

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 261

Representatives Bolon, Peterson

—

A B I L L

To amend sections 5721.30, 5721.31, 5721.32, 5721.33, 1
5721.34, 5721.35, 5721.36, 5721.37, 5721.38, 2
5721.39, 5721.40, 5721.41, 5721.42, and 5721.43 3
and to enact sections 5721.371 and 5721.381 of the 4
Revised Code to revise the procedures governing 5
the sale of tax certificates on lands that have 6
delinquent property tax charges. 7

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

Section 1. That sections 5721.30, 5721.31, 5721.32, 5721.33, 8
5721.34, 5721.35, 5721.36, 5721.37, 5721.38, 5721.39, 5721.40, 9
5721.41, 5721.42, and 5721.43 be amended and sections 5721.371 and 10
5721.381 of the Revised Code be enacted to read as follows: 11

Sec. 5721.30. As used in sections 5721.30 to 5721.43 of the 12
Revised Code: 13

(A) "Tax certificate," "certificate," or "duplicate 14
certificate" means a document that may be issued as a physical 15
certificate, in book-entry form, or through an electronic medium, 16
at the discretion of the county treasurer. Such document shall 17
contain the information required by section 5721.31 of the Revised 18
Code and shall be prepared, transferred, or redeemed in the manner 19
prescribed by sections 5721.30 to 5721.43 of the Revised Code. As 20

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, 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, 5721.33, and 5721.42 of the Revised Code, the amount equal to delinquent taxes, assessments, penalties, ~~and interest,~~ and charges 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 certificate purchase price in a sale under section 5721.33 of the Revised Code may be made wholly in cash or partially in cash and partially by noncash consideration acceptable to the county treasurer from the purchaser. In the event that any such noncash consideration is delivered to pay a portion of the certificate purchase price, such noncash consideration may be subordinate to the rights of the holders of other obligations whose proceeds paid the cash portion of the certificate purchase price.

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

(E)(1) With respect to a sale of tax certificates under 53
section 5721.32 of the Revised Code, and except as provided in 54
division (E)(2) of this section, ~~both of the following apply:~~ 55

~~(1) "Certificate~~ "certificate redemption price" means the 56
certificate purchase price plus the greater of the following: 57

(a) ~~Interest~~ Simple interest, at the certificate rate of 58
interest, accruing during the certificate interest period on the 59
certificate purchase price, calculated in accordance with section 60
5721.41 of the Revised Code; 61

(b) Six per cent of the certificate purchase price. 62

(2) If the certificate rate of interest equals zero, the 63
certificate redemption price equals the certificate purchase price 64
plus the fee charged by the county treasurer to the purchaser of 65
the certificate under division (H) of section 5721.32 of the 66
Revised Code. 67

(F) With respect to a sale of tax certificates under section 68
5721.33 of the Revised Code, "certificate redemption price" means 69
the amount equal to the sum of the following: 70

(1) The certificate purchase price; 71

(2) Interest accrued on the certificate purchase price at the 72
certificate rate of interest from the date on which a tax 73
certificate is delivered through and including the day immediately 74
preceding the day on which the certificate redemption price is 75
paid; 76

(3) The fee, if any, charged by the county treasurer to the 77
purchaser of the certificate under division (J) of section 5721.33 78
of the Revised Code; 79

(4) Any other fees charged by any county office in connection 80
with the recording of tax certificates. 81

(G) "Certificate rate of interest" means the rate of simple 82

interest per year bid by the winning bidder in an auction of a tax certificate held under section 5721.32 of the Revised Code, or the rate of simple interest per year not to exceed eighteen per cent per year fixed pursuant to section 5721.42 of the Revised Code or by the county treasurer with respect to any tax certificate sold pursuant to a negotiated sale under section 5721.33 of the Revised Code. The certificate rate of interest shall not be less than zero per cent per year.

(H) "Cash" means United States currency, certified checks, money orders, bank drafts, ~~or~~ electronic transfer of funds, or other forms of payment authorized by the county treasurer, and excludes any other form of payment not so authorized.

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

~~(J) "Purchaser of a tax certificate pursuant to section 5721.32 of the Revised Code" means the winning bidder in an auction of a tax certificate held under section 5721.32 of the Revised Code.~~

~~(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 115
dates: 116

(1) In the case of foreclosure proceedings instituted under 117
section 5721.37 of the Revised Code, the date the certificate 118
holder submits a payment to the treasurer under division (B) of 119
that section, or if no payment was submitted under that division, 120
the date the certificate holder filed a request for foreclosure or 121
notice of intent to foreclose under division (A) of that section; 122

(2) In the case of a certificate parcel redeemed under 123
division (A) or (C) of section 5721.38 of the Revised Code or a 124
payment made under section 5721.381 of the Revised Code, the date 125
the owner of record of the certificate parcel, or any other person 126
entitled to redeem that parcel, pays to the county treasurer or to 127
the certificate holder, as applicable, the full amount determined 128
under that section. 129

~~(L) "County treasurer" means, with respect to the sale of tax 130
certificates under section 5721.32, or 5721.33 of the Revised 131
Code, the county treasurer of a county having a population of at 132
least two hundred thousand according to the then most recent 133
federal decennial census. 134~~

~~(M)~~(K) "Qualified trustee" means a trust company within the 135
state or a bank having the power of a trust company within the 136
state with a combined capital stock, surplus, and undivided 137
profits of at least one hundred million dollars. 138

~~(N)~~(L) "Tax certificate sale/purchase agreement" means the 139
purchase and sale agreement described in division (C) of section 140
5721.33 of the Revised Code setting forth the certificate purchase 141
price, plus any applicable premium or less any applicable 142
discount, including, without limitation, the amount to be paid in 143
cash and the amount and nature of any noncash consideration, the 144
date of delivery of the tax certificates, and the other terms and 145

conditions of the sale, including, without limitation, the rate of interest that the tax certificates shall bear.

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

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

~~(Q)~~(O) "Related certificate parcel" means, with respect to a certificate holder, the certificate parcel with respect to which the certificate holder has purchased and holds a tax certificate pursuant to sections 5721.30 to 5721.43 of the Revised Code and, with respect to a tax certificate, the certificate parcel against which the tax certificate has been sold pursuant to those sections.

(P) "Delinquent taxes, assessments, penalties, interest, and charges" means those amounts that have been certified delinquent, but does not include any unpaid taxes, assessments, penalties, or charges.

(O) "Unpaid taxes, assessments, penalties, and charges" means current taxes, assessments, penalties, and charges that remain unpaid after the day by which the first or second installment of taxes is due.

Sec. 5721.31. (A)(1) After receipt of a duplicate of the delinquent land list compiled under section 5721.011 of the Revised Code, or a delinquent land list compiled previously under

that section, ~~for a county having a population of at least two~~ 176
~~hundred thousand according to the most recent federal decennial~~ 177
~~census,~~ the county treasurer may select from the list parcels of 178
delinquent land the lien against which the county treasurer may 179
attempt to transfer by the sale of tax certificates under sections 180
5721.30 to 5721.43 of the Revised Code. ~~The county treasurer may~~ 181
~~select only those eligible parcels~~ None of the following parcels 182
may be selected for a tax certificate sale: 183

(a) A parcel for which the full amount of taxes, assessments, 184
penalties, interest, and charges have ~~not yet~~ been paid ~~or~~; 185

(b) A parcel for which a valid ~~delinquent tax~~ contract under 186
section 323.122, 323.31, or 5713.20 of the Revised Code is ~~not~~ in 187
force; 188

(c) A parcel the owner of which has filed a petition in 189
bankruptcy, so long as the bankruptcy case has not been discharged 190
or dismissed or a relief of stay has not been granted. ~~Each~~ 191
~~certificate shall contain the same information as is required to~~ 192
~~be contained in the delinquent land list. The~~ 193

(2) The county treasurer shall compile a separate list, ~~the~~ 194
~~list~~ of parcels selected for tax certificate sales, including the 195
same information as is required to be included in the delinquent 196
land list. 197

Upon compiling the list of parcels selected for tax 198
certificate sales, the county treasurer may conduct a title search 199
for any parcel on the list. 200

(B)(1) Except as otherwise provided in division (B)(3) of 201
this section, when tax certificates are to be sold under section 202
5721.32 of the Revised Code with respect to parcels, the county 203
treasurer shall send written notice by certified ~~or registered~~ 204
mail to either the owner of record or all interested parties 205
discoverable through a title search, or both, of each parcel on 206

the list. A notice to an owner shall be sent to the owner's last
known tax_mailing address. The notice shall inform the owner or
interested parties that a tax certificate will be offered for sale
on the parcel, and that the owner or interested parties may incur
additional expenses as a result of the sale.

(2) Except as otherwise provided in division (B)(3) of this
section, when tax certificates are to be sold under section
5721.33 of the Revised Code with respect to parcels, the county
treasurer, at least thirty days prior to the date of sale of such
tax certificates, shall send written notice of the sale by
certified ~~or registered~~ mail, ~~or both~~, to the last known
tax-mailing address of the record owner of the property or parcel
and may send such notice to all parties with an interest in the
property that has been recorded in the property records of the
county pursuant to section 317.08 of the Revised Code. The notice
shall state that a tax certificate will be offered for sale on the
parcel, and that the owner or interested parties may incur
additional expenses as a result of the sale.

