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Urban Development Committee**

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Sub. H. B. No. 223

Representatives Grossman, Curtin

**Cosponsors: Representatives Stinziano, Becker, Roegner, Lundy, Duffey,
Mallory, Fedor, Hackett, Williams, Antonio, Beck, Driehaus**

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A B I L L

To amend sections 323.47, 1901.18, 1901.185, 2303.26, 1
2329.01, 2329.02, 2329.20, 2329.21, 2329.23, 2
2329.26, 2329.30, 2329.31, 2329.33, 2329.52, and 3
2909.05 and to enact sections 2308.01 to 2308.04, 4
2329.211, 2329.311, and 3767.51 to 3767.56 of the 5
Revised Code to establish summary actions to 6
foreclose mortgages on vacant and abandoned 7
residential properties, to expedite the 8
foreclosure and transfer of unoccupied, blighted 9
parcels, to make other changes relative to 10
residential foreclosure actions, and to terminate 11
certain provisions of this act on December 31, 12
2019, by repealing sections 3767.51, 3767.52, 13
3767.53, 3767.54, 3767.55, and 3767.56 of the 14
Revised Code on that date. 15

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

Section 1. That sections 323.47, 1901.18, 1901.185, 2303.26, 16
2329.01, 2329.02, 2329.20, 2329.21, 2329.23, 2329.26, 2329.30, 17
2329.31, 2329.33, 2329.52, and 2909.05 be amended and sections 18

2308.01, 2308.02, 2308.03, 2308.04, 2329.211, 2329.311, 3767.51, 19
3767.52, 3767.53, 3767.54, 3767.55, and 3767.56 of the Revised 20
Code be enacted to read as follows: 21

Sec. 323.47. (A) If land held by tenants in common is sold 22
upon proceedings in partition, or taken by the election of any of 23
the parties to such proceedings, or real estate is sold by 24
administrators, executors, guardians, or trustees, the court shall 25
order that the taxes, penalties, and assessments then due and 26
payable, and interest on those taxes, penalties, and assessments, 27
that are or will be a lien on such land or real estate at the time 28
the deed is transferred following the sale, be discharged out of 29
the proceeds of such sale or election. For purposes of determining 30
such amount, the county treasurer shall estimate the amount of 31
taxes, assessments, interest, and penalties that will be payable 32
at the time the deed of the property is transferred to the 33
purchaser. If the county treasurer's estimate exceeds the amount 34
of taxes, assessments, interest, and penalties actually payable 35
when the deed is transferred to the purchaser, the officer who 36
conducted the sale shall refund to the purchaser the difference 37
between the estimate and the amount actually payable. If the 38
amount of taxes, assessments, interest, and penalties actually 39
payable when the deed is transferred to the purchaser exceeds the 40
county treasurer's estimate, the officer shall certify the amount 41
of the excess to the treasurer, who shall enter that amount on the 42
real and public utility property tax duplicate opposite the 43
property; the amount of the excess shall be payable at the next 44
succeeding date prescribed for payment of taxes in section 323.12 45
of the Revised Code. 46

(B)(1) If real estate is sold at judicial sale, the court 47
shall order that the total of the following amounts shall be 48
discharged out of the proceeds of the sale but only to the extent 49

of such proceeds: 50

(a) Taxes and assessments the lien for which attaches before 51
the confirmation of sale but that are not yet determined, 52
assessed, and levied for the year in which confirmation occurs, 53
apportioned pro rata to the part of that year that precedes 54
confirmation, and any penalties and interest on those taxes and 55
assessments; 56

(b) All other taxes, assessments, penalties, and interest the 57
lien for which attached for a prior tax year but that have not 58
been paid on or before the date of confirmation. 59

