

As Reported by the House Judiciary and Ethics Committee

129th General Assembly

Regular Session

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H. B. No. 5

Representative Huffman

Cosponsors: Representatives Okey, Murray, Letson, McKenney, Coley

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A B I L L

To enact sections 2746.01, 2746.02, 2746.03, 2746.04, 1
2746.05, 2746.06, 2746.07, 2746.08, and 2746.09 of 2
the Revised Code to provide consolidated 3
references to Revised Code sections that establish 4
costs and fees, other than attorney fees, in the 5
courts of record of this state. 6

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

Section 1. That sections 2746.01, 2746.02, 2746.03, 2746.04, 7
2746.05, 2746.06, 2746.07, 2746.08, and 2746.09 of the Revised 8
Code be enacted to read as follows: 9

Sec. 2746.01. A court of record of this state shall tax as 10
costs or otherwise require the payment of fees for the following 11
services rendered or as compensation for the following persons or 12
any other of the following fees that are applicable in a 13
particular case: 14

(A) Appraisers, commissioners, or arbitrators appointed to 15
make or procure an appraisal or valuation of any property, as 16
provided in section 2335.02 of the Revised Code; 17

(B) Auctioneers appointed to conduct any public auction of 18
goods, chattels, or lands required to be sold by an officer of the 19

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| <u>court, as provided in section 2335.021 of the Revised Code;</u> | 20 |
| <u>(C) Commissioners appointed to make partition of lands or to assign dower and appraisers of real or personal property on execution, replevin, or attachment or to fix the value of exempt property, as provided in section 2335.01 of the Revised Code;</u> | 21 22 23 24 |
| <u>(D) Deposit of rent with the clerk of court by a resident of a manufactured home park, as provided in section 3733.121 of the Revised Code, or by a tenant of residential premises, as provided in section 5321.08 of the Revised Code;</u> | 25 26 27 28 |
| <u>(E) Interpreters, as provided in section 2335.09 of the Revised Code;</u> | 29 30 |
| <u>(F) Fees in a civil action or appeal commenced by an inmate against a government entity or employee, as provided in section 2969.22 of the Revised Code;</u> | 31 32 33 |
| <u>(G) Procurement of a transcript of a judgment or proceeding or exemplification of a record in an appeal or other civil action, as provided in section 2303.21 of the Revised Code;</u> | 34 35 36 |
| <u>(H) Publication of an advertisement, notice, or proclamation required to be published by a trustee, assignee, executor, administrator, receiver, or other officer of the court or a party in a case or proceeding, as provided in section 7.13 of the Revised Code;</u> | 37 38 39 40 41 |
| <u>(I) Publication of calendars, motion dockets, legal advertisements, and notices, the fees for which are not fixed by law, as provided in section 2701.09 of the Revised Code;</u> | 42 43 44 |
| <u>(J) Sheriffs, as provided in section 311.17 of the Revised Code;</u> | 45 46 |
| <u>(K) Township constables or members of the police force of a township police district or joint police district, as provided in section 509.15 of the Revised Code;</u> | 47 48 49 |

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| <u>(L) Witnesses, as follows:</u> | 50 |
| <u>(1) Fees and mileage in civil cases, as provided in section 2335.06 of the Revised Code;</u> | 51 52 |
| <u>(2) Fees and mileage in criminal cases, as provided in section 2335.08 of the Revised Code;</u> | 53 54 |
| <u>(3) Fees in all cases or proceedings not specified in sections 2335.06 and 2335.08 of the Revised Code, as provided in section 2335.05 of the Revised Code;</u> | 55 56 57 |
| <u>(4) Fees of municipal police officers in state felony cases, as provided in section 2335.17 of the Revised Code;</u> | 58 59 |
| <u>(5) Fees in arbitration proceedings, as provided in section 2711.06 of the Revised Code.</u> | 60 61 |
| <u>(M) In an action to abate a nuisance or to enforce a local code relating to buildings, the expenses of operating and conserving the building, as provided in section 3767.41 of the Revised Code.</u> | 62 63 64 65 |
| <u>Sec. 2746.02.</u> <u>A court of record of this state shall tax as costs or otherwise require the payment of fees for the following services rendered, as compensation for the following persons, or as part of the sentence imposed by the court, or any other of the following fees that are applicable in a particular case:</u> | 66 67 68 69 70 |
| <u>(A) In a felony case, financial sanctions, as provided in section 2929.18 of the Revised Code;</u> | 71 72 |
| <u>(B) In any criminal case, the costs of prosecution, as provided in section 2947.23 of the Revised Code;</u> | 73 74 |
| <u>(C) In a misdemeanor case in which the offender is sentenced to a jail term, the local detention facility is covered by a policy adopted by the facility's governing authority requiring reimbursement for the costs of confinement, and the offender is</u> | 75 76 77 78 |

