27 of the Revised Code or under any other section 2327
of the Revised Code under the jurisdiction of the director of 2328
environmental protection, the county treasurer shall notify the 2329
certificate holder by ordinary first-class or certified mail of 2330
the filing of the application. Once a determination has been made 2331
on the exemption application, the county treasurer shall notify 2332

the certificate holder of the determination by ordinary 2333
first-class or certified mail. The last day on which the 2334
certificate holder may file a request for foreclosure shall be the 2335
later of three years from the date the certificate was sold or 2336
forty-five days after notice of the determination was mailed. 2337

(B) Along with a request for foreclosure or a notice of 2338
intent to foreclose filed under division (A)(1) of this section, 2339
or a notice of intent to foreclose filed under division (A)(2) of 2340
this section and prior to the transfer of title in connection with 2341
foreclosure proceedings filed under division (F) of this section, 2342
the certificate holder shall submit a payment to the county 2343
treasurer equal to the sum of the following: 2344

(1) The certificate redemption prices of all outstanding tax 2345
certificates that have been sold on the parcel, other than tax 2346
certificates held by the person requesting foreclosure; 2347

(2) Any delinquent taxes, assessments, penalties, interest, 2348
and charges that are charged against the certificate parcel that 2349
is the subject of the foreclosure proceedings and that are not 2350
covered by a tax certificate; 2351

(3) If the foreclosure proceedings are filed by the county 2352
prosecuting attorney pursuant to section 323.25, 5721.14, or 2353
5721.18 of the Revised Code, a fee in the amount prescribed by the 2354
county prosecuting attorney to cover the prosecuting attorney's 2355
legal costs incurred in the foreclosure proceeding; 2356

(4) If the foreclosure proceedings are filed by a private 2357
attorney on behalf of the certificate holder pursuant to division 2358
(F) of this section, any other prior liens. 2359

(C)(1) With respect to a certificate purchased under section 2360
5721.32 or 5721.42 of the Revised Code, if the certificate parcel 2361
has not been redeemed, the county treasurer, within five days 2362
after receiving a foreclosure request, shall inform the county 2363

prosecuting attorney that the parcel has not been redeemed and 2364
shall provide a copy of the foreclosure request. The county 2365
treasurer also shall send notice by ordinary mail to all 2366
certificate holders other than the certificate holder requesting 2367
foreclosure that foreclosure has been requested by a certificate 2368
holder and that tax certificates for the certificate parcel may be 2369
redeemed. Within ninety days of receiving the copy of the 2370
foreclosure request, the prosecuting attorney shall commence a 2371
foreclosure proceeding in the name of the county treasurer in the 2372
manner provided under section 323.25, 5721.14, or 5721.18 of the 2373
Revised Code, to foreclose the lien vested in the certificate 2374
holder by the certificate. The prosecuting attorney shall attach 2375
to the complaint the county treasurer's certification that the 2376
parcel has not been redeemed. 2377

(2) With respect to a certificate purchased under section 2378
5721.32, 5721.33, or 5721.42 of the Revised Code, if the 2379
certificate parcel has not been redeemed and a notice of intent to 2380
foreclose has been filed, the county treasurer shall provide 2381
certification to the private attorney that the parcel has not been 2382
redeemed. The county treasurer also shall send notice by ordinary 2383
mail to all certificate holders other than the certificate holder 2384
represented by the attorney that a notice of intent to foreclose 2385
has been filed and that tax certificates for the certificate 2386
parcel may be redeemed. After receipt of that certification, the 2387
private attorney may commence a foreclosure proceeding in the name 2388
of the certificate holder in the manner provided under division 2389
(F) of this section, to foreclose the lien vested in the 2390
certificate holder by the certificate. The private attorney shall 2391
attach to the complaint the county treasurer's certification that 2392
the parcel has not been redeemed. 2393