~~(2) Upon the request of the officer who conducted the sale,~~ 60
~~the county treasurer shall estimate the amount in division~~ 61
~~(B)(1)(a) of this section. If the county treasurer's estimate~~ 62
~~exceeds that amount, the officer who conducted the sale shall~~ 63
~~refund to the purchaser the difference between the estimate and~~ 64
~~the actual amount. If the actual amount exceeds the county~~ 65
~~treasurer's estimate, the officer shall certify the amount of the~~ 66
~~excess to the treasurer, who shall enter that amount on the real~~ 67
~~and public utility property tax duplicate opposite the property;~~ 68
~~the amount of the excess shall be payable at the next succeeding~~ 69
~~date prescribed for payment of taxes in section 323.12 of the~~ 70
~~Revised Code The purchaser of real estate at a judicial sale is~~ 71
~~responsible for payment of any and all taxes and assessments, and~~ 72
~~any penalties and interest on those taxes and assessments, that~~ 73
~~attach as of the day following the date of the sale, including~~ 74
~~taxes and assessments levied for the year in which the sale~~ 75
~~occurred, apportioned pro rata after the date of the judicial~~ 76
~~sale, and any penalties and interest on those taxes and~~ 77
~~assessments.~~ 78

Sec. 1901.18. (A) Except as otherwise provided in this 79
division or section 1901.181 of the Revised Code, subject to the 80

monetary jurisdiction of municipal courts as set forth in section	81
1901.17 of the Revised Code, a municipal court has original	82
jurisdiction within its territory in all of the following actions	83
or proceedings and to perform all of the following functions:	84
(1) In any civil action, of whatever nature or remedy, of	85
which judges of county courts have jurisdiction;	86
(2) In any action or proceeding at law for the recovery of	87
money or personal property of which the court of common pleas has	88
jurisdiction;	89
(3) In any action at law based on contract, to determine,	90
preserve, and enforce all legal and equitable rights involved in	91
the contract, to decree an accounting, reformation, or	92
cancellation of the contract, and to hear and determine all legal	93
and equitable remedies necessary or proper for a complete	94
determination of the rights of the parties to the contract;	95
(4) In any action or proceeding for the sale of personal	96
property under chattel mortgage, lien, encumbrance, or other	97
charge, for the foreclosure and marshalling of liens on personal	98
property of that nature, and for the rendering of personal	99
judgment in the action or proceeding;	100
(5) In any action or proceeding to enforce the collection of	101
its own judgments or the judgments rendered by any court within	102
the territory to which the municipal court has succeeded, and to	103
subject the interest of a judgment debtor in personal property to	104
satisfy judgments enforceable by the municipal court;	105
(6) In any action or proceeding in the nature of	106
interpleader;	107
(7) In any action of replevin;	108
(8) In any action of forcible entry and detainer;	109
(9) In any action concerning the issuance and enforcement of	110

temporary protection orders pursuant to section 2919.26 of the Revised Code or protection orders pursuant to section 2903.213 of the Revised Code or the enforcement of protection orders issued by courts of another state, as defined in section 2919.27 of the Revised Code;

(10) If the municipal court has a housing or environmental division, in any action over which the division is given jurisdiction by section 1901.181 of the Revised Code, provided that, except as specified in division (B) of that section, no judge of the court other than the judge of the division shall hear or determine any action over which the division has jurisdiction;

(11) In any action brought pursuant to division (I) of section 4781.40 of the Revised Code, if the residential premises that are the subject of the action are located within the territorial jurisdiction of the court;

(12) In any civil action as described in division (B)(1) of section 3767.41 of the Revised Code that relates to a public nuisance, and, to the extent any provision of this chapter conflicts or is inconsistent with a provision of that section, the provision of that section shall control in the civil action;

(13) In a proceeding brought pursuant to section 955.222 of the Revised Code by the owner of a dog that has been designated as a nuisance dog, dangerous dog, or vicious dog.