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

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

certificate purchase prices of the parcels or the total purchase 239
price of tax certificates for sale in blocks of tax certificates. 240

(D) After the county treasurer has compiled the list of 241
parcels selected for tax certificate sales but before a tax 242
certificate respecting a parcel is sold, if the owner of record of 243
the parcel pays to the county treasurer in cash the full amount of 244
delinquent taxes, assessments, penalties, interest, and charges 245
then due and payable or ~~enters into a valid delinquent tax~~ 246
~~contract under section 323.31 of the Revised Code to pay that~~ 247
~~amount~~ otherwise acts so that any condition in division (A)(1)(a), 248
(b), or (c) of this section applies to the parcel, the owner of 249
record of the parcel also shall pay a fee in an amount prescribed 250
by the treasurer to cover the administrative costs of the 251
treasurer under this section respecting the parcel ~~and credited.~~ 252
No owner shall refuse to pay the fee. The fee shall be deposited 253
in the county treasury to the credit of the tax certificate 254
administration fund. 255

(E) A tax certificate administration fund shall be created in 256
the county treasury of each county selling tax certificates under 257
sections 5721.30 to 5721.43 of the Revised Code. The fund shall be 258
administered by the county treasurer, and used solely for the 259
purposes of sections 5721.30 to 5721.43 of the Revised Code. Any 260
fee received by the treasurer under sections 5721.30 to 5721.43 of 261
the Revised Code shall be credited to the fund, except the bidder 262
registration fee under division (B) of section 5721.32 of the 263
Revised Code and the county prosecuting attorney's fee under 264
division (B)(3) of section 5721.37 of the Revised Code. 265

(F) The county treasurers of more than one county may jointly 266
conduct a regional sale of tax certificates under section 5721.32 267
of the Revised Code. A regional sale shall be held at a single 268
location in one county, where the tax certificates from each of 269
the participating counties shall be offered for sale at public 270

auction. Before the regional sale, each county treasurer shall 271
advertise the sale for the parcels in the treasurer's county as 272
required by division (C) of this section. At the regional sale, 273
tax certificates shall be sold on parcels from one county at a 274
time, with all of the certificates for one county offered for sale 275
before any certificates for the next county are offered for sale. 276

(G) The tax commissioner shall prescribe the form of the tax 277
certificate under this section, and county treasurers shall use 278
the form so prescribed ~~by the commissioner~~. 279

Sec. 5721.32. (A) The sale of tax certificates by public 280
auction may be conducted at any time after completion of the 281
advertising of the sale under section 5721.31 of the Revised Code, 282
on the date and at the time and place designated in the 283
advertisements, and may be continued from time to time as the 284
county treasurer directs. The county treasurer may offer the tax 285
certificates for sale in blocks of tax certificates, consisting of 286
any number of tax certificates as determined by the county 287
treasurer. 288

(B)(1) The sale of tax certificates under this section shall 289
be conducted at a public auction by the county treasurer or a 290
designee of the county treasurer. 291

(2) No person shall be permitted to bid without completing a 292
bidder registration form, in the form prescribed by the tax 293
commissioner, and without filing the form with the county 294
treasurer prior to the start of the auction, together with 295
remittance of a registration fee, in cash, of five hundred 296
dollars. The bidder registration form shall include a tax 297
identification number of the registrant. The registration fee is 298
refundable at the end of bidding on the day of the auction, unless 299
the registrant is the winning bidder for one or more tax 300
certificates or one or more blocks of tax certificates, in which 301

case the fee may be applied toward the deposit required by this 302
section. 303

(3) The county treasurer may require a person who wishes to 304
bid on one or more parcels to submit a letter from a financial 305
institution stating that the bidder has sufficient funds available 306
to pay the purchase price of the parcels and a written 307
authorization for the treasurer to verify such information with 308
the financial institution. The county treasurer may require 309
submission of the letter and authorization sufficiently in advance 310
of the auction to allow for verification. No person who fails to 311
submit the required letter and authorization, or whose financial 312
institution fails to provide the requested verification, shall be 313
permitted to bid. 314

(C) At the public auction, the county treasurer or the 315
treasurer's designee or agent shall begin the bidding at eighteen 316
per cent per year simple interest, and accept lower bids in even 317
increments of one-fourth of one per cent to the rate of zero per 318
cent. The county treasurer, designee, or agent shall award the tax 319
certificate to the person bidding the lowest certificate rate of 320
interest. The county treasurer shall decide which person is the 321
winning bidder in the event of a tie for the lowest bid offered, 322
or if a person contests the lowest bid offered. The county 323
treasurer's decision is not appealable. 324

(D)(1) The winning bidder shall pay the county treasurer a 325
cash deposit of at least ten per cent of the certificate purchase 326
price not later than the close of business on the day of the sale. 327
The winning bidder shall pay the balance and the fee required 328
under division (H) of this section not later than five business 329
days after the day on which the certificate is sold. ~~If~~ Except as 330
provided under division (D)(2) of this section, if the winning 331
bidder fails to pay the balance and fee within the prescribed 332
time, the bidder forfeits the deposit, and the county treasurer 333

shall retain the tax certificate and may attempt to sell it at any 334
auction conducted at a later date. ~~The~~ 335

(2) At the request of a winning bidder, the county treasurer 336
may release the bidder from the bidder's tax certificate purchase 337
obligation. The county treasurer may retain all or any portion of 338
the deposit of a bidder granted a release. After granting a 339
release under this division, the county treasurer may award the 340
tax certificate to the person that submitted the second lowest bid 341
at the auction. 342

(3) The county treasurer shall deposit the ~~forfeited~~ deposit 343
~~forfeited or retained under divisions (D)(1) or (2) of this 344~~
section in the county treasury to the credit of the tax 345
certificate administration fund. 346

(E) Upon receipt of the full payment of the certificate 347
purchase price from the purchaser, the county treasurer shall 348
issue the tax certificate and record the tax certificate sale by 349
~~marking on the tax certificate and~~ entering into a tax certificate 350
register, the certificate purchase price, the certificate rate of 351
interest, the date the certificate was sold, ~~and~~ the name and 352
address of the certificate holder, ~~which~~ and any other information 353
the county treasurer considers necessary. The county treasurer may 354
keep the tax certificate register in a hard copy format or in an 355
electronic format. The name and address of the certificate holder 356
may be, upon receipt of instructions from the purchaser, that of 357
the secured party of the actual purchaser, or an agent or 358
custodian for the purchaser or secured party. The county treasurer 359
also shall transfer the tax certificate to the certificate holder 360
~~and, upon presentation to the treasurer of instructions signed by 361~~
~~the certificate purchaser, shall record in the tax certificate 362~~
~~register the name and address of any secured party of the 363~~
~~certificate purchaser having a security interest in the tax 364~~
certificate. ~~Upon the transfer of a tax certificate, the~~ The 365

county treasurer shall apportion the part of the proceeds from the sale representing taxes, penalties, and interest among the several taxing districts in the same proportion that the amount of taxes levied by each district against the certificate parcel in the preceding tax year bears to the taxes levied by all such districts against the certificate parcel in the preceding tax year, and credit the part of the proceeds representing assessments and other charges to the items of assessments and charges in the order in which those items became due. Upon ~~completion of the sale of~~ issuing a tax certificate, the delinquent taxes, assessments, penalties, ~~and interest,~~ and charges that make up the certificate purchase price are transferred, and the superior lien of the state and its taxing districts for those delinquent taxes, assessments, penalties, ~~and interest,~~ and charges is conveyed intact to the certificate holder.

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

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

(H) When selling a tax certificate under this section, the county treasurer shall charge a fee to the purchaser of the certificate. The county treasurer shall set the fee at a reasonable amount that covers the treasurer's costs of administering the sale of the tax certificate. The county treasurer shall deposit the fee in the county treasury to the credit of the tax certificate administration fund.

(I) After selling a tax certificate under this section, the county treasurer shall send written notice by certified ~~or registered~~ mail to the owner of the certificate parcel at the owner's last known tax-mailing address. The notice shall inform the owner that the tax certificate was sold, shall describe the owner's options to redeem the parcel, including entering into a redemption payment plan under division (C)(1) of section 5721.38 of the Revised Code, and shall name the certificate holder and its secured party, if any. However, the county treasurer is not required to send a notice under this division if the treasurer previously has attempted to send a notice to the owner of the parcel at the owner's last known tax-mailing address, and the postal service has returned the notice as undeliverable.

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

Sec. 5721.33. (A) A county treasurer may, in the treasurer's discretion, negotiate the sale of any number of tax certificates with one or more persons, including. Terms that may be negotiated include, without limitation, any of the following:

(1) A premium to be added to or discount to be subtracted from the certificate purchase price for the tax certificates and any.

(2) Different time frames under which the certificate holder may initiate a foreclosure action than are otherwise allowed under

sections 5721.30 to 5721.43 of the Revised Code, not to exceed six 429
years after the date the tax certificate was sold. 430

(3) The amount to be paid in private attorney's fees related 431
to tax certificate foreclosures, subject to section 5721.371 of 432
the Revised Code. 433

(4) Any other terms of the sale that the county treasurer, in 434
the treasurer's discretion, determines appropriate or necessary 435
for the sale. 436

(B) The sale of tax certificates under this section shall be 437
governed by the criteria established by the county treasurer 438
pursuant to division (E) of this section. 439

(C) The county treasurer may execute a tax certificate 440
sale/purchase agreement and other necessary agreements with a 441
designated purchaser or purchasers to complete a negotiated sale 442
of tax certificates. 443

(D) The tax certificate may be sold at a premium to or 444
discount from the certificate purchase price. The county treasurer 445
may establish as one of the terms of the negotiated sale the 446
portion of the certificate purchase price, plus any applicable 447
premium or less any applicable discount, that the purchaser or 448
purchasers shall pay in cash on the date the tax certificates are 449
sold and the portion, if any, of the certificate purchase price, 450
plus any applicable premium or less any applicable discount, that 451
the purchaser or purchasers shall pay in noncash consideration and 452
the nature of that consideration. 453

The county treasurer shall sell such tax certificates at a 454
certificate purchase price, plus any applicable premium and less 455
any applicable discount, and at a certificate rate of interest 456
that, in the treasurer's determination, are in the best interests 457
of the county. 458