(D) The county treasurer shall credit the amount received 2394
under division (B)(1) of this section to the tax certificate 2395

redemption fund. The tax certificates respecting the payment shall 2396
be redeemed as provided in division (E) of section 5721.38 of the 2397
Revised Code. The amount received under division (B)(2) of this 2398
section shall be distributed to the taxing districts to which the 2399
delinquencies are owed. The county treasurer shall deposit the fee 2400
received under division (B)(3) of this section in the county 2401
treasury to the credit of the delinquent tax and assessment 2402
collection fund. The amount received under division (B)(4) of this 2403
section shall be distributed to the holder of the prior lien. 2404

(E)(1) If, in the case of a certificate purchased under 2405
section 5721.32 or 5721.42 of the Revised Code, the certificate 2406
holder does not file with the county treasurer a request for 2407
foreclosure or a notice of intent to foreclose along with the 2408
required payment within three years after the date shown on the 2409
tax certificate as the date the certificate was sold, and during 2410
that period the parcel is not redeemed or foreclosed upon, the 2411
certificate holder's lien against the parcel for the ~~amount of~~ 2412
~~delinquent taxes, assessments, penalties, interest, and charges~~ 2413
~~that make up the certificate purchase~~ redemption price is 2414
canceled. 2415

(2)(a) If, in the case of a certificate purchased under 2416
section 5721.33 of the Revised Code, the certificate holder does 2417
not file with the county treasurer a notice of intent to foreclose 2418
with respect to a certificate parcel within six years after the 2419
date shown on the tax certificate as the date the certificate was 2420
sold or any extension of that date pursuant to division (C)(2) of 2421
section 5721.38 of the Revised Code, and during that period the 2422
parcel is not redeemed, the certificate holder's lien against the 2423
parcel for the amount of delinquent taxes, assessments, penalties, 2424
interest, and charges that make up the certificate purchase price 2425
is canceled, subject to division (E)(2)(b) of this section. 2426

(b) In the case of any tax certificate purchased under 2427

section 5721.33 of the Revised Code prior to ~~the effective date of~~ 2428
~~this amendment~~ October 10, 2000, the county treasurer, upon 2429
application by the certificate holder, may sell to the certificate 2430
holder a new certificate extending the three-year period 2431
prescribed by division (E)(2) of this section, as that division 2432
existed prior to ~~that effective date~~ October 10, 2000, to six 2433
years after the date shown on the original certificate as the date 2434
it was sold or any extension of that date. The county treasurer 2435
and the certificate holder shall negotiate the premium, in cash, 2436
to be paid for the new certificate sold under this section. If the 2437
county treasurer and certificate holder do not negotiate a 2438
mutually acceptable premium, the county treasurer and certificate 2439
holder may agree to engage a person experienced in the valuation 2440
of financial assets to appraise a fair premium for the new 2441
certificate. The certificate holder has the option to purchase the 2442
new certificate for the fair premium so appraised. Not less than 2443
one-half of the fee of the person so engaged shall be paid by the 2444
certificate holder requesting the new certificate; the remainder 2445
of the fee shall be paid from the proceeds of the sale of the new 2446
certificate. If the certificate holder does not purchase the new 2447
certificate for the premium so appraised, the certificate holder 2448
shall pay the entire fee. The county treasurer shall credit the 2449
remaining proceeds from the sale to the items of taxes, 2450
assessments, penalties, interest, and charges in the order in 2451
which they became due. 2452