(B) The Cleveland and Toledo municipal ~~court~~ courts also shall have jurisdiction within ~~its~~ their territory in all of the following actions or proceedings and to perform all of the following functions:

(1) In all actions and proceedings for the sale of real property under lien of a judgment of the municipal court or a lien for machinery, material, or fuel furnished or labor performed, irrespective of amount, and, in those actions and proceedings, the

court may proceed to foreclose and marshal all liens and all 142
vested or contingent rights, to appoint a receiver, and to render 143
personal judgment irrespective of amount in favor of any party. 144

(2) In all actions for the foreclosure of a mortgage on real 145
property given to secure the payment of money or the enforcement 146
of a specific lien for money or other encumbrance or charge on 147
real property, when the amount claimed by the plaintiff does not 148
exceed fifteen thousand dollars and the real property is situated 149
within the territory, and, in those actions, the court may proceed 150
to foreclose all liens and all vested and contingent rights and 151
may proceed to render judgments and make findings and orders 152
between the parties in the same manner and to the same extent as 153
in similar actions in the court of common pleas. 154

(3) In all actions for the recovery of real property situated 155
within the territory to the same extent as courts of common pleas 156
have jurisdiction; 157

(4) In all actions for injunction to prevent or terminate 158
violations of the ordinances and regulations of the city of 159
Cleveland or Toledo enacted or promulgated under the police power 160
of the city of Cleveland or Toledo, pursuant to Section 3 of 161
Article XVIII, Ohio Constitution, over which the court of common 162
pleas has or may have jurisdiction, and, in those actions, the 163
court may proceed to render judgments and make findings and orders 164
in the same manner and to the same extent as in similar actions in 165
the court of common pleas. 166

Sec. 1901.185. (A) In addition to jurisdiction otherwise 167
granted in this chapter, the environmental division, where 168
established, of the municipal court shall have jurisdiction within 169
its territory in all of the following actions or proceedings and 170
to perform all of the following functions: 171

~~(A)~~(1) To exercise exclusive original jurisdiction to hear 172

actions arising under section 3767.50 of the Revised Code and in 173
those actions to make findings and orders pertaining to blighted 174
parcels; 175

~~(B)~~(2) When in aid of execution of a judgment of the 176
environmental division of the municipal court rendered pursuant to 177
section 3767.50 of the Revised Code, in actions for the 178
foreclosure of a mortgage on real property given to secure the 179
payment of money, or the enforcement of a specific lien for money 180
or other encumbrance or charge on real property, when the real 181
property is situated within the territory, to foreclose all liens 182
and all vested and contingent rights, render judgments, and make 183
findings and orders, between the parties, in the same manner and 184
to the same extent as in similar cases in the court of common 185
pleas. 186

(B) In addition to jurisdiction otherwise granted in this 187
chapter, the housing or environmental division, where established, 188
of the municipal court shall have jurisdiction within its 189
territory to exercise exclusive original jurisdiction to hear 190
actions arising under section 2308.02 of the Revised Code and in 191
those actions to make findings and orders pertaining to vacant and 192
abandoned properties pursuant to section 2308.02 of the Revised 193
Code. 194

(C) For the time period beginning on the effective date of 195
this amendment and ending December 31, 2019, in addition to 196
jurisdiction otherwise granted in this chapter, the housing or 197
environmental division, where established, of the municipal court 198
shall have jurisdiction within its territory to exercise exclusive 199
original jurisdiction to hear actions arising under section 200
3767.52 of the Revised Code and in those actions to make findings 201
and orders pertaining to unoccupied, blighted parcels pursuant to 202
sections 3767.52 and 3767.53 of the Revised Code. 203

Sec. 2303.26. The clerk of the court of common pleas shall 204
exercise the powers conferred and perform the duties enjoined upon 205
~~him~~ the clerk by statute and by the common law; and in the 206
performance of ~~his~~ official duties ~~he~~ the clerk shall be under the 207
direction of ~~his~~ such court. The clerk shall not restrict, 208
prohibit, or otherwise modify the rights of parties to seek 209
service on party defendants allowed by the Ohio rules of civil 210
procedure, either singularly or concurrently. 211