(E)(1) The county treasurer shall adopt rules governing the 459

eligibility of persons to purchase tax certificates or to 460
otherwise participate in a negotiated sale under this section. The 461
rules may provide for precertification of such persons, including 462
a requirement for disclosure of income, assets, and any other 463
financial information the county treasurer determines appropriate. 464
The rules also may prohibit any person that is delinquent in the 465
payment of any tax to the county or to the state, or that is in 466
default in or on any other obligation to the county or to the 467
state, from purchasing a tax certificate or otherwise 468
participating in a negotiated sale of tax certificates under this 469
section. The eligibility information required shall include the 470
tax identification number of the purchaser and may include the tax 471
identification number of the participant. The county treasurer, 472
upon request, shall provide a copy of the rules adopted under this 473
section. 474

(2) Any person that intends to purchase a tax certificate in 475
a negotiated sale shall submit an affidavit to the county 476
treasurer that establishes compliance with the applicable 477
eligibility criteria and includes any other information required 478
by the treasurer. Any person that fails to submit such an 479
affidavit is ineligible to purchase a tax certificate. Any person 480
that knowingly submits a false or misleading affidavit shall 481
forfeit any tax certificate or certificates purchased by the 482
person at a sale for which the affidavit was submitted, shall be 483
liable for payment of the full certificate purchase price, plus 484
any applicable premium and less any applicable discount, of the 485
tax certificate or certificates, and shall be disqualified from 486
participating in any tax certificate sale conducted in the county 487
during the next five years. 488

(3) A tax certificate shall not be sold to the owner of the 489
certificate parcel or to any corporation, partnership, or 490
association in which such owner has an interest. No person that 491

purchases a tax certificate in a negotiated sale shall assign or 492
transfer the tax certificate to the owner of the certificate 493
parcel or to any corporation, partnership, or association in which 494
the owner has an interest. Any person that knowingly or 495
negligently transfers or assigns a tax certificate to the owner of 496
the certificate parcel or to any corporation, partnership, or 497
association in which such owner has an interest shall be liable 498
for payment of the full certificate purchase price, plus any 499
applicable premium and less any applicable discount, and shall not 500
be entitled to a refund of any amount paid. Such tax certificate 501
shall be deemed void and the tax lien sold under the tax 502
certificate shall revert to the county as if no sale of the tax 503
certificate had occurred. 504

(F) The purchaser in a negotiated sale under this section 505
shall deliver the certificate purchase price, plus any applicable 506
premium and less any applicable discount and including any noncash 507
consideration, to the county treasurer not later than the close of 508
business on the date the tax certificates are delivered to the 509
purchaser. The certificate purchase price, ~~plus any applicable~~ 510
~~premium and~~ less any applicable discount, or portion of the price, 511
that is paid in cash shall be deposited in the county's general 512
fund to the credit of the account to which ad valorem real 513
property taxes are credited and further credited as provided in 514
division (G) of this section. Any applicable premium that is paid 515
shall be, at the discretion of the county treasurer, apportioned 516
to and deposited in any authorized county fund. The purchaser also 517
shall pay on the date the tax certificates are delivered to the 518
purchaser the fee, if any, negotiated under division (J) of this 519
section. If the purchaser fails to pay the certificate purchase 520
price, plus any applicable premium and less any applicable 521
discount, and any such fee, within the time periods required by 522
this section, the county treasurer shall retain the tax 523
certificate and may attempt to sell it at any auction or 524

negotiated sale conducted at a later date. 525

(G) Upon receipt of the full payment from the purchaser of 526
the certificate purchase price, plus any applicable premium and 527
less any applicable discount, and the negotiated fee, if any, ~~from~~ 528
~~the purchaser~~, the county treasurer, or a qualified trustee whom 529
the treasurer has engaged for such purpose, shall issue the tax 530
certificate and record the tax certificate sale by ~~marking on each~~ 531
~~of the tax certificates sold or, if issued in book entry form, on~~ 532
~~the global tax certificate, and marking~~ entering into a tax 533
certificate register, the certificate purchase price, any premium 534
paid or discount taken, the certificate rate of interest, the date 535
the certificates were sold, ~~and~~ the name and address of the 536
certificate holder or, in the case of issuance of the tax 537
certificates in a book-entry system, the name and address of the 538
nominee, ~~which~~ and any other information the county treasurer 539
considers necessary. The county treasurer may keep the tax 540
certificate register in a hard copy format or an electronic 541
format. The name and address of the certificate holder or nominee 542
may be, upon receipt of instructions from the purchaser, that of 543
the secured party of the actual purchaser, or an agent or 544
custodian for the purchaser or secured party. The county treasurer 545
also shall transfer the tax certificates to the certificate holder 546
~~and, upon presentation to the treasurer of instructions signed by~~ 547
~~the certificate purchaser or purchasers, shall record in the tax~~ 548
~~certificate register the name and address of any secured party of~~ 549
~~the certificate purchaser or purchasers having a security interest~~ 550
~~in the tax certificate. Upon the transfer of the tax certificates,~~ 551
~~the.~~ The county treasurer shall apportion the part of the cash 552
proceeds from the sale representing taxes, penalties, and interest 553
among the several taxing districts in the same proportion that the 554
amount of taxes levied by each district against the certificate 555
parcels in the preceding tax year bears to the taxes levied by all 556
such districts against the certificate parcels in the preceding 557

tax year, and credit the part of the proceeds representing 558
assessments and other charges to the items of assessments and 559
charges in the order in which those items became due. If the cash 560
proceeds from the sale are not sufficient to fully satisfy the 561
items of outstanding delinquent taxes, assessments, penalties, 562
interest, and charges on the certificate parcels against which tax 563
certificates were sold, the county treasurer shall credit the cash 564
proceeds to such items pro rata based upon the proportion that 565
each item of delinquent taxes, assessments, penalties, interest, 566
and charges bears to the aggregate of all such items, or by any 567
other method that the county treasurer, in the treasurer's sole 568
discretion, determines is equitable. Upon ~~completion of the sale~~ 569
~~of~~ issuing the tax certificates, the delinquent taxes, 570
assessments, penalties, ~~and~~ interest, and charges that make up the 571
certificate purchase price are transferred, and the superior lien 572
of the state and its taxing districts for those taxes, 573
assessments, penalties, ~~and~~ interest, and charges is conveyed 574
intact to the certificate holder or holders. 575

(H) If a tax certificate is offered for sale under this 576
section but is not sold, the county treasurer may strike the 577
corresponding certificate parcel from the list of parcels selected 578
for tax certificate sales. The lien for taxes, assessments, 579
charges, penalties, and interest against a parcel stricken from 580
the list thereafter may be foreclosed in the manner prescribed by 581
section 323.25, 5721.14, or 5721.18 of the Revised Code unless, 582
prior to the institution of such proceedings against the parcel, 583
the county treasurer restores the parcel to the list of parcels 584
selected for tax certificate sales. 585

(I) Neither a certificate holder nor its secured party, if 586
any, shall be liable for damages arising from a violation of 587
sections 3737.87 to 3737.891 or Chapter 3704., 3734., 3745., 588
3746., 3750., 3751., 3752., 6109., or 6111. of the Revised Code, 589

or a rule adopted or order, permit, license, variance, or plan 590
approval issued under any of those chapters, that is or was 591
committed by another person in connection with the parcel for 592
which the tax certificate is held. 593

(J) When selling a tax certificate under this section, the 594
county treasurer may negotiate with the purchaser of the 595
certificate for ~~a fee~~ fees paid by the purchaser to the county 596
treasurer to reimburse the treasurer for any part or all of the 597
treasurer's costs of preparing for and administering the sale of 598
the tax certificate and any fees set forth by the county treasurer 599
in the tax certificate sale/purchase agreement. Such ~~fee fees~~, if 600
any, shall be added to the certificate purchase price ~~of the~~ 601
~~certificate~~ and shall be paid by the purchaser on the date of 602
delivery of the tax certificate. The county treasurer shall 603
deposit the ~~fee fees~~ in the county treasury to the credit of the 604
tax certificate administration fund. 605

(K) After selling tax certificates under this section, the 606
county treasurer shall send written notice by certified ~~or~~ 607
~~registered~~ mail to the last known tax-mailing address of the owner 608
of the certificate parcel. The notice shall inform the owner that 609
a tax certificate with respect to such owner's parcel was sold and 610
shall describe the owner's options to redeem the parcel, including 611
entering into a redemption payment plan under division (C)(2) of 612
section 5721.38 of the Revised Code. However, the county treasurer 613
is not required to send a notice under this division if the 614
treasurer previously has attempted to send a notice to the owner 615
of the parcel at the owner's last known tax-mailing address and 616
the postal service has returned the notice as undeliverable. 617

Sec. 5721.34. (A) A county treasurer shall not sell any tax 618
certificate respecting a parcel of delinquent land ~~upon which the~~ 619
~~full amount of delinquent taxes, assessments, penalties, interest,~~ 620

~~charges, and costs then due and payable have been paid, or with~~ 621
~~respect to which a valid delinquent tax contract under any of~~ 622
~~divisions (A)(1)(a) to (c) of section ~~323.31~~ 5721.31 of the~~ 623
Revised Code ~~to pay that amount has been entered into, prior to~~ 624
~~the sale of the certificate by the county treasurer apply.~~ A 625
certificate sold in violation of this section is void. 626