A certificate issued under this division vests in the 2453
certificate holder and its secured party, if any, the same rights, 2454
interests, privileges, and immunities as are vested by the 2455
original certificate under sections 5721.30 to ~~5721.41~~ 5721.43 of 2456
the Revised Code, except that interest payable under division (B) 2457
of section 5721.38 or division (B) of section 5721.39 of the 2458
Revised Code shall be subject to the amendments to those divisions 2459
by Sub. H.B. 533 of the 123rd general assembly. The certificate 2460

shall be issued in the same form as the form prescribed for the 2461
original certificate issued except for any modifications 2462
necessary, in the county treasurer's discretion, to reflect the 2463
extension under this division of the certificate holder's lien to 2464
six years after the date shown on the original certificate as the 2465
date it was sold or any extension of that date. The certificate 2466
holder may record a certificate issued under division (E)(2)(b) of 2467
this section or memorandum thereof as provided in division (B) of 2468
section 5721.35 of the Revised Code, and the county recorder shall 2469
index the certificate and record any subsequent cancellation of 2470
the lien as provided in that section. The sale of a certificate 2471
extending the lien under division (E)(2)(b) of this section does 2472
not impair the right of redemption of the owner of record of the 2473
certificate parcel or of any other person entitled to redeem the 2474
property. 2475

(F) With respect to tax certificates purchased under section 2476
5721.32, 5721.33, or 5721.42 of the Revised Code, upon the 2477
delivery to the certificate holder by the county treasurer of the 2478
certification provided for under division (C)(2) of this section, 2479
a private attorney may institute a foreclosure proceeding under 2480
this division in the name of the certificate holder to foreclose 2481
such holder's lien, in any court with jurisdiction, unless the 2482
certificate redemption price is paid prior to the time a complaint 2483
is filed. The attorney shall prosecute the proceeding to final 2484
judgment and satisfaction, whether through sale of the property or 2485
the vesting of title and possession in the certificate holder. 2486

The foreclosure proceedings under this division, except as 2487
otherwise provided in this division, shall be instituted and 2488
prosecuted in the same manner as is provided by law for the 2489
foreclosure of mortgages on land, except that, if service by 2490
publication is necessary, such publication shall be made once a 2491
week for three consecutive weeks and the service shall be complete 2492

at the expiration of three weeks after the date of the first 2493
publication. 2494

Any notice given under this division shall include the name 2495
of the owner of the parcel as last set forth in the records of the 2496
county recorder, the owner's last known mailing address, the 2497
address of the subject parcel if different from that of the owner, 2498
and a complete legal description of the subject parcel. In any 2499
county that has adopted a permanent parcel number system, such 2500
notice may include the permanent parcel number in addition to a 2501
complete legal description. 2502

It is sufficient, having been made a proper party to the 2503
foreclosure proceeding, for the certificate holder to allege in 2504
such holder's complaint that the tax certificate has been duly 2505
purchased by the certificate holder, that the certificate 2506
redemption price appearing to be due and unpaid is due and unpaid, 2507
and that there is a lien against the property described in the tax 2508
certificate, without setting forth in such holder's complaint any 2509
other special matter relating to the foreclosure proceeding. The 2510
prayer of the complaint shall be that the court issue an order 2511
that the property be sold by the sheriff or, if the action is in 2512
the municipal court, by the bailiff, in the manner provided in 2513
section 5721.19 of the Revised Code, unless the complaint includes 2514
an appraisal by an independent appraiser acceptable to the court 2515
that the value of the certificate parcel is less than the 2516
certificate purchase price. In that case, the prayer of the 2517
complaint shall be that fee simple title to the property be 2518
transferred to and vested in the certificate holder free and clear 2519
of all subordinate liens. 2520

In the foreclosure proceeding, the certificate holder may 2521
join in one action any number of tax certificates relating to the 2522
same owner, provided that all parties on each of the tax 2523
certificates are identical as to name and priority of interest. 2524

However, the decree for each tax certificate shall be rendered 2525
separately and any proceeding may be severed, in the discretion of 2526
the court, for the purpose of trial or appeal. The court shall 2527
~~make such order for the~~ payment of all costs related directly or 2528
indirectly to the redemption of the tax certificate, including, 2529
without limitation, attorney's fees of the holder's attorney, as 2530
is considered proper. The tax certificate purchased by the 2531
certificate holder is presumptive evidence in all courts and in 2532
all proceedings, including, without limitation, at the trial of 2533
the foreclosure action, of the amount and validity of the taxes, 2534
assessments, charges, penalties by the court and added to such 2535
principal amount, and interest appearing due and unpaid and of 2536
their nonpayment. 2537