Sec. 2308.01. As used in this chapter: 212

(A) "Residential mortgage loan" means a loan or agreement to 213
extend credit, including the renewal, refinancing, or modification 214
of such a loan or agreement, that is made to a person and that is 215
primarily secured by a mortgage, deed of trust, or other lien upon 216
any interest in residential property or any certification of stock 217
or other evidence of ownership in, and a proprietary lease from, a 218
corporation or partnership formed for the purpose of cooperative 219
ownership of residential property. 220

(B) "Residential property" means real property located within 221
this state consisting of land and a structure on that land 222
containing four or fewer dwelling units, each of which is intended 223
for occupancy by a separate household. "Residential property" 224
includes a residential condominium unit owned by an individual, 225
notwithstanding the number of units in the structure, but does not 226
include a manufactured or mobile home that is not taxed as real 227
property. 228

Sec. 2308.02. (A) For purposes of this section, a residential 229
property shall be considered vacant and abandoned if both of the 230
following apply: 231

(1) The owner of the residential property is in default on 232
the residential mortgage loan secured by the residential property. 233

<u>(2) Two or more of the following circumstances apply:</u>	234
<u>(a) At the time of the inspection of the land by the</u>	235
<u>appropriate official of a county, municipal corporation, or</u>	236
<u>township in which the land is located or by the holder of the</u>	237
<u>mortgage note, or the holder's representative, no person is</u>	238
<u>visibly present from an exterior inspection of the property.</u>	239
<u>(b) No utility connections, including water, sewer, natural</u>	240
<u>gas, or electric connections, service the property, or no such</u>	241
<u>utility connections are actively being billed by any utility</u>	242
<u>provider regarding the property.</u>	243
<u>(c) The property is sealed because, immediately prior to</u>	244
<u>being sealed, it was considered by the appropriate official to be</u>	245
<u>open, vacant, or vandalized.</u>	246
<u>(d) Junk, litter, trash, debris, or hazardous, noxious, or</u>	247
<u>unhealthy substances or materials have accumulated on the</u>	248
<u>property.</u>	249
<u>(e) Furnishings, window treatments, and personal items are</u>	250
<u>absent from the structure on the land.</u>	251
<u>(f) Neighbors, delivery persons, or government employees</u>	252
<u>provide statements indicating that the structure on the land is</u>	253
<u>vacant and abandoned.</u>	254
<u>(g) A risk to the health and safety or welfare of the public,</u>	255
<u>or any adjoining or adjacent property owners, exists due to acts</u>	256
<u>of vandalism, loitering, criminal conduct, or the physical</u>	257
<u>destruction or deterioration of the property.</u>	258
<u>(h) A mortgagor issues a written statement expressing clear</u>	259
<u>intent of all mortgagors to abandon the property.</u>	260
<u>(i) Any other reasonable indicia of abandonment exists.</u>	261
<u>(B) In addition to the procedures set forth in sections</u>	262
<u>323.65 to 323.79 and 3767.50 of the Revised Code, if a residential</u>	263

mortgage loan is secured by residential property that appears to 264
be vacant and abandoned pursuant to division (A)(2) of this 265
section, and the owner of the residential property is in default 266
on the loan, the holder of the mortgage note for that residential 267
mortgage loan may bring a summary action in a court of competent 268
jurisdiction to foreclose that residential mortgage loan. The 269
holder of the mortgage note, at the time of filing a foreclosure 270
action or any time thereafter, may file with the court a motion to 271
proceed in a summary manner if the residential property that is 272
the subject of the foreclosure action is believed to be vacant and 273
abandoned. 274

(C) If, at the time that a holder of a mortgage note brings 275
an action to foreclose on a residential mortgage loan, the holder 276
files a motion for summary foreclosure under this section, the 277
court shall hear the motion for summary foreclosure not earlier 278
than before the period to answer the foreclosure complaint has 279
expired and not later than fifteen days after the period to answer 280
the foreclosure complaint has expired. If the holder of the 281
mortgage note files the motion for summary foreclosure after the 282
period to answer the foreclosure complaint has expired, the court 283
shall hear the motion not later than fifteen days after the motion 284
is filed. 285