presented with an itemized bill pursuant to section 2929.37 of the Revised Code for such costs, the costs of confinement, as provided in section 2929.24 of the Revised Code; 79
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(D) In a case in which an offender is sentenced for endangering children in violation of section 2919.22 of the Revised Code, the costs of the offender's supervised community service work, as provided in section 2919.22 of the Revised Code; 82
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(E) In a case in which a defendant is charged with any of certain sexual assault or prostitution-related offenses and is found to be suffering from a venereal disease in an infectious stage, the cost of medical treatment, as provided in section 2907.27 of the Revised Code; 86
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(F) In a case in which a defendant is charged with harassment with a bodily substance, the cost of medical testing, as provided in section 2921.38 of the Revised Code; 91
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(G) In a case in which a defendant is charged with violating a protection order in violation of section 2919.27 of the Revised Code or of a municipal ordinance that is substantially similar to that section, the costs of any evaluation and preceding examination of the defendant, as provided in section 2919.271 of the Revised Code; 94
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(H) Presentence psychological or psychiatric reports, as provided in section 2947.06 of the Revised Code; 100
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(I) In a criminal proceeding, the taking of a deposition of a person who is imprisoned in a detention facility or state correctional institution within this state or who is in the custody of the department of youth services, as provided in section 2945.47 of the Revised Code; 102
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(J) In a case in which a person is convicted of or pleads guilty to any offense other than a parking violation or in which a child is found to be a delinquent child or a juvenile traffic 107
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offender for an act that, if committed by an adult, would be an 110
offense other than a parking violation, additional costs and bail, 111
if applicable, as provided in sections 2743.70 and 2949.091 of the 112
Revised Code, but subject to waiver as provided in section 113
2949.092 of the Revised Code; 114

(K) In a case in which a person is convicted of or pleads 115
guilty to a moving violation or in which a child is found to be a 116
juvenile traffic offender for an act which, if committed by an 117
adult, would be a moving violation, additional costs and bail, if 118
applicable, as provided in sections 2949.093 and 2949.094 of the 119
Revised Code, but subject to waiver as provided in section 120
2949.092 of the Revised Code; 121

(L) In a case in which a defendant is convicted of abandoning 122
a junk vessel or outboard motor without notifying the appropriate 123
law enforcement officer, the cost incurred by the state or a 124
political subdivision in disposing of the vessel or motor, as 125
provided in section 1547.99 of the Revised Code; 126

(M) The costs of electronic monitoring in the following 127
cases: 128

(1) In a misdemeanor case in which the offender is convicted 129
of any of certain prostitution-related offenses and a 130
specification under section 2941.1421 of the Revised Code, as 131
provided in section 2929.24 of the Revised Code; 132

(2) In a case in which the court issues a criminal protection 133
order against a minor upon a petition alleging that the respondent 134
committed any of certain assault, menacing, or trespass offenses, 135
a sexually oriented offense, or an offense under a municipal 136
ordinance that is substantially equivalent to any of those 137
offenses, as provided in section 2151.34 of the Revised Code; 138

(3) In a case in which the court issues a protection order 139
against an adult upon a petition alleging that the respondent 140

committed menacing by stalking or a sexually oriented offense, as 141
provided in section 2903.214 of the Revised Code; 142

(4) In a case in which an offender is convicted of violating 143
a protection order, as provided in section 2919.27 of the Revised 144
Code; 145

(5) In a case in which the offender is convicted of any 146
sexually oriented offense and is a tier III sex 147
offender/child-victim offender relative to that offense, as 148
provided in section 2929.13 of the Revised Code. 149

(N) In a proceeding for post-conviction relief, a transcript, 150
as provided in section 2953.21 of the Revised Code; 151

(O) In a proceeding for the sealing of a conviction record, 152
the fee provided for in section 2953.32 of the Revised Code. 153

Sec. 2746.03. In addition to any applicable fees or costs set 154
forth in sections 2746.01 and 2746.02 of the Revised Code or any 155
other applicable provision of law, the supreme court, a court of 156
appeals, or the court of claims shall tax as costs or otherwise 157
require the payment of fees for the following services rendered or 158
as compensation for the following persons or any other of the 159
following fees that are applicable in a particular case: 160

(A) In the supreme court, filing fees, as provided in section 161
2503.17 of the Revised Code; 162