(G) For the purposes of this section, "prior liens" means 2538
liens that are prior in right to the lien with respect to the tax 2539
certificate that is the subject of the foreclosure proceedings. 2540

(H) If a parcel is sold under this section, the officer who 2541
conducted the sale shall collect the recording fee from the 2542
purchaser at the time of the sale and, following confirmation of 2543
the sale, shall prepare and record the deed conveying the title to 2544
the parcel to the purchaser. 2545

Sec. 5721.38. (A) At any time prior to payment to the county 2546
treasurer by the certificate holder to initiate foreclosure 2547
proceedings under division (B) of section 5721.37 of the Revised 2548
Code, the owner of record of the certificate parcel, or any other 2549
person entitled to redeem that parcel, may redeem the parcel by 2550
paying to the county treasurer an amount equal to the total of the 2551
certificate redemption prices of all tax certificates respecting 2552
~~that parcel plus the sum of taxes, assessments, penalties,~~ 2553
~~charges, and interest charged against the parcel that have become~~ 2554
~~due and payable since the date the last certificate was sold.~~ 2555

(B) At any time after payment to the county treasurer by the certificate holder to initiate foreclosure proceedings under section 5721.37 of the Revised Code and prior to the filing of the entry of confirmation of sale of a certificate parcel under foreclosure proceedings filed by the county prosecuting attorney or prior to the decree conveying title to the certificate holder as provided for in division (F) of section 5721.37 of the Revised Code, the owner of record of the certificate parcel or any other person entitled to redeem that parcel may redeem the parcel by paying to the county treasurer the sum of the following amounts:

(1) The amount described in division (A) of this section;

(2) Interest on the certificate purchase price for each tax certificate sold respecting the parcel at the rate of eighteen per cent per year for the period beginning on the day on which the payment was submitted by the certificate holder and ending on the day the parcel is redeemed under this division, except that such interest shall not accrue for more than three years after the day the certificate was purchased if the certificate holder did not submit payment under division (B) of section 5721.37 of the Revised Code before the end of that three-year period;

(3) An amount equal to the sum of the prosecuting attorney's fee under division ~~(C)(1)~~(B)(3) of section 5721.37 of the Revised Code if the tax certificate was purchased under section 5721.32 or 5721.42 of the Revised Code~~+. If the parcel is redeemed before the complaint has been filed, the prosecuting attorney shall adjust the fee to reflect services performed to the date of redemption and the county treasurer shall refund any excess to the certificate holder.~~

(4) Any other costs and fees of the proceeding allocable to the certificate parcel as determined by the court. Upon receipt of such payments, the county treasurer shall refund the payment made

by the certificate holder to initiate foreclosure proceedings. 2587

(C)(1) During the period beginning on the date a tax 2588
certificate is sold under section 5721.32 of the Revised Code and 2589
ending one year from that date, the county treasurer may enter 2590
into a redemption payment plan with the owner of record of the 2591
certificate parcel or any other person entitled to redeem that 2592
parcel. The plan shall require the owner or other person to pay 2593
the certificate redemption price for the tax certificate in 2594
installments, with the final installment due no later than one 2595
year after the date the tax certificate is sold. The certificate 2596
holder may at any time, by written notice to the county treasurer, 2597
agree to accept installments collected to the date of notice as 2598
payment in full. Receipt of such notice by the treasurer shall 2599
constitute satisfaction of the payment plan and redemption of the 2600
tax certificate. 2601