(B) If the county treasurer discovers or determines that the 627
certificate is void ~~under division (A) of this section for any~~ 628
reason, the holder of the void certificate is entitled to a refund 629
of the certificate purchase price, plus any applicable premium and 630
less any applicable discount, and the fee charged by the treasurer 631
under division (H) of section 5721.32 or division (J) of section 632
5721.33 of the Revised Code, if any, as applicable. If the county 633
treasurer makes the discovery or determination more than ~~sixty~~ 634
ninety days after the certificate's date of sale, the holder also 635
is entitled to interest on the certificate purchase price at the 636
rate of five per cent per year. The interest shall be calculated 637
from the first day of the month following the month in which the 638
certificate was sold, to the first day of the month in which the 639
county treasurer makes the discovery or determination. The county 640
treasurer shall notify the certificate holder that the certificate 641
is void and shall issue the refund. The county auditor shall issue 642
a warrant for the portion of the refund from the undivided tax 643
fund, which portion consists of the certificate purchase price, 644
plus any applicable premium and less any applicable discount; the 645
portion of the refund consisting of interest and the treasurer's 646
fee, if any, shall be paid from the tax certificate administration 647
fund. 648

(C) With respect to a tax certificate ~~sold under section~~ 649
~~5721.32 of the Revised Code and found to be void under division~~ 650
~~(A) or (B) of this section, in addition to the remedies available~~ 651
~~under division (B) of this section,~~ the county treasurer may, with 652

the approval of the certificate holder, substitute for such tax 653
certificate ~~or portion thereof~~ another tax certificate that has a 654
~~value~~ certificate purchase price equivalent to the ~~value~~ 655
certificate purchase price of the tax certificate found to be 656
void. In addition, the substitute tax certificate shall be for a 657
parcel concerning which the county treasurer has taken action 658
under divisions (A), (B), and (C) of section 5721.31 of the 659
Revised Code, but with respect to which a tax certificate has not 660
been sold, and that has a true value, as determined by the county 661
auditor, that is equivalent to the true value of the parcel for 662
which the tax certificate has been found to be void. Whenever a 663
tax certificate ~~of equivalent value~~ is to be substituted for a tax 664
certificate that has been found to be void, the county treasurer 665
shall provide ~~written~~ notice of the intention to substitute a tax 666
certificate ~~of equivalent value~~ to any person required to be 667
notified under division (I) of section 5721.32 or division (K) of 668
section 5721.33 of the Revised Code. 669

(D) If an application for the exemption from and remission of 670
taxes made under section 3735.67 or 5715.27 of the Revised Code, 671
or under any other section of the Revised Code under the 672
jurisdiction of the director of environmental protection, is 673
granted for a parcel for which a tax certificate has been sold, 674
the county treasurer shall refund to the certificate holder, in 675
the manner provided in this section, the amount of any taxes 676
exempted or remitted that were included in the certificate 677
purchase price. If the whole amount of the taxes included in the 678
certificate purchase price are exempted or remitted, the tax 679
certificate is void. If all of the taxes that were included in the 680
certificate purchase price are not exempted or remitted, the 681
county treasurer shall adjust the tax certificate register to 682
reflect the remaining amount of taxes that were not exempted or 683
remitted, and notify the certificate holder of the adjustment in 684
writing. 685

Sec. 5721.35. (A) Upon the sale and delivery of a tax certificate, the tax certificate vests in the certificate holder the first lien previously held by the state and its taxing districts under section 5721.10 of the Revised Code for the amount of taxes, assessments, interest, and penalty charged against a certificate parcel, superior to all other liens and encumbrances upon the parcel described in the tax certificate, in the amount of the certificate redemption price, except liens for delinquent taxes, assessments, penalties, interest, charges, and costs that attached to the certificate parcel prior to the attachment of the lien being conveyed by the sale of such tax certificate. With respect to the priority as among such first liens of the state and its taxing districts for different years, the priority shall be determined by the date such first liens of the state and its taxing districts attached pursuant to section 323.11 of the Revised Code, with first priority to the earliest attached lien and each immediately subsequent priority based upon the next earliest attached lien.

(B)(1) A certificate holder or the county treasurer may record the tax certificate or memorandum thereof in the office of the county recorder of the county in which the certificate parcel is situated, as a mortgage of land under division (A)(2) of section 317.08 of the Revised Code. The county recorder shall index the certificate in the indexes provided for under section 317.18 of the Revised Code. If the lien is subsequently canceled, the cancellation also shall be recorded by the county recorder.

(2) Notwithstanding Chapter 1309., Title LIII, or any other provision of the Revised Code, a secured party holding a security interest in a tax certificate or memorandum thereof may perfect that security interest only by one of the following methods:

(a) Possession;

(b) Registering the tax certificate with the county treasurer 717
in the name of the secured party, or its agent or custodian, as 718
certificate holder; 719

(c) Recording the name of the secured party in the tax 720
certificate register in the office of the county treasurer of the 721
county in which the certificate parcel is situated. 722

Sec. 5721.36. (A)(1) Except as otherwise provided in division 723
(A)(2) of this section, the purchaser of a tax certificate sold as 724
part of a block sale pursuant to section 5721.32 of the Revised 725
Code may transfer the certificate to any person, and any other 726
purchaser of a tax certificate pursuant to section 5721.32 or 727
5721.33 of the Revised Code may transfer the certificate to any 728
person, except the owner of the certificate parcel or any 729
corporation, partnership, or association in which such owner has 730
an interest. The transferee of a tax certificate subsequently may 731
transfer the certificate to any other person to whom the purchaser 732
could have transferred the certificate. The transferor of a tax 733
certificate shall endorse the certificate and shall swear to the 734
endorsement before a notary public or other officer empowered to 735
administer oaths. The transferee shall present the endorsed 736
certificate and a notarized copy of a valid form of identification 737
showing the transferee's taxpayer identification number to the 738
county treasurer of the county where the certificate is 739
registered, who shall, upon payment of a fee of twenty dollars to 740
cover the costs associated with the transfer of a tax certificate, 741
enter upon the register of certificate holders opposite the 742
certificate entry the name and address of the transferee, the date 743
of entry, and, upon presentation to the treasurer of instructions 744
signed by the transferee, the name and address of any secured 745
party of the transferee having an interest in the tax certificate. 746
The treasurer shall deposit the fee in the county treasury to the 747
credit of the tax certificate administration fund. 748

749

Except as otherwise provided in division (A)(2) of this section, no request for foreclosure or notice of intent to foreclose, as the case may be, shall be filed by any person other than the person shown on the tax certificate register to be the certificate holder or a private attorney for that person properly authorized to act in that person's behalf.

750

751

752

753

754

755

(2) Upon registration of a security interest with the county treasurer ~~as provided in section 5721.32 or 5721.33 of the Revised Code~~, both of the following apply:

756

757

758

(a) No purchaser or transferee of a tax certificate may transfer that tax certificate except upon presentation to the treasurer of instructions signed by the secured party authorizing such action.

759

760

761

762

(b) Only the secured party may issue a request for foreclosure or notice of intent to foreclose concerning that tax certificate.

763

764

765

(B)(1) Application may be made to the county treasurer for a duplicate certificate if a certificate is alleged by affidavit to have been lost or destroyed. The treasurer shall issue a duplicate certificate, upon payment of a fee of twenty dollars to cover the costs of issuing the duplicate certificate. The treasurer shall deposit the fee in the county treasury to the credit of the tax certificate administration fund.

766

767

768

769

770

771

772

(2) The duplicate certificate shall be plainly marked or stamped "duplicate."

773

774

(3) The treasurer shall enter the fact of the duplicate in the tax certificate register ~~of certificate holders~~.

775

776

Sec. 5721.37. (A)(1) With respect to a tax certificate purchased under section 5721.32 of the Revised Code, or under

777

778

section 5721.42 of the Revised Code ~~in counties to which~~ by the 779
holder of a certificate issued under section 5721.32 of the 780
Revised Code ~~applies~~, at any time after one year from the date 781
shown on the tax certificate as the date the tax certificate was 782
sold, and not later than three years after that date, the 783
certificate holder may file with the county treasurer a request 784
for foreclosure, or a private attorney on behalf of the 785
certificate holder may file with the county treasurer a notice of 786
intent to foreclose, on a form prescribed by the tax commissioner 787
~~and provided by the county treasurer~~, provided the parcel has not 788
yet been redeemed under division (A) or (C) of section 5721.38 of 789
the Revised Code. 790

(2) With respect to a tax certificate purchased under section 791
5721.33 of the Revised Code, or under section 5721.42 of the 792
Revised Code ~~in counties to which~~ by the holder of a certificate 793
issued under section 5721.33 of the Revised Code ~~applies~~, at any 794
time after one year from the date shown on the tax certificate as 795
the date the tax certificate was sold, and not later than six 796
years after that date or any extension of that date pursuant to 797
division (C)(2) of section 5721.38 of the Revised Code, or not 798
earlier or later than the dates negotiated by the county treasurer 799
and specified in the tax certificate sale/purchase agreement, a 800
private attorney on behalf of the certificate holder may file with 801
the county treasurer a notice of intent to foreclose on a form 802
prescribed by the tax commissioner ~~and provided by the county~~ 803
~~treasurer~~, provided the parcel has not yet been redeemed under 804
division (A) or (C) of section 5721.38 of the Revised Code. 805

(3)(a) With respect to a tax certificate purchased under 806
section 5721.32 of the Revised Code, or under section 5721.42 of 807
the Revised Code ~~in counties to which~~ by the holder of a 808
certificate issued under section 5721.32 of the Revised Code 809
~~applies~~, if, before the expiration of three years after the date a 810

tax certificate was sold, the owner of the property for which the 811
certificate was sold files a petition in bankruptcy, the county 812
treasurer, upon being notified of the filing of the petition, 813
shall notify the certificate holder ~~by ordinary first class or~~ 814
~~certified mail~~ of the filing of the petition. ~~If the owner of the~~ 815
~~property files a petition in bankruptcy, the~~ It is the obligation 816
of the certificate holder to file a proof of claim with the 817
bankruptcy court to protect the holder's interest in the tax 818
certificate. The last day on which the certificate holder may file 819
a request for foreclosure or the private attorney may file a 820
notice of intent to foreclose is the later of three years after 821
the date the certificate was sold or one hundred eighty days after 822
the bankruptcy case is ~~closed~~ discharged or dismissed or a relief 823
of stay is granted; however, the three-year period being measured 824
from the date that the certificate was sold is tolled while the 825
owner of the property's petition in bankruptcy is being heard and 826
remains open. 827