(B) In a court of appeals: 163

(1) Fees collectible by the clerk of a court of common pleas 164
when acting as the clerk of the court of appeals of the county, as 165
provided in section 2303.03 of the Revised Code; 166

(2) Additional filing fees or charges for special projects, 167
programs, or services, as provided in section 2501.16 of the 168
Revised Code; 169

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| <u>(3) Sheriffs or other officers who serve process, as provided</u> | 170 |
| <u>in section 2501.19 of the Revised Code;</u> | 171 |
| <u>(4) Shorthand reporters, as provided in section 2501.17 of</u> | 172 |
| <u>the Revised Code;</u> | 173 |
| <u>(5) The expense of preparing and transcribing the record in</u> | 174 |
| <u>an appeal to the tenth district court of appeals from a ruling of</u> | 175 |
| <u>the director of health under the certificate of need program, as</u> | 176 |
| <u>provided in section 3702.60 of the Revised Code.</u> | 177 |
| <u>(C) In the court of claims:</u> | 178 |
| <u>(1) The fees provided for in section 2743.09 of the Revised</u> | 179 |
| <u>Code;</u> | 180 |
| <u>(2) Witness fees and mileage, as provided in section 2743.06</u> | 181 |
| <u>of the Revised Code.</u> | 182 |
| <u>Sec. 2746.04. In addition to any applicable fees or costs set</u> | 183 |
| <u>forth in sections 2746.01 and 2746.02 of the Revised Code or any</u> | 184 |
| <u>other applicable provision of law, a court of common pleas shall</u> | 185 |
| <u>tax as costs or otherwise require the payment of fees for the</u> | 186 |
| <u>following services rendered or as compensation for the following</u> | 187 |
| <u>persons or any other of the following fees that are applicable in</u> | 188 |
| <u>a particular case:</u> | 189 |
| <u>(A) The fees provided for in section 2303.20 of the Revised</u> | 190 |
| <u>Code;</u> | 191 |
| <u>(B) Additional fees to computerize the court, make available</u> | 192 |
| <u>computerized legal research services, computerize the office of</u> | 193 |
| <u>the clerk of the court, provide financial assistance to legal aid</u> | 194 |
| <u>societies, support the office of the state public defender, fund</u> | 195 |
| <u>shelters for victims of domestic violence, and special projects of</u> | 196 |
| <u>the court, as provided in section 2303.201 and, for a court that</u> | 197 |
| <u>has a domestic relations division, section 2301.031 of the Revised</u> | 198 |
| <u>Code;</u> | 199 |

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| <u>(C) Filing for a divorce decree under section 3105.10 or a</u> | 200 |
| <u>decree of dissolution under section 3105.65 of the Revised Code,</u> | 201 |
| <u>as provided in section 3109.14 of the Revised Code;</u> | 202 |
| <u>(D) Filing of a foreign judgment pursuant to section 2329.022</u> | 203 |
| <u>of the Revised Code, as provided in section 2329.025 of the</u> | 204 |
| <u>Revised Code;</u> | 205 |
| <u>(E) Interpreters, as provided in section 2301.14 of the</u> | 206 |
| <u>Revised Code;</u> | 207 |
| <u>(F) Jurors in civil actions, as provided in section 2335.28</u> | 208 |
| <u>of the Revised Code;</u> | 209 |
| <u>(G) Shorthand reporters, as provided in sections 2301.21 and</u> | 210 |
| <u>2301.24 of the Revised Code;</u> | 211 |
| <u>(H) In a case involving the operation by a nonresident of a</u> | 212 |
| <u>vessel upon the waters in this state, or the operation on the</u> | 213 |
| <u>waters in this state of a vessel owned by a nonresident if</u> | 214 |
| <u>operated with his consent, actual traveling expenses of the</u> | 215 |
| <u>defendant, as provided in section 1547.36 of the Revised Code;</u> | 216 |
| <u>(I) In a civil case, the expenses of taking a deposition of a</u> | 217 |
| <u>person who is imprisoned in a workhouse, juvenile detention</u> | 218 |
| <u>facility, jail, or state correctional institution within this</u> | 219 |
| <u>state, or who is in the custody of the department of youth</u> | 220 |
| <u>services, as provided in section 2317.06 of the Revised Code;</u> | 221 |
| <u>(J) In proceedings relating to the examination of a judgment</u> | 222 |
| <u>debtor under sections 2333.09 to 2333.27 of the Revised Code,</u> | 223 |
| <u>compensation for clerks, sheriffs, referees, receivers, and</u> | 224 |
| <u>witnesses, as provided in section 2333.27 of the Revised Code;</u> | 225 |
| <u>(K) In an appeal from an order of an agency issued pursuant</u> | 226 |
| <u>to an adjudication under section 119.12 of the Revised Code, the</u> | 227 |
| <u>expense of preparing and transcribing the record;</u> | 228 |
| <u>(L) In a case in which the court issues a protection order</u> | 229 |