(2) During the period beginning on the date a tax certificate 2602
is sold under section 5721.33 of the Revised Code and ending on 2603
the date the decree is rendered on the foreclosure proceeding 2604
under division (F) of section 5721.37 of the Revised Code, the 2605
owner of record of the certificate parcel, or any other person 2606
entitled to redeem that parcel, may enter into a redemption 2607
payment plan with the certificate holder and all secured parties 2608
of the certificate holder. The plan shall require the owner or 2609
other person to pay the certificate redemption price for the tax 2610
certificate, an administrative fee not to exceed one hundred 2611
dollars per year, and the actual fees and costs incurred, in 2612
installments, with the final installment due no later than three 2613
years after the date the tax certificate is sold. The certificate 2614
holder shall give written notice of the plan to the applicable 2615
county treasurer within sixty days after entering into the plan 2616
and written notice of default under the plan within ninety days 2617
after the default. If such a plan is entered into, the time period 2618

for filing a notice of intent to foreclose under section 5721.37 2619
of the Revised Code is extended by the length of time the plan is 2620
in effect and not in default. 2621

(D)(1) Immediately upon receipt of full payment under 2622
division (A) or (B) of this section, the county treasurer shall 2623
make an entry to that effect in the tax certificate register and 2624
notify each certificate holder by certified mail, return receipt 2625
requested, that the parcel has been redeemed and the lien canceled 2626
and that the tax certificates may be redeemed. The county 2627
treasurer shall deposit into the tax certificate redemption fund 2628
created in the county treasury an amount equal to the total of the 2629
certificate redemption prices, together with interest on the 2630
certificate purchase price for each tax certificate sold 2631
respecting the parcel at the rate of eighteen per cent per year 2632
paid under division (B) of this section for the period beginning 2633
when the payment was submitted by the certificate holder under 2634
division (B) of section 5721.37 of the Revised Code and ending 2635
when the parcel was redeemed. The county treasurer shall 2636
administer the fund for the purpose of redeeming tax certificates. 2637
Interest earned on the fund shall be credited to the county 2638
general fund. 2639

(2) If a redemption payment plan is entered into pursuant to 2640
division (C)(1) of this section, the county treasurer immediately 2641
shall notify each certificate holder by certified mail, return 2642
receipt requested, of the terms of the plan. Installment payments 2643
made pursuant to the plan shall be deposited in the tax 2644
certificate redemption fund. Any overpayment of the installments 2645
shall be refunded to the person responsible for causing the 2646
overpayment if the person applies for a refund under this section. 2647
If the person responsible for causing the overpayment fails to 2648
apply for a refund under this section within five years from the 2649
date the plan is satisfied, an amount equal to the overpayment 2650

shall be deposited into the general fund of the county. 2651

Upon satisfaction of the plan, the county treasurer shall 2652
indicate in the tax certificate register that the plan has been 2653
satisfied, and shall notify each certificate holder by certified 2654
mail, return receipt requested, that the plan has been satisfied 2655
and that tax certificates may be redeemed. 2656

If a plan becomes void, the county treasurer immediately 2657
shall notify each certificate holder by certified mail, return 2658
receipt requested. If a certificate holder files a request for 2659
foreclosure under section 5721.37 of the Revised Code, upon the 2660
filing of the request for foreclosure, any money paid under the 2661
plan shall be refunded to the person that paid the money under the 2662
plan. 2663

(E) To redeem a tax certificate with respect to which payment 2664
has been made in full under division (A), (B), or (C)(1) of this 2665
section or division (B)(1) of section 5721.37 of the Revised Code, 2666
the certificate holder shall present the tax certificate to the 2667
county treasurer, who shall prepare the redemption information. 2668
Upon presentation, the county auditor shall draw a warrant on the 2669
tax certificate redemption fund in the amount of the certificate 2670
redemption price and any applicable interest payable at the rate 2671
of eighteen per cent annually on the certificate under division 2672
(B) of this section. For a parcel that was redeemed under division 2673
(B) of this section, the certificate holder who paid the amounts 2674
under division (B) of section 5721.37 of the Revised Code shall be 2675
reimbursed for those amounts, together with interest at the rate 2676
of eighteen per cent per year on the amount paid under division 2677
(B)(1) of that section for the period beginning when the payment 2678
was submitted by the certificate holder under division (B) of that 2679
section and ending when the parcel was redeemed. The treasurer 2680
shall mark all copies of the tax certificate "redeemed" and return 2681
the certificate to the certificate holder. The canceled 2682