(b) With respect to a tax certificate purchased under section 828
5721.33 of the Revised Code, or under section 5721.42 of the 829
Revised Code ~~in counties to which~~ by the holder of a certificate 830
issued under section 5721.33 of the Revised Code ~~applies,~~ if, 831
before ~~the expiration of~~ six years after the date a tax 832
certificate was sold or before the date negotiated by the county 833
treasurer, the owner of the property files a petition in 834
bankruptcy, the county treasurer, upon being notified of the 835
filing of the petition, shall notify the certificate holder ~~by~~ 836
~~ordinary first class or certified mail~~ of the filing of the 837
petition. ~~-If the owner of the property files a petition in~~ 838
~~bankruptcy, the~~ It is the obligation of the certificate holder to 839
file a proof of claim with the bankruptcy court to protect the 840
holder's interest in the tax certificate. The last day on which 841
the certificate holder may file a notice of intent to foreclose is 842
the later of six years after the date that the tax certificate was 843

sold or the date negotiated by the county treasurer, or one 844
hundred eighty days after the bankruptcy case is ~~elosed~~ discharged 845
or dismissed or a relief of stay is granted; however, the six-year 846
or negotiated period being measured after the date that the 847
certificate was sold is tolled while the owner of the property's 848
petition in bankruptcy is being heard and remains open. 849

(c) Interest at the certificate rate of interest continues to 850
accrue during any extension of time required by division (A)(3)(a) 851
or (b) of this section. 852

(4) If, before the expiration of three years from the date a 853
tax certificate was sold, the owner of property for which the 854
certificate was sold applies for an exemption under section 855
3735.67 or 5715.27 of the Revised Code or under any other section 856
of the Revised Code under the jurisdiction of the director of 857
environmental protection, the county treasurer shall notify the 858
certificate holder ~~by ordinary first class or certified mail~~ of 859
the filing of the application. Once a determination has been made 860
on the exemption application, the county treasurer shall notify 861
the certificate holder of the determination ~~by ordinary~~ 862
~~first class or certified mail~~. The last day on which the 863
certificate holder may file a request for foreclosure shall be the 864
later of three years from the date the certificate was sold or 865
forty-five days after notice of the determination was mailed. 866

(B) Along with a request for foreclosure or a notice of 867
intent to foreclose filed under division (A)(1) of this section, 868
or a notice of intent to foreclose filed under division (A)(2) of 869
this section and prior to the transfer of title in connection with 870
foreclosure proceedings filed under division (F) of this section, 871
the certificate holder shall submit a payment to the county 872
treasurer equal to the sum of the following: 873

(1) The certificate redemption prices of all outstanding tax 874
certificates that have been sold on the parcel, other than tax 875

certificates held by the person requesting foreclosure; 876

(2) Any delinquent taxes, assessments, penalties, interest, 877
and charges and unpaid taxes, assessments, penalties, and charges 878
that are charged against the certificate parcel that is the 879
subject of the foreclosure proceedings and that are not covered by 880
a tax certificate; 881

(3) If the foreclosure proceedings are filed by the county 882
prosecuting attorney pursuant to section 323.25, 5721.14, or 883
5721.18 of the Revised Code, a fee in the amount prescribed by the 884
county prosecuting attorney to cover the prosecuting attorney's 885
legal costs incurred in the foreclosure proceeding; 886

~~(4) If the foreclosure proceedings are filed by a private 887
attorney on behalf of the certificate holder pursuant to division 888
(F) of this section, any other prior liens. 889~~

(C)(1) With respect to a certificate purchased under section 890
5721.32 or 5721.42 of the Revised Code, if the certificate parcel 891
has not been redeemed, the county treasurer, within five days 892
after receiving a foreclosure request, shall inform the county 893
prosecuting attorney that the parcel has not been redeemed and 894
shall provide a copy of the foreclosure request. The county 895
treasurer also shall send notice ~~by ordinary mail~~ to all 896
certificate holders other than the certificate holder requesting 897
foreclosure that foreclosure has been requested by a certificate 898
holder and that tax certificates for the certificate parcel may be 899
redeemed. Within ninety days of receiving the copy of the 900
foreclosure request, the prosecuting attorney shall commence a 901
foreclosure proceeding in the name of the county treasurer in the 902
manner provided under section 323.25, 5721.14, or 5721.18 of the 903
Revised Code, to foreclose the lien vested in the certificate 904
holder by the certificate. The prosecuting attorney shall attach 905
to the complaint the foreclosure request, along with the county 906
treasurer's certification that the parcel has not been redeemed 907

and that the tax certificate of the certificate holder requesting 908
foreclosure has not been redeemed. 909

(2) With respect to a certificate purchased under section 910
5721.32, 5721.33, or 5721.42 of the Revised Code, if the 911
certificate parcel has not been redeemed and a notice of intent to 912
foreclose has been filed, the county treasurer shall provide 913
certification to the private attorney that the parcel has not been 914
redeemed. The county treasurer also shall send notice ~~by ordinary~~ 915
~~mail~~ to all certificate holders other than the certificate holder 916
represented by the attorney that a notice of intent to foreclose 917
has been filed and that tax certificates for the certificate 918
parcel may be redeemed. After receipt of that certification and 919
not later than one hundred twenty days after the filing of the 920
intent to foreclose or the date specified under the terms of a 921
negotiated sale under section 5721.33 of the Revised Code, the 922
private attorney may commence a foreclosure proceeding in the name 923
of the certificate holder in the manner provided under division 924
(F) of this section, to foreclose the lien vested in the 925
certificate holder by the certificate. The private attorney shall 926
attach to the complaint the notice of intent to foreclose along 927
with the county treasurer's certification that the parcel has not 928
been redeemed and that the tax certificate of the certificate 929
holder represented by the attorney has not been redeemed. 930

(D) The county treasurer shall credit the amount received 931
under division (B)(1) of this section to the tax certificate 932
redemption fund. The tax certificates respecting the payment shall 933
be redeemed as provided in division (E) of section 5721.38 of the 934
Revised Code. The amount received under division (B)(2) of this 935
section shall be distributed to the taxing districts to which the 936
~~delinquencies~~ delinquent and unpaid amounts are owed. The county 937
treasurer shall deposit the fee received under division (B)(3) of 938
this section in the county treasury to the credit of the 939

delinquent tax and assessment collection fund. ~~The amount received~~ 940
~~under division (B)(4) of this section shall be distributed to the~~ 941
~~holder of the prior lien.~~ 942

(E)(1) If, in the case of a certificate purchased under 943
section 5721.32 ~~or 5721.42~~ of the Revised Code, or under section 944
5721.42 of the Revised Code by the holder of a certificate issued 945
under section 5721.32 of the Revised Code, the certificate holder 946
does not file with the county treasurer a request for foreclosure 947
or a notice of intent to foreclose along with the required payment 948
within three years after the date shown on the tax certificate as 949
the date the certificate was sold or within the period provided 950
under division (A)(3)(a) of this section, and during that ~~period~~ 951
~~time~~ the parcel is not redeemed or foreclosed upon, the 952
certificate holder's lien against the parcel for the certificate 953
redemption price is canceled. 954

(2)(a) If, in the case of a certificate purchased under 955
section 5721.33 of the Revised Code, or under section 5721.42 of 956
the Revised Code by the holder of a certificate issued under 957
section 5721.33 of the Revised Code, the certificate holder does 958
not file with the county treasurer a notice of intent to foreclose 959
with respect to a certificate parcel within six years after the 960
date shown on the tax certificate as the date the certificate was 961
sold or any extension of that date pursuant to division (C)(2) of 962
section 5721.38 of the Revised Code, or within the period provided 963
under division (A)(3)(b) of this section or as specified under the 964
terms of a negotiated sale under section 5721.33 of the Revised 965
Code, and during that ~~period~~ ~~time~~ the parcel is not redeemed, the 966
certificate holder's lien against the parcel for the amount of 967
delinquent taxes, assessments, penalties, interest, and charges 968
that make up the certificate purchase price is canceled, subject 969
to division (E)(2)(b) of this section. 970

(b) In the case of any tax certificate purchased under 971

section 5721.33 of the Revised Code prior to October 10, 2000, the
county treasurer, upon application by the certificate holder, may
sell to the certificate holder a new certificate extending the
three-year period prescribed by division (E)(2) of this section,
as that division existed prior to October 10, 2000, to six years
after the date shown on the original certificate as the date it
was sold or any extension of that date. The county treasurer and
the certificate holder shall negotiate the premium, in cash, to be
paid for the new certificate sold under this section. If the
county treasurer and certificate holder do not negotiate a
mutually acceptable premium, the county treasurer and certificate
holder may agree to engage a person experienced in the valuation
of financial assets to appraise a fair premium for the new
certificate. The certificate holder has the option to purchase the
new certificate for the fair premium so appraised. Not less than
one-half of the fee of the person so engaged shall be paid by the
certificate holder requesting the new certificate; the remainder
of the fee shall be paid from the proceeds of the sale of the new
certificate. If the certificate holder does not purchase the new
certificate for the premium so appraised, the certificate holder
shall pay the entire fee. The county treasurer shall credit the
remaining proceeds from the sale to the items of taxes,
assessments, penalties, interest, and charges in the order in
which they became due.