upon a petition alleging that the respondent engaged in domestic violence against a family or household member, the cost of supervision of the respondent's exercise of parenting time, visitation, or companionship rights, as provided in section 3113.31 of the Revised Code; 230
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(M) Upon a petition to have a person involuntarily institutionalized, the costs of appointed counsel for the respondent at a full hearing, as provided in section 5123.76 of the Revised Code; 235
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(N) In a case before the domestic relations division of the Hamilton county court of common pleas, the expense of serving a summons, warrant, citation, subpoena, or other writ issued to an officer other than a bailiff, constable, or staff investigator of the division, as provided in section 2301.03 of the Revised Code. 239
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Sec. 2746.05. In addition to any applicable fees or costs set forth in sections 2746.01, 2746.02, and 2746.04 of the Revised Code or any other applicable provision of law, a juvenile court shall tax as costs or otherwise require the payment of fees for the following services or as compensation for the following persons: 244
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(A) The fees provided for in section 2151.54 of the Revised Code; 250
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(B) Additional fees to computerize the court, make available computerized legal research services, and computerize the office of the clerk of the court, as provided in sections 2151.541, 2153.081, and 2301.031 of the Revised Code; 252
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(C) The costs of house arrest with electronic monitoring, as provided in section 2152.19 of the Revised Code; 256
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(D) Witness fees, as provided in section 2151.28 of the Revised Code. 258
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Sec. 2746.06. In addition to any applicable fees or costs set forth in sections 2746.01, 2746.02, and 2746.04 of the Revised Code or any other applicable provision of law, and subject to any waiver of fees for combat zone casualties under section 2101.164 of the Revised Code and any reduction of fees under section 2101.20 of the Revised Code, a probate court shall tax as costs or otherwise require the payment of fees for the following services rendered or as compensation for the following persons or any other of the following fees that are applicable in a particular case:

(A) The fees provided for in sections 2101.16, 2101.17, 2101.18, and 2101.32 of the Revised Code;

(B) Additional fees to computerize the court, make available computerized legal research services, and computerize the office of the clerk of the court, as provided in section 2101.162 of the Revised Code;

(C) In a proceeding upon the assignment of property in trust for the benefit of creditors, the fees provided for in section 1313.52 of the Revised Code;

(D) The fees allowable to a special master commissioner under section 2101.07 of the Revised Code;

(E) In a proceeding filed pursuant to dispute resolution procedures established by rule of the probate judge, a filing fee, as provided in section 2101.163 of the Revised Code;

(F) Costs incident to the appointment of a fiduciary, as provided in section 2101.21 of the Revised Code;

(G) A fee for solemnizing a marriage, as provided in section 2101.27 of the Revised Code;

(H) The additional marriage license fee provided for in section 3113.34 of the Revised Code;

(I) The fee for deposit of a will provided for in section

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| <u>2107.07 of the Revised Code;</u> | 290 |
| <u>(J) In a proceeding for the appointment of a guardian for an</u> | 291 |
| <u>alleged incompetent, physicians and other qualified persons to</u> | 292 |
| <u>examine, investigate, or represent the alleged incompetent, as</u> | 293 |
| <u>provided in section 2111.031 of the Revised Code;</u> | 294 |
| <u>(K) In an action to obtain authority to sell real estate, the</u> | 295 |
| <u>fees for failure to enter a release and satisfaction provided for</u> | 296 |
| <u>in section 2127.19 of the Revised Code;</u> | 297 |
| <u>(L) In a proceeding in aid of execution, the fees provided</u> | 298 |
| <u>for in section 2333.26 and 2333.27 of the Revised Code.</u> | 299 |
| <u>Sec. 2746.07. In addition to any applicable fees or costs set</u> | 300 |
| <u>forth in sections 2746.01, 2746.02, and 2746.04 of the Revised</u> | 301 |
| <u>Code or any other applicable provision of law, a municipal court</u> | 302 |
| <u>shall tax as costs or otherwise require the payment of fees for</u> | 303 |
| <u>the following services or as compensation for the following</u> | 304 |
| <u>persons:</u> | 305 |
| <u>(A) The fees and costs provided for in section 1901.26 of the</u> | 306 |
| <u>Revised Code;</u> | 307 |
| <u>(B) Additional fees to computerize the court, make available</u> | 308 |
| <u>computerized legal research services, and computerize the office</u> | 309 |
| <u>of the clerk of the court, as provided in section 1901.261 of the</u> | 310 |
| <u>Revised Code;</u> | 311 |
| <u>(C) Jurors, as provided in section 1901.25 of the Revised</u> | 312 |
| <u>Code;</u> | 313 |
| <u>(D) In proceedings in the small claims division, the fees and</u> | 314 |
| <u>costs provided for in sections 1925.02, 1925.04, 1925.05, 1925.11,</u> | 315 |
| <u>and 1925.15 of the Revised Code;</u> | 316 |
| <u>(E) In a case in which an accused is brought before the court</u> | 317 |
| <u>pursuant to a warrant to keep the peace, an appeal bond, as</u> | 318 |
| <u>provided in section 2933.06 of the Revised Code;</u> | 319 |