certificate shall serve as a receipt evidencing redemption of the 2683
tax certificate. If a certificate holder fails to redeem a tax 2684
certificate within five years after notice is served under 2685
division (D) of this section that tax certificates may be 2686
redeemed, an amount equal to the certificate redemption price and 2687
any applicable interest payable at the rate of eighteen per cent 2688
annually on the certificate under division (B) of this section 2689
shall be deposited into the general fund of the county. 2690

Sec. 5721.39. In its judgment of foreclosure rendered with 2691
respect to actions filed pursuant to section 5721.37 of the 2692
Revised Code, the court shall enter a finding with respect to the 2693
certificate parcel of the amount of the sum of the certificate 2694
redemption prices respecting all the tax certificates sold against 2695
the parcel; interest on the certificate purchase prices of those 2696
certificates at the rate of eighteen per cent per year for the 2697
period beginning on the day on which the payment was submitted by 2698
the certificate holder under division (B) of section 5721.37 of 2699
the Revised Code; any delinquent taxes, assessments, penalties, 2700
interest, and charges on the parcel that are not covered by a tax 2701
certificate; and fees and costs incurred in the foreclosure 2702
proceeding instituted against the parcel, including, without 2703
limitation, the fees and costs of the prosecuting attorney 2704
represented by the fee paid under division (B)(3) of section 2705
5721.37 of the Revised Code or the fees and costs of the private 2706
attorney representing the certificate holder, and charges paid or 2707
incurred in procuring title searches and abstracting services 2708
relative to the subject premises. The court may order the 2709
certificate parcel to be sold, without appraisal, ~~in the manner~~ 2710
~~provided for in division (F) of section 5721.37 of the Revised~~ 2711
~~Code~~ and as set forth in the prayer of the complaint, for not less 2712
than the amount of its finding, or, in the event that the court 2713
finds that the value of the certificate parcel is less than the 2714

certificate purchase price, the court may, as prayed for in the 2715
complaint, issue a decree transferring fee simple title free and 2716
clear of all subordinate liens to the certificate holder. A decree 2717
of the court transferring ~~such~~ fee simple title to the certificate 2718
holder is forever a bar to all rights of redemption with respect 2719
to the certificate parcel. 2720

Each certificate parcel shall be advertised and sold by the 2721
officer to whom the order of sale is directed in the manner 2722
provided by law for the sale of real property on execution. The 2723
advertisement for sale of certificate parcels shall be published 2724
once a week for three consecutive weeks and shall include the date 2725
on which a second sale will be conducted if no bid is accepted at 2726
the first sale. Any number of parcels may be included in one 2727
advertisement. 2728

Whenever the officer charged to conduct the sale offers a 2729
certificate parcel for sale and no bids are made equal to at least 2730
the amount of the court's finding, the officer shall adjourn the 2731
sale of the parcel to the second date that was specified in the 2732
advertisement of sale. The second sale shall be held at the same 2733
place and commence at the same time as set forth in the 2734
advertisement of sale. The officer shall offer any parcel not sold 2735
at the first sale. Upon the conclusion of any sale, or if any 2736
parcel remains unsold after being offered at two sales, the 2737
officer conducting the sale shall report the results to the court. 2738

Upon the confirmation of a sale, the proceeds of the sale 2739
shall be applied as follows: 2740

(A) The fees and costs incurred in the proceeding filed 2741
against the parcel pursuant to section 5721.37 of the Revised 2742
Code, not including the county prosecutor's costs covered by the 2743
fee paid by the certificate holder under division (B)(3) of that 2744
section, shall be paid first. 2745