(D) The hearing on a motion for summary foreclosure shall be 286
given priority by the court and shall be scheduled to be heard 287
within the applicable time period set forth in division (C) of 288
this section. 289

(E) In addition to the service of process required by the 290
Rules of Civil Procedure, to obtain an entry of judgment in a 291
residential mortgage loan foreclosure action under this section, a 292
holder of a mortgage note shall establish that a process server or 293
sheriff has made two unsuccessful attempts to serve the mortgagor 294
or occupant at the residential property. To satisfy the 295

requirement specified in this division, the holder of the mortgage 296
note shall demonstrate that the attempts were at least forty-eight 297
hours apart and during different times of the day. 298

(F) In addition to any notices required to be served by law 299
or the Rules of Civil Procedure, a holder of a mortgage note shall 300
serve a notice that the holder is seeking, on the date fixed by 301
the court, to proceed summarily for entry of judgment in a 302
residential mortgage loan foreclosure action under this section 303
because the property is believed to be vacant and abandoned. This 304
notice shall be served by ordinary mail to the mortgagor's last 305
known address, and the sender shall obtain a certificate of 306
mailing. Service by ordinary mail is complete when the certificate 307
of mailing is obtained, unless the notice is returned showing 308
failure of delivery. 309

(G) The court may enter a judgment in a final residential 310
mortgage loan foreclosure action under this section upon a finding 311
by clear and convincing evidence that the residential property is 312
vacant and abandoned and that a review of the pleadings and 313
documents filed with the court supports the entry of a judgment. 314
The holder of the mortgage note has the burden of proof to 315
demonstrate that the residential property should be held to be 316
vacant and abandoned. 317

(H) A court shall not enter a judgment in a final residential 318
mortgage loan foreclosure action under this section if a court 319
finds that either of the following applies: 320

(1) The residential property is not vacant or abandoned as 321
described in division (A) of this section. 322

(2) The mortgagor or any other defendant has filed an answer, 323
appearance, or other written objection that is not withdrawn and 324
the defenses or objection asserted provide cause to preclude the 325
entry of a final judgment. 326

(I) If a judgment in a final residential mortgage loan foreclosure action under this section is not entered on the date fixed by the court to proceed summarily, the court shall dismiss the motion for a summary foreclosure. 327
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(J) Nothing in this section shall supersede or limit other procedures adopted by the court to resolve residential mortgage loan foreclosure actions, including foreclosure mediation. 331
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(K) If the court holds that a residential property is vacant and abandoned under division (G) of this section and enters a judgment on a residential mortgage loan foreclosure action under this section, the sheriff shall sell the property within seventy-five days after the sheriff's receipt of any writ of execution issued by the court in accordance with the procedures specified in this chapter and Chapter 2329. of the Revised Code. 334
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(L) If a residential property becomes vacant and abandoned after a decree of foreclosure has been entered, upon good cause shown, the plaintiff may file a motion that the court determine the property to be vacant and abandoned as described in division (A) of this section and sell it pursuant to division (K) of this section. If a court holds that the residential property is vacant and abandoned, the court shall enter a judgment on the residential mortgage loan foreclosure action under this section and the sheriff shall sell the property in accordance with division (K) of this section. 341
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Sec. 2308.03. (A) If a residential property is held to be vacant and abandoned under section 2308.02 of the Revised Code, a holder of a mortgage note on the residential property may enter that property to secure and protect it from damage any time after the holder has filed a residential mortgage loan foreclosure action on that property. 351
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(B) A holder of a mortgage note who has not filed a 357

residential mortgage loan foreclosure action on a property for 358
which the holder holds a mortgage may enter and secure that 359
property only if the mortgage contract or other documents provide 360
for such an entry. 361