(F) In a proceeding filed pursuant to dispute resolution procedures established by rule of the court, a filing fee, as provided in section 1901.262 of the Revised Code; 320
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(G) In a case in which the clerk of the Cleveland municipal court files a copy of a defendant's bond with the county recorder, the recording fees and charges, as provided in section 1901.21 of the Revised Code; 323
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(H) In a criminal case, the expenses of an evaluation of the defendant's competence to stand trial or the defendant's mental condition at the time of the commission of the offense, as provided in section 2945.37 of the Revised Code. 327
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Sec. 2746.08. In addition to any applicable fees or costs set forth in sections 2746.01, 2746.02, and 2746.04 of the Revised Code or any other applicable provision of law, a county court shall tax as costs or otherwise require the payment of fees for the following services rendered or as compensation for the following persons or such other of the following fees as are applicable in a particular case: 331
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(A) The fees and costs provided for in section 1907.24 of the Revised Code; 338
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(B) Additional fees to computerize the court, make available computerized legal research services, and computerize the office of the clerk of the court, as provided in section 1907.261 of the Revised Code; 340
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(C) Arbitrators, as provided in section 1907.42 of the Revised Code; 344
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(D) Jurors, as provided in section 1907.28 of the Revised Code; 346
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(E) Performing a marriage ceremony, as provided in section 1907.26 of the Revised Code; 348
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| <u>(F) Witnesses, as provided in section 1907.27 of the Revised Code;</u> | 350 351 |
| <u>(G) In proceedings in the small claims division, the fees and costs provided for in sections 1925.02, 1925.04, 1925.05, 1925.11, and 1925.15 of the Revised Code;</u> | 352 353 354 |
| <u>(H) In a case in which an accused is brought before the court pursuant to a warrant to keep the peace, an appeal bond, as provided in section 2933.06 of the Revised Code;</u> | 355 356 357 |
| <u>(I) In a proceeding filed pursuant to dispute resolution procedures established by rule of the court, a filing fee, as provided in section 1907.262 of the Revised Code.</u> | 358 359 360 |
| <u>Sec. 2746.09.</u> <u>In addition to any other applicable fees or costs set forth in this chapter, a court shall tax as costs or otherwise require the payment of the following fees, costs, or expenses:</u> | 361 362 363 364 |
| <u>(A) The costs and expenses of a receiver allowed by the court under section 323.49 of the Revised Code in a proceeding brought by a county treasurer to be appointed receiver for the purposes of collecting taxes and assessments charged upon real estate;</u> | 365 366 367 368 |
| <u>(B) The expenses of a referee or receiver allowed by the court under section 1334.08 of the Revised Code in an action brought by the attorney general pursuant to that section for a violation of the business opportunity plans act;</u> | 369 370 371 372 |
| <u>(C) The expenses of a referee or receiver allowed by the court under section 1345.07 of the Revised Code in an action brought by the attorney general pursuant to that section for a violation of the consumer sales practices act;</u> | 373 374 375 376 |
| <u>(D) The expenses of a master or receiver allowed by the court under section 5311.27 of the Revised Code in an action brought by the attorney general pursuant to that section for a violation of</u> | 377 378 379 |

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| <u>the condominium act;</u> | 380 |
| <u>(E) Fees to which a receiver appointed under section 2715.20</u> | 381 |
| <u>or 2735.01 of the Revised Code may be entitled;</u> | 382 |
| <u>(F) Fees allowed to a receiver under any applicable rule of</u> | 383 |
| <u>court.</u> | 384 |