A certificate issued under this division vests in the
certificate holder and its secured party, if any, the same rights,
interests, privileges, and immunities as are vested by the
original certificate under sections 5721.30 to 5721.43 of the
Revised Code, except that interest payable under division (B) of
section 5721.38 or division ~~(B)~~(D)(2) of section 5721.39 of the
Revised Code shall be subject to the amendments to those divisions
by Sub. H.B. 533 of the 123rd general assembly. The certificate
shall be issued in the same form as the form prescribed for the

original certificate issued except for any modifications 1005
necessary, in the county treasurer's discretion, to reflect the 1006
extension under this division of the certificate holder's lien to 1007
six years after the date shown on the original certificate as the 1008
date it was sold or any extension of that date. The certificate 1009
holder may record a certificate issued under division (E)(2)(b) of 1010
this section or memorandum thereof as provided in division (B) of 1011
section 5721.35 of the Revised Code, and the county recorder shall 1012
index the certificate and record any subsequent cancellation of 1013
the lien as provided in that section. The sale of a certificate 1014
extending the lien under division (E)(2)(b) of this section does 1015
not impair the right of redemption of the owner of record of the 1016
certificate parcel or of any other person entitled to redeem the 1017
property. 1018

(F) With respect to tax certificates purchased under section 1019
5721.32, 5721.33, or 5721.42 of the Revised Code, upon the 1020
delivery to the ~~certificate holder~~ private attorney by the county 1021
treasurer of the certification provided for under division (C)(2) 1022
of this section, a the private attorney may institute a 1023
foreclosure proceeding under this division in the name of the 1024
certificate holder to foreclose such holder's lien, in any court 1025
with jurisdiction, unless the certificate redemption price is paid 1026
prior to the time a complaint is filed. The attorney shall 1027
prosecute the proceeding to final judgment and satisfaction, 1028
whether through sale of the property or the vesting of title and 1029
possession in the certificate holder. 1030

The foreclosure proceedings under this division, except as 1031
otherwise provided in this division, shall be instituted and 1032
prosecuted in the same manner as is provided by law for the 1033
foreclosure of mortgages on land, except that, if service by 1034
publication is necessary, such publication shall be made once a 1035
week for three consecutive weeks and the service shall be complete 1036

at the expiration of three weeks after the date of the first 1037
publication. 1038

Any notice given under this division shall include the name 1039
of the owner of the parcel as last set forth in the records of the 1040
county recorder, the owner's last known mailing address, the 1041
address of the subject parcel if different from that of the owner, 1042
and a complete legal description of the subject parcel. In any 1043
county that has adopted a permanent parcel number system, such 1044
notice may include the permanent parcel number in addition to a 1045
complete legal description. 1046

It is sufficient, having been made a proper party to the 1047
foreclosure proceeding, for the certificate holder to allege in 1048
such holder's complaint that the tax certificate has been duly 1049
purchased by the certificate holder, that the certificate 1050
redemption price ~~appearing to be due and unpaid~~ is due and unpaid, 1051
and that there is a lien against the property described in the tax 1052
certificate, without setting forth in such holder's complaint any 1053
other special matter relating to the foreclosure proceeding. The 1054
prayer of the complaint shall be that the court issue an order 1055
that the property be sold by the sheriff or, if the action is in 1056
the municipal court, by the bailiff, in the manner provided in 1057
section 5721.19 of the Revised Code, unless the complaint ~~includes~~ 1058
~~an appraisal by an independent appraiser acceptable to documents~~ 1059
that the court county auditor has determined that the true value 1060
of the certificate parcel is less than the certificate purchase 1061
price. In that case, the prayer of the complaint shall be that fee 1062
simple title to the property be transferred to and vested in the 1063
certificate holder free and clear of all subordinate liens. 1064

In the foreclosure proceeding, the certificate holder may 1065
join in one action any number of tax certificates relating to the 1066
same owner, ~~provided that all parties on each of the tax~~ 1067
~~certificates are identical as to name and priority of interest.~~ 1068

However, the decree for each tax certificate shall be rendered 1069
separately and any proceeding may be severed, in the discretion of 1070
the court, for the purpose of trial or appeal. ~~The~~ Upon 1071
confirmation of sale, the court shall order payment of all costs 1072
related directly or indirectly to ~~the redemption of~~ the tax 1073
certificate, including, without limitation, attorney's fees of the 1074
holder's attorney, ~~as is considered proper~~ in accordance with 1075
section 5721.371 of the Revised Code. The tax certificate 1076
purchased by the certificate holder is presumptive evidence in all 1077
courts and in all proceedings, including, without limitation, at 1078
the trial of the foreclosure action, of the amount and validity of 1079
the taxes, assessments, charges, penalties by the court and added 1080
to such principal amount, and interest appearing due and unpaid 1081
and of their nonpayment. 1082

(G) ~~For the purposes of this section, "prior liens" means~~ 1083
~~liens that are prior in right to the lien with respect to the tax~~ 1084
~~certificate that is the subject of the foreclosure proceedings.~~ 1085

~~(H)~~ If a parcel is sold under this section, the officer who 1086
conducted the sale shall collect the recording fee from the 1087
purchaser at the time of the sale and, following confirmation of 1088
the sale, shall prepare and record the deed conveying the title to 1089
the parcel to the purchaser. 1090

Sec. 5721.371. Private attorney's fees payable under section 1091
5721.37, 5721.38, or 5721.39 of the Revised Code are subject to 1092
the following conditions: 1093

(A) The fees must be reasonable and necessary in accordance 1094
with the Ohio Rules of Civil Procedure and the Ohio code of 1095
professional responsibility; 1096

(B) Fees exceeding two thousand five hundred dollars shall be 1097
paid only if authorized by a court order; and 1098

(C) The terms of a sale negotiated under section 5721.33 of 1099
the Revised Code may include the amount to be paid in private 1100
attorney's fees, subject to division (B) of this section. 1101

Sec. 5721.38. (A) At any time prior to payment to the county 1102
treasurer by the certificate holder to initiate foreclosure 1103
proceedings under division (B) of section 5721.37 of the Revised 1104
Code, the owner of record of the certificate parcel, or any other 1105
person entitled to redeem that parcel, may redeem the parcel by 1106
paying to the county treasurer an amount equal to the total of the 1107
certificate redemption prices of all tax certificates respecting 1108
that parcel. 1109

(B) At any time after payment to the county treasurer by the 1110
certificate holder to initiate foreclosure proceedings under 1111
section 5721.37 of the Revised Code and prior to the filing of the 1112
entry of confirmation of sale of a certificate parcel under 1113
foreclosure proceedings filed by the county prosecuting attorney 1114
or prior to the decree conveying title to the certificate holder 1115
as provided for in division (F) of section 5721.37 of the Revised 1116
Code, the owner of record of the certificate parcel or any other 1117
person entitled to redeem that parcel may redeem the parcel by 1118
paying to the county treasurer the sum of the following amounts: 1119

(1) The amount described in division (A) of this section; 1120

(2) Interest on the certificate purchase price for each tax 1121
certificate sold respecting the parcel at the rate of eighteen per 1122
cent per year for the period beginning on the first day ~~on~~ of the 1123
month following the month in which the payment was submitted by 1124
the certificate holder and ending on the day the parcel is 1125
redeemed under this division, except that such interest shall not 1126
accrue for more than three years after the day the certificate was 1127
purchased if the certificate holder did not submit payment under 1128
division (B) of section 5721.37 of the Revised Code before the end 1129

of that three-year period; 1130

(3) An amount equal to the sum of the county prosecuting 1131
attorney's fee under division (B)(3) of section 5721.37 of the 1132
Revised Code if the tax certificate was purchased under section 1133
5721.32 or 5721.42 of the Revised Code plus interest on that 1134
amount at the rate of eighteen per cent per year beginning on the 1135
first day of the month following the month in which the payment 1136
was submitted by the certificate holder. If the parcel is redeemed 1137
before the complaint has been filed, the prosecuting attorney 1138
shall adjust the fee to reflect services performed to the date of 1139
redemption, and the county treasurer shall calculate the interest 1140
based on the adjusted fee and refund any excess fee to the 1141
certificate holder. 1142

(4) An amount submitted to the county treasurer for payment 1143
of private attorney's fees determined in accordance with section 1144
5721.371 of the Revised Code for services related to the 1145
foreclosure proceedings performed on behalf of the certificate 1146
holder; 1147

(5) Any other costs and fees of the proceeding allocable to 1148
the certificate parcel as determined by the court. ~~Upon~~ 1149

The county treasurer may collect the total amount due under 1150
divisions (B)(1) to (5) of this section in the form of guaranteed 1151
funds acceptable to the treasurer. Immediately upon receipt of 1152
such payments, the county treasurer shall refund the payment made 1153
by the certificate holder to initiate foreclosure proceedings. The 1154
county treasurer shall pay the certificate holder interest at the 1155
rate of eighteen per cent per year on amounts paid under divisions 1156
(B)(2) and (3) of section 5721.37 of the Revised Code, beginning 1157
on the first day of the month following the month the certificate 1158
holder paid the amounts under those divisions and ending on the 1159
day the parcel is redeemed under this section. 1160