(C) During the five-year period following the effective date 362
of this section, a plaintiff in a residential mortgage loan 363
foreclosure action who has a good faith belief that the property 364
is abandoned may provide the court with documentation of a good 365
faith belief that the owner has abandoned the property and request 366
the court to deny the owner the equitable and statutory rights to 367
redemption of the mortgage on that property. 368

Sec. 2308.04. A person who is an owner of residential 369
property who knowingly causes physical harm to that property after 370
the person has been personally served with a summons and complaint 371
in a residential mortgage loan foreclosure action relating to that 372
property is guilty of vandalism in violation of section 2909.05 of 373
the Revised Code. 374

Sec. 2329.01. (A) Lands and tenements, including vested legal 375
interests therein, permanent leasehold estates renewable forever, 376
and goods and chattels, not exempt by law, shall be subject to the 377
payment of debts, and liable to be taken on execution and sold as 378
provided in sections 2329.02 to 2329.61, ~~inclusive,~~ of the Revised 379
Code. 380

(B) As used in sections 2329.02 to 2329.61 of the Revised 381
Code, "residential mortgage loan" and "residential property" have 382
the same meanings as in section 2308.01 of the Revised Code. 383

Sec. 2329.02. (A) Any judgment or decree rendered by any 384
court of general jurisdiction, including district courts of the 385
United States, within this state shall be a lien upon lands and 386
tenements of each judgment debtor within any county of this state 387

from the time there is filed in the office of the clerk of the 388
court of common pleas of such county a certificate of such 389
judgment, setting forth the court in which the same was rendered, 390
the title and number of the action, the names of the judgment 391
creditors and judgment debtors, the amount of the judgment and 392
costs, the rate of interest, if the judgment provides for 393
interest, and the date from which such interest accrues, the date 394
of rendition of the judgment, and the volume and page of the 395
journal entry thereof. 396

(B) No such judgment or decree shall be a lien upon any 397
lands, whether or not situated within the county in which such 398
judgment is rendered, registered under sections 5309.02 to 399
5309.98,~~inclusive,~~ and 5310.01 to 5310.21,~~inclusive,~~ of the 400
Revised Code, until a certificate under the hand and official seal 401
of the clerk of the court in which the same is entered or of 402
record, stating the date and purport of the judgment, giving the 403
number of the case, the full names of the parties, plaintiff and 404
defendant, and the volume and page of the journal or record in 405
which it is entered, or a certified copy of such judgment, stating 406
such facts, is filed and noted in the office of the county 407
recorder of the county in which the land is situated, and a 408
memorial of the same is entered upon the register of the last 409
certificate of title to the land to be affected. 410

Such certificate shall be made by the clerk of the court in 411
which the judgment was rendered, under the seal of said court, 412
upon the order of any person in whose favor such judgment was 413
rendered or upon the order of any person claiming under ~~him~~ a 414
person in whose favor such judgment was rendered, and shall be 415
delivered to the party so ordering the same; and the fee therefor 416
shall be taxed in the costs of the action. 417

(C) When any such certificate is delivered to the clerk of 418
the court of common pleas of any county in this state, the same 419

shall be filed by such clerk, and ~~he~~ the clerk shall docket and 420
index it under the names of the judgment creditors and the 421
judgment debtors in a judgment docket, which shall show as to each 422
judgment all of the matters set forth in such certificate as 423
required by this section. The fee for such filing, docketing, and 424
indexing shall be taxed as increased costs of such judgment upon 425
such judgment docket and shall be included in the lien of the 426
judgment. 427

(D) When the clerk of any court, other than that rendering 428
the judgment, in whose office any such certificate is filed, has 429
docketed and indexed the same, ~~he~~ the clerk shall indorse upon 430
such certificate the fact of such filing with the date thereof and 431
the volume and page of the docket entry of such certificate and 432
shall return the same so indorsed to the clerk of the court in 433
which the judgment was rendered, who shall note upon the original 434
docket the fact of the filing of said certificate, showing the 435
county in which the same was filed and the date of such filing. 436
When such certificate is filed, docketed, and indexed in the 437
office of the clerk of the court which rendered the judgment, such 438
clerk shall likewise indorse the certificate and make like 439
notation upon the original docket. 440