(B) Following the payment required by division (A) of this section, the certificate holder that requested the foreclosure shall be paid the sum of the following amounts:

(1) The sum of the amount found due for the certificate redemption prices of all the tax certificates, other than those certificates described in division (B)(1) of section 5721.37 of the Revised Code, that are sold against the parcel to the certificate holder requesting a notice of foreclosure;

(2) Any premium paid by the certificate holder at the time of purchase;

(3) Interest on the ~~certificate purchase prices of those certificates~~ amounts paid by the certificate holder under division (B)(1) of section 5721.37 of the Revised Code at the rate of eighteen per cent per year beginning on the day on which the payment was submitted by the certificate holder to the county treasurer and ending on the day immediately preceding the day on which the proceeds of the foreclosure sale are paid to the certificate holder;

(4) Interest on the amounts paid by the certificate holder under divisions (B)(2) and (3) of section 5721.37 of the Revised Code at the rate of eighteen per cent per year beginning on the day on which the payment was submitted by the certificate holder under ~~division (B)~~ divisions (B)(2) and (3) of section 5721.37 of the Revised Code and ending on the day immediately preceding the day on which the proceeds of the foreclosure sale are paid to the certificate holder pursuant to this section, except that such interest shall not accrue for more than ~~three~~ six years after the day the ~~certificate was purchased~~ amounts were paid by the certificate holder under divisions (B)(2) and (3) of section 5721.37 of the Revised Code if the certificate holder did not submit that payment before the end of that ~~three-year~~ six-year

period; 2777

~~(4)~~(5) The amounts paid by the certificate holder under 2778
divisions (B)~~(1)~~, (2), and (3) of section 5721.37 of the Revised 2779
Code. 2780

(C) Following the payment required by division (B) of this 2781
section, any amount due for taxes, assessments, charges, 2782
penalties, and interest not covered by the tax certificate 2783
holder's payment under division (B)(2) of section 5721.37 of the 2784
Revised Code shall be paid, including all taxes, assessments, 2785
charges, penalties, and interest payable subsequent to the entry 2786
of the finding and prior to the transfer of the deed of the parcel 2787
to the purchaser following confirmation of sale. If the proceeds 2788
available for distribution pursuant to this division are 2789
insufficient to pay the entire amount of those taxes, assessments, 2790
charges, penalties, and interest, the proceeds shall be paid to 2791
each claimant in proportion to the amount of those taxes, 2792
assessments, charges, penalties, and interest that each is due, 2793
and those taxes, assessments, charges, penalties, and interest are 2794
deemed satisfied and shall be removed from the tax list and 2795
duplicate. 2796

Any residue of money from proceeds of the sale shall be 2797
disposed of as prescribed by section 5721.20 of the Revised Code. 2798

Unless the parcel previously was redeemed pursuant to section 2799
5721.25 or 5721.38 of the Revised Code, upon the filing of the 2800
entry of confirmation of sale, the title to the parcel is 2801
incontestable in the purchaser and is free and clear of all liens 2802
and encumbrances, except a federal tax lien, notice of which lien 2803
is properly filed in accordance with section 317.09 of the Revised 2804
Code prior to the date that a foreclosure proceeding is instituted 2805
pursuant to section 5721.37 of the Revised Code, and which lien 2806
was foreclosed in accordance with 28 U.S.C.A. 2410(c), and except 2807
for the easements and covenants of record running with the land or 2808

lots that were created prior to the time the taxes or assessments, 2809
for the nonpayment of which a tax certificate was issued and the 2810
parcel sold at foreclosure, became due and payable. 2811

The title shall not be invalid because of any irregularity, 2812
informality, or omission of any proceedings under this chapter, or 2813
in any processes of taxation, if such irregularity, informality, 2814
or omission does not abrogate the provision for notice to holders 2815
of title, lien, or mortgage to, or other interests in, such 2816
foreclosed parcels, as prescribed in this chapter. 2817