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

(2) During the period beginning on the date a tax certificate is sold under section 5721.33 of the Revised Code and ending on the date the decree is rendered on the foreclosure proceeding under 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 enter into a redemption payment plan with the certificate holder and all secured parties of the certificate holder. The plan shall require the owner or other person to pay the certificate redemption price for the tax certificate, an administrative fee not to exceed one hundred dollars per year, and the actual fees and costs incurred, in installments, with the final installment due no later than ~~three~~ six years after the date the tax certificate is sold. The certificate holder shall give written notice of the plan to the applicable county treasurer within sixty days after entering into the plan and written notice of default under the plan within ninety days after the default. If such a plan is entered into, the time period for filing a notice of intent to foreclose under section 5721.37 of the Revised Code is extended by the length of

time the plan is in effect and not in default. 1194

(D)(1) Immediately upon receipt of full payment under 1195
division (A) or (B) of this section, the county treasurer shall 1196
make an entry to that effect in the tax certificate register and 1197
notify each certificate holder by certified mail, return receipt 1198
requested, or by other means agreed upon by the treasurer and the 1199
certificate holder, that the parcel has been redeemed and the lien 1200
canceled and that the tax certificates may be redeemed. The county 1201
treasurer shall deposit into the tax certificate redemption fund 1202
created in the county treasury an amount equal to the total of the 1203
certificate redemption prices, together with interest on the 1204
certificate purchase price for each tax certificate sold 1205
respecting the parcel at the rate of eighteen per cent per year 1206
paid under division (B) of this section for the period beginning 1207
~~when~~ on the first day of the month following the month in which 1208
the payment was submitted by the certificate holder under division 1209
(B) of section 5721.37 of the Revised Code and ending when the 1210
parcel was redeemed. The county treasurer shall administer the 1211
fund for the purpose of redeeming tax certificates. Interest 1212
earned on the fund shall be credited to the county general fund. 1213

(2) If a redemption payment plan is entered into pursuant to 1214
division (C)(1) of this section, the county treasurer immediately 1215
shall notify each certificate holder by certified mail, return 1216
receipt requested, or by other means agreed upon by the treasurer 1217
and the certificate holder, of the terms of the plan. Installment 1218
payments made pursuant to the plan shall be deposited in the tax 1219
certificate redemption fund. Any overpayment of the installments 1220
shall be refunded to the person responsible for causing the 1221
overpayment if the person applies for a refund under this section. 1222
If the person responsible for causing the overpayment fails to 1223
apply for a refund under this section within five years from the 1224
date the plan is satisfied, an amount equal to the overpayment 1225

shall be deposited into the general fund of the county. 1226

Upon satisfaction of the plan, the county treasurer shall 1227
indicate in the tax certificate register that the plan has been 1228
satisfied, and shall notify each certificate holder by certified 1229
mail, return receipt requested, or by other means agreed upon by 1230
the treasurer and the certificate holder, that the plan has been 1231
satisfied and that tax certificates may be redeemed. 1232

If a redemption payment plan becomes void, the county 1233
treasurer ~~immediately~~ shall notify each certificate holder ~~by~~ 1234
~~certified mail, return receipt requested.~~ If a certificate holder 1235
files a request for foreclosure under section 5721.37 of the 1236
Revised Code, upon the filing of the request for foreclosure, any 1237
money paid under the plan shall be refunded to the person that 1238
paid the money under the plan. 1239

(E) To redeem a tax certificate with respect to which payment 1240
has been made in full under division (A), (B), or (C)(1) of this 1241
section ~~or,~~ division (B)(1) of section 5721.37 of the Revised 1242
Code, ~~the certificate holder shall present the tax certificate to~~ 1243
~~the county treasurer, who shall prepare the redemption~~ 1244
information. Upon presentation or section 5721.381 of the Revised 1245
Code, the county auditor shall draw a warrant on the tax 1246
certificate redemption fund in the amount of the certificate 1247
redemption price and any applicable interest ~~payable at the rate~~ 1248
~~of eighteen per cent annually~~ on the certificate under division 1249
(B) of this section. For a parcel that was redeemed under division 1250
(B) of this section, the certificate holder who paid the amounts 1251
under division (B) of section 5721.37 of the Revised Code shall be 1252
reimbursed for those amounts, together with interest at the rate 1253
of eighteen per cent per year on the amount paid under division 1254
(B)(1) of that section for the period beginning when the payment 1255
was submitted by the certificate holder under division (B) of that 1256
section and ending when the parcel was redeemed. The treasurer 1257

~~shall mark all copies of enter in the tax certificate register 1258
that the tax certificate is "redeemed" and return the certificate 1259
to the certificate holder. The canceled certificate shall serve as 1260
a receipt evidencing redemption of the tax certificate. If a 1261
certificate holder fails to redeem a tax certificate within five 1262
years after notice is served under division (D) of this section 1263
that tax certificates may be redeemed, an amount equal to the 1264
certificate redemption price and any applicable interest payable 1265
at the rate of eighteen per cent annually on the certificate under 1266
division (B) of this section shall be deposited into the general 1267
fund of the county." 1268~~

Sec. 5721.381. (A) At any time prior to payment to the county 1269
treasurer by a certificate holder to initiate foreclosure 1270
proceedings under division (B) of section 5721.37 of the Revised 1271
Code, the owner of record of the certificate parcel or any other 1272
person entitled to redeem that parcel may pay the county treasurer 1273
the certificate redemption price for the tax certificate with the 1274
oldest lien against the parcel. Such a payment cancels that lien. 1275
Upon receipt of the payment, the county treasurer shall make an 1276
entry to that effect in the tax certificate register and shall 1277
notify the certificate holder that the lien has been canceled and 1278
that the certificate may be redeemed. The treasurer shall deposit 1279
the payment to the credit of the tax certificate redemption fund. 1280

(B) A person who makes a payment to the county treasurer 1281
under division (A) of this section for the tax certificate with 1282
the oldest lien may make additional payments under that division 1283
for other tax certificates related to the parcel, in priority 1284
order based on the earliest date of attachment for the tax liens. 1285

(C) A property owner or other person shall make, and the 1286
county treasurer shall accept and apply, payments under this 1287
section only in priority order based on the earliest date of 1288

attachment of the tax liens. 1289

Sec. 5721.39. (A) In its judgment of foreclosure rendered 1290
with respect to in actions filed pursuant to section 5721.37 of 1291
the Revised Code, the court shall enter a finding that includes 1292
all of the following with respect to the certificate parcel ~~of~~ 1293
the: 1294

(1) The amount of the sum of the certificate redemption 1295
prices ~~respecting~~ for all the tax certificates sold against the 1296
parcel; 1297

(2) If payment was submitted under division (B) of section 1298
5721.37 of the Revised Code, interest on the certificate purchase 1299
prices of those certificates at the rate of eighteen per cent per 1300
year for the period beginning on the first day on of the month 1301
following the month in which the payment was submitted by the 1302
certificate holder ~~under division (B) of section 5721.37 of the~~ 1303
~~Revised Code,~~ and the sum of the delinquent taxes, assessments, 1304
penalties, interest, and charges and unpaid taxes, assessments, 1305
penalties, and charges that was paid under division (B)(2) of that 1306
section, plus interest at the rate of eighteen per cent per year 1307
for the period beginning on the first day of the month following 1308
the month in which the payment was submitted; ~~any~~ 1309

(3) If no payment was submitted under division (B) of section 1310
5721.37 of the Revised Code, the day the certificate holder filed 1311
a request for foreclosure or a notice of intent to foreclose under 1312
division (A) of that section; 1313

(4) Any delinquent taxes, assessments, penalties, interest, 1314
and charges or unpaid taxes, assessments, penalties, and charges 1315
on the parcel that are not covered by a ~~tax certificate~~ payment 1316
under division (B)(2) of section 5721.37 of the Revised Code; ~~and~~ 1317
~~fees~~ 1318

(5) Fees and costs incurred in the foreclosure proceeding 1319
instituted against the parcel, including, without limitation, the 1320
fees and costs of the prosecuting attorney represented by the fee 1321
paid under division (B)(3) of section 5721.37 of the Revised Code, 1322
plus interest as provided in division (D)(2)(d) of this section, 1323
or the fees and costs of the private attorney representing the 1324
certificate holder, and charges paid or incurred in procuring 1325
title searches and abstracting services relative to the subject 1326
premises. ~~The~~ 1327

(B) The court may order the certificate parcel to be sold, 1328
without appraisal and as set forth in the prayer of the complaint, 1329
for not less than the amount of its finding, or, in the event ~~that~~ 1330
~~the court finds~~ that the true value of the certificate parcel as 1331
determined by the county auditor is less than the certificate 1332
~~purchase~~ redemption price, the court may, as prayed for in the 1333
complaint, issue a decree transferring fee simple title free and 1334
clear of all subordinate liens to the certificate holder. A decree 1335
of the court transferring fee simple title to the certificate 1336
holder is forever a bar to all rights of redemption with respect 1337
to the certificate parcel. 1338

(C) Each certificate parcel shall be advertised and sold by 1339
the officer to whom the order of sale is directed in the manner 1340
provided by law for the sale of real property on execution. The 1341
advertisement for sale of certificate parcels shall be published 1342
once a week for three consecutive weeks and shall include the date 1343
on which a second sale will be conducted if no bid is accepted at 1344
the first sale. Any number of parcels may be included in one 1345
advertisement. 1346

Whenever the officer charged to conduct the sale offers a 1347
certificate parcel for sale and no bids are made equal to at least 1348
the amount of the court's finding, the officer shall adjourn the 1349
sale of the parcel to the second date that was specified in the 1350

advertisement of sale. The second sale shall be held at the same 1351
place and commence at the same time as set forth in the 1352
advertisement of sale. The officer shall offer any parcel not sold 1353
at the first sale. Upon the conclusion of any sale, or if any 1354
parcel remains unsold after being offered at two sales, the 1355
officer conducting the sale shall report the results to the court. 1356

(D) Upon the confirmation of a sale, the proceeds of the sale 1357
shall be applied as follows: 1358

~~(A)(1)~~ The fees and costs incurred in the proceeding filed 1359
against the parcel pursuant to section 5721.37 of the Revised Code 1360
~~, not including shall be paid first, including attorney's fees of~~ 1361
~~the certificate holder's attorney payable under division (F) of~~ 1362
~~that section, or~~ the county prosecutor's costs covered by the fee 1363
paid by the certificate holder under division (B)(3) of that 1364
section, ~~shall be paid first.~~ 1365