Each such judgment shall be deemed to have been rendered in 441
the county in which is kept the journal of the court rendering the 442
same, in which journal such judgment is entered. 443

(E) Certificates or certified copies of judgments or decrees 444
of any courts of general jurisdiction, including district courts 445
of the United States, within this state, may be filed, registered, 446
noted, and memorials thereof entered, in the office of the 447
recorder of any county in which is situated land registered under 448
sections 5309.02 to 5309.98, ~~inclusive,~~ and 5310.01 to 5310.21, ~~inclusive,~~ 449
~~inclusive,~~ of the Revised Code, for the purpose of making such 450
judgments liens upon such registered land. 451

(F) Notwithstanding any other provision of the Revised Code, 452
any judgment issued in a court of record may be transferred to any 453
other court of record. Any proceedings for collection may be had 454
on such judgment the same as if it had been issued by the 455
transferee court. 456

(G) When a clerk files a judgment of foreclosure in a 457
residential mortgage loan foreclosure action, the clerk shall 458
provide notice of that filing to the judgment debtor, the judgment 459
creditor, and any lienholder who has appeared in the action. 460

Sec. 2329.20. ~~No~~ Except as otherwise provided in this section 461
or sections 2329.51 and 2329.52 of the Revised Code, no tract of 462
land shall be sold for less than two-thirds of the value returned 463
in the inquest required by section 2329.17 of the Revised Code~~+~~ 464
~~except that in.~~ In all cases where in which a junior mortgage or 465
other junior lien is sought to be enforced against real estate by 466
an order, judgment, or decree of court, subject to a prior lien 467
thereon, and such prior lien, and the claims or obligations 468
secured thereby, are unaffected by such order, judgment, or 469
decree, the court making such order, judgment, or decree, may 470
determine the minimum amount for which such real estate may be 471
sold, such minimum amount to be not less than two-thirds of the 472
difference between the value of the real estate appraised as 473
provided in such section, and the amount remaining unpaid on the 474
claims or obligations secured by such prior lien. The price at 475
which a foreclosed residential property sells at a sheriff's 476
auction shall not be used as a basis for establishing the market 477
value of any other property. 478

Sec. 2329.21. If the sum bid by the purchaser for the real 479
estate sold under section 2329.20 of the Revised Code relating to 480
the enforcement of junior liens is insufficient to pay the costs 481
and allowance which the court has determined prior to such sale 482

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should be paid out of the proceeds thereof, pursuant to the terms 483
of the mortgage or lien sought to be enforced, then the purchaser, 484
in addition to the amount of ~~his~~ the purchaser's bid, must pay a 485
sum which with the amount so bid will be sufficient to pay the 486
costs and allowances. The court may fix the amount remaining 487
unpaid on such claims or obligations for the purpose of the sale, 488
and to that end require the parties to the suit to furnish to it 489
satisfactory evidence of such unpaid amount. The advertisement for 490
the sale of real estate sold under section 2329.20 of the Revised 491
Code shall state that the purchaser shall be responsible for those 492
costs and allowances that the proceeds of the sale are 493
insufficient to cover. 494

Sec. 2329.211. A successful purchaser at a sale of lands and 495
tenements taken in execution shall make a deposit in the amount of 496
five per cent of the appraised value of the property, but not less 497
than five thousand dollars or more than ten thousand dollars, to 498
the officer conducting the sale. The deposit is due at the time of 499
sale, unless the purchaser is the plaintiff in the action or the 500
judgment creditor. In that case, the deposit shall be tendered to 501
the officer by the close of business the day of the sale. Failure 502
of the purchaser to timely make its deposit shall invalidate the 503
sale. 504