Sec. 5721.40. If any certificate parcel is twice offered for 2818
sale pursuant to section 5721.39 of the Revised Code and remains 2819
unsold for want of bidders, the officer who conducted the sales 2820
shall certify to the court that the parcel remains unsold after 2821
two sales. The court, by entry, shall order the parcel forfeited 2822
to the certificate holder who filed the request for foreclosure or 2823
notice of intent to foreclose under section 5721.37 of the Revised 2824
Code. The clerk of the court shall certify copies of the court's 2825
order to the county treasurer. The county treasurer shall notify 2826
the certificate holder by ordinary and certified mail, return 2827
receipt requested, that the parcel remains unsold, and shall 2828
instruct the certificate holder of the manner in which the holder 2829
shall obtain the deed to the parcel. The officer who conducted the 2830
sales shall prepare and record the deed conveying title to the 2831
parcel to the certificate holder. 2832

Upon transfer of the deed to the certificate holder under 2833
this section, all right, title, claim, and interest in the 2834
certificate parcel are transferred to and vested in the 2835
certificate holder. 2836

Sec. 5721.41. Interest required under sections 5721.30 to 2837
~~5721.41~~ 5721.43 of the Revised Code is simple interest. Interest 2838

charges under those sections shall accrue on a monthly basis, on 2839
the first day of the month following the beginning of the period 2840
during which interest accrues and on the first day of each 2841
subsequent month. Notwithstanding the preceding sentence, the six 2842
per cent charge described in division (E)(1)(b) of section 5721.30 2843
of the Revised Code shall apply even if the tax certificate is 2844
redeemed before the first day of the month following the date that 2845
the certificate is purchased. 2846

Sec. 5721.43. (A) No person shall directly, through an agent, 2847
or otherwise initiate contact with the owner of a parcel with 2848
respect to which the person holds a tax certificate to encourage 2849
or demand payment before one year has elapsed following the 2850
purchase of the certificate. 2851

(B) A county treasurer may bar any person who violates 2852
division (A) of this section from bidding at a tax certificate 2853
sale conducted by the treasurer. 2854

(C)(1) The attorney general or county prosecuting attorney, 2855
upon written request of a county treasurer, shall bring an action 2856
for an injunction against any person who has violated, is 2857
violating, or is threatening to violate division (A) of this 2858
section. 2859

(2) Any person who violates division (A) of this section 2860
shall be assessed a civil penalty of not more than five thousand 2861
dollars for each offense to be paid into the state treasury to the 2862
credit of the general revenue fund. Upon written request of a 2863
county treasurer, the attorney general or county prosecuting 2864
attorney shall commence an action against any such violator. Any 2865
action under this division is a civil action, governed by the 2866
Rules of Civil Procedure and other rules of practice and procedure 2867
applicable to civil actions. 2868

Section 2. That existing sections 135.22, 135.341, 135.35, 2869
319.302, 321.24, 321.46, 323.121, 323.31, 4503.06, 5713.20, 2870
5719.051, 5721.10, 5721.30, 5721.31, 5721.32, 5721.33, 5721.34, 2871
5721.37, 5721.38, 5721.39, 5721.40, and 5721.41 of the Revised 2872
Code are hereby repealed. 2873

Section 3. Sections 5721.37, 5721.38, and 5721.39 of the 2874
Revised Code are presented in this act as composites of the 2875
sections as amended by both Sub. H.B. 493 and Sub. H.B. 533 of the 2876
123rd General Assembly. The General Assembly, applying the 2877
principle stated in division (B) of section 1.52 of the Revised 2878
Code that amendments are to be harmonized if reasonably capable of 2879
simultaneous operation, finds that the composites are the 2880
resulting versions of the sections in effect prior to the 2881
effective date of the sections as presented in this act. 2882