~~(B)(2)~~ Following the payment required by division ~~(A)(D)(1)~~ 1366
of this section, the certificate holder that requested the 1367
foreclosure shall be paid the sum of the following amounts: 1368

~~(1)(a)~~ The sum of the amount found due for the certificate 1369
redemption prices of all the tax certificates, ~~other than those~~ 1370
~~certificates described in division (B)(1) of section 5721.37 of~~ 1371
~~the Revised Code,~~ that are sold against the parcel to the 1372
certificate holder requesting a notice of foreclosure; 1373

~~(2)(b)~~ Any premium paid by the certificate holder at the time 1374
of purchase; 1375

~~(3)(c)~~ Interest on the amounts paid by the certificate holder 1376
under division (B)(1) of section 5721.37 of the Revised Code at 1377
the rate of eighteen per cent per year beginning on the first day 1378
~~on~~ of the month following the month in which the payment was 1379
submitted by the certificate holder to the county treasurer and 1380
ending on the day immediately preceding the day on which the 1381

proceeds of the foreclosure sale are paid to the certificate holder; 1382
1383

~~(4)(d)~~ Interest on the amounts paid by the certificate holder 1384
under divisions (B)(2) and (3) of section 5721.37 of the Revised 1385
Code at the rate of eighteen per cent per year beginning on the 1386
first day of the month following the month in which the payment 1387
was submitted by the certificate holder under divisions (B)(2) and 1388
(3) of that section ~~5721.37 of the Revised Code~~ and ending on the 1389
day immediately preceding the day on which the proceeds of the 1390
foreclosure sale are paid to the certificate holder pursuant to 1391
this section, except that such interest shall not accrue for more 1392
than three years if the certificate was sold under section 5721.32 1393
of the Revised Code, or under section 5721.42 of the Revised Code 1394
by the holder of a certificate issued under section 5721.32 of the 1395
Revised Code, or more than six years if the certificate was sold 1396
under section 5721.33 of the Revised Code, or under section 1397
5721.42 of the Revised Code by the holder of a certificate issued 1398
under section 5721.33 of the Revised Code, after the first day of 1399
the month following the month in which the amounts were paid by 1400
the certificate holder under divisions (B)(2) and (3) of section 1401
5721.37 of the Revised Code ~~if the certificate holder did not~~ 1402
~~submit that payment before the end of that six year period;~~ 1403

~~(5)(e)~~ The amounts paid by the certificate holder under 1404
divisions (B)(1), (2), and (3) of section 5721.37 of the Revised 1405
Code. 1406

~~(C)(3)~~ Following the payment required by division ~~(B)(D)(2)~~ 1407
of this section, any amount due for taxes, assessments, charges, 1408
penalties, and interest not covered by the tax certificate 1409
holder's payment under division (B)(2) of section 5721.37 of the 1410
Revised Code shall be paid, including all taxes, assessments, 1411
charges, penalties, and interest payable subsequent to the entry 1412
of the finding and prior to the transfer of the deed of the parcel 1413

to the purchaser following confirmation of sale. If the proceeds 1414
available for distribution pursuant to this division are 1415
insufficient to pay the entire amount of those taxes, assessments, 1416
charges, penalties, and interest, the proceeds shall be paid to 1417
each claimant in proportion to the amount of those taxes, 1418
assessments, charges, penalties, and interest that each is due, 1419
and those taxes, assessments, charges, penalties, and interest are 1420
deemed satisfied and shall be removed from the tax list and 1421
duplicate. 1422

(4) Any residue of money from proceeds of the sale shall be 1423
disposed of as prescribed by section 5721.20 of the Revised Code. 1424

(E) Unless the parcel previously was redeemed pursuant to 1425
section 5721.25 or 5721.38 of the Revised Code, upon the filing of 1426
the entry of confirmation of sale, the title to the parcel is 1427
incontestable in the purchaser and is free and clear of all liens 1428
and encumbrances, except a federal tax lien, notice of which lien 1429
is properly filed in accordance with section 317.09 of the Revised 1430
Code prior to the date that a foreclosure proceeding is instituted 1431
pursuant to section 5721.37 of the Revised Code, and which lien 1432
was foreclosed in accordance with 28 U.S.C.A. 2410(c), and except 1433
for the easements and covenants of record running with the land or 1434
lots that were created prior to the time the taxes or assessments, 1435
for the nonpayment of which a tax certificate was issued and the 1436
parcel sold at foreclosure, became due and payable. 1437

The title shall not be invalid because of any irregularity, 1438
informality, or omission of any proceedings under this chapter or 1439
in any processes of taxation, if such irregularity, informality, 1440
or omission does not abrogate the provision for notice to holders 1441
of title, lien, or mortgage to, or other interests in, such 1442
foreclosed parcels, as prescribed in this chapter. 1443

Sec. 5721.40. If any tax certificate parcel is twice offered 1444

for sale pursuant to section 5721.39 of the Revised Code and 1445
remains unsold for want of bidders, the officer who conducted the 1446
sales shall certify to the court that the parcel remains unsold 1447
after two sales. The court, by entry, shall order the parcel 1448
forfeited to the certificate holder who filed the request for 1449
foreclosure or notice of intent to foreclose under section 5721.37 1450
of the Revised Code. The clerk of the court shall certify copies 1451
of the court's order to the county treasurer. The county treasurer 1452
shall notify the certificate holder by ordinary and certified 1453
mail, return receipt requested, that the parcel remains unsold, 1454
and shall instruct the certificate holder of the manner in which 1455
the holder shall obtain the deed to the parcel. The officer who 1456
conducted the sales shall prepare and record the deed conveying 1457
title to the parcel to the certificate holder. 1458

Upon transfer of the deed to the certificate holder under 1459
this section, all right, title, claim, and interest in the 1460
certificate parcel are transferred to and vested in the 1461
certificate holder. The title to the parcel is incontestable in 1462
the certificate holder and is free and clear of all liens and 1463
encumbrances, except the following: 1464

(A) A federal tax lien, notice of which was properly filed in 1465
accordance with section 317.09 of the Revised Code prior to the 1466
date that the foreclosure proceeding was instituted under section 1467
5721.37 of the Revised Code and which was foreclosed in accordance 1468
with 28 U.S.C. 2410(c); 1469

(B) Easements and covenants of record running with the land 1470
that were created prior to the time the taxes or assessments, for 1471
the nonpayment of which a tax certificate was issued, became due 1472
and payable. 1473

Sec. 5721.41. ~~Interest~~ All interest required under sections 1474
5721.30 to 5721.43 of the Revised Code is simple interest, to be 1475

calculated on a principal amount and not compounded on earned 1476
interest. Interest charges under those sections shall accrue on a 1477
monthly basis, on the first day of the month following the 1478
beginning of the period during which interest accrues and on the 1479
first day of each subsequent month. Notwithstanding the preceding 1480
sentence, the six per cent charge described in division (E)(1)(b) 1481
of section 5721.30 of the Revised Code shall apply even if the tax 1482
certificate is redeemed before the first day of the month 1483
following the date that the certificate is purchased. 1484

Sec. 5721.42. ~~Not less than sixty nor more than ninety days~~ 1485
~~following the date set by~~ After the settlement required under 1486
division (C) of section 323.12 or 323.17 321.24 of the Revised 1487
Code ~~for the payment of the second installment of current taxes,~~ 1488
the county treasurer shall notify the certificate holder of the 1489
most recently issued tax certificate that the certificate holder 1490
may ~~pay~~ purchase a subsequent tax certificate by paying all 1491
delinquent taxes, assessments, penalties, interest, ~~and~~ charges, 1492
and fees on the related certificate parcel, the lien against which 1493
has not been transferred by the sale of a tax certificate. Within 1494
thirty days after receiving the notice, the certificate holder may 1495
purchase the subsequent tax certificate by paying those amounts to 1496
the county treasurer. The amount of the payment shall constitute a 1497
separate lien against the certificate parcel that shall be 1498
evidenced by the issuance by the treasurer to the certificate 1499
holder of an additional tax certificate with respect to the 1500
delinquent taxes, assessments, penalties, interest, charges, and 1501
fees so paid on the related certificate parcel. The amount of the 1502
payment as set forth in the tax certificate shall earn interest at 1503
the rate of eighteen per cent per year. 1504

Sec. 5721.43. (A) ~~No~~ Without the prior written consent of the 1505
county treasurer, no person shall directly, through an agent, or 1506

otherwise, initiate contact with the owner of a parcel with 1507
respect to which the person holds a tax certificate to encourage 1508
or demand payment before one year has elapsed following the 1509
purchase of the certificate. 1510

(B) A county treasurer may bar any person who violates 1511
division (A) of this section from bidding at a tax certificate 1512
sale conducted by the treasurer. 1513

(C)(1) The attorney general or county prosecuting attorney, 1514
upon written request of a county treasurer, shall bring an action 1515
for an injunction against any person who has violated, is 1516
violating, or is threatening to violate division (A) of this 1517
section. 1518

(2) Any person who violates division (A) of this section 1519
shall be assessed a civil penalty of not more than five thousand 1520
dollars for each offense to be paid into the state treasury to the 1521
credit of the general revenue fund. Upon written request of a 1522
county treasurer, the attorney general or county prosecuting 1523
attorney shall commence an action against any such violator. Any 1524
action under this division is a civil action, governed by the 1525
Rules of Civil Procedure and other rules of practice and procedure 1526
applicable to civil actions. 1527

Section 2. That existing sections 5721.30, 5721.31, 5721.32, 1528
5721.33, 5721.34, 5721.35, 5721.36, 5721.37, 5721.38, 5721.39, 1529
5721.40, 5721.41, 5721.42, and 5721.43 of the Revised Code are 1530
hereby repealed. 1531