Sec. 2329.23. All notices and advertisements for the sale of 505
lands and tenements located in a municipal corporation, made by 506
virtue of the proceedings in a court of record, in addition to a 507
description of the lands and tenements, shall contain the street 508
number of the buildings erected on the lands, or the street number 509
of the lots offered for sale. If no such number exists, then the 510
notice or advertisement shall contain the name of the street or 511
road upon which the lands and tenements are located together with 512
the names of the streets or roads immediately north and south or 513

east and west of the lands and tenements that cross or intersect 514
the street or road upon which they are located. The notice or 515
advertisement shall, if applicable, include the web site address 516
of the officer who makes the sale that allows a person to obtain a 517
complete legal description of the lands and tenements. 518

All notices and advertisements for the sale of residential 519
property located in a municipal corporation, made by virtue of the 520
proceeding in a court of record pursuant to a mortgage loan 521
foreclosure action, shall include the provisional date for a 522
second sale of the property, should the property not sell for the 523
minimum bid established pursuant to section 2329.20 of the Revised 524
Code. 525

Sec. 2329.26. (A) Lands and tenements taken in execution 526
shall not be sold until all of the following occur: 527

(1)(a) Except as otherwise provided in division (A)(1)(b) of 528
this section, the judgment creditor who seeks the sale of the 529
lands and tenements or the judgment creditor's attorney does both 530
of the following: 531

(i) Causes a written notice of the date, time, and place of 532
the sale, and of the provisional second sale described in division 533
(B) of section 2329.52 of the Revised Code, if applicable, to be 534
served in accordance with divisions (A) and (B) of Civil Rule 5 535
upon the judgment debtor and upon each other party to the action 536
in which the judgment giving rise to the execution was rendered; 537

(ii) At least seven calendar days prior to the date of the 538
sale, files with the clerk of the court that rendered the judgment 539
giving rise to the execution a copy of the written notice 540
described in division (A)(1)(a)(i) of this section with proof of 541
service endorsed on the copy in the form described in division (D) 542
of Civil Rule 5. 543

(b) Service of the written notice described in division 544
(A)(1)(a)(i) of this section is not required to be made upon any 545
party who is in default for failure to appear in the action in 546
which the judgment giving rise to the execution was rendered. 547

(2) The officer taking the lands and tenements gives public 548
notice of the date, time, and place of the sale, and of the 549
provisional second sale described in division (B) of section 550
2329.52 of the Revised Code, if applicable, once a week for at 551
least three consecutive weeks before the day of sale by 552
advertisement in a newspaper of general circulation in the county. 553
The newspaper shall meet the requirements of section 7.12 of the 554
Revised Code. The court ordering the sale may designate in the 555
order of sale the newspaper in which this public notice shall be 556
published. 557

(3) The officer taking the lands and tenements shall collect 558
the purchaser's information required by section 2329.271 of the 559
Revised Code. 560

(B) A sale of lands and tenements taken in execution may be 561
set aside in accordance with division (A) or (B) of section 562
2329.27 of the Revised Code. 563

Sec. 2329.30. The court from which an execution or order of 564
sale issues, upon notice and motion of the officer who makes the 565
sale or of an interested party, may punish any purchaser of lands 566
and tenements who fails to pay within thirty days of the 567
confirmation of the sale the balance due on the purchase price of 568
the lands and tenements by forfeiting the sale of the lands and 569
tenements and returning any deposit paid in connection with the 570
sale of the lands and tenements, by forfeiting any deposit paid in 571
connection with the sale of the lands and tenements, as for 572
contempt, or in any other manner the court considers appropriate. 573
Upon motion, the court shall order the return of any remaining 574

portion of the deposit of the purchaser, less the costs of a 575
subsequent sale and any other remedy the court considers 576
appropriate. The effect of an order for contempt for failure of 577
the purchaser to pay shall be considered an order to void the 578
confirmation of sale and transfer. 579

Sec. 2329.31. (A) Upon the return of any writ of execution 580
for the satisfaction of which lands and tenements have been sold, 581
on careful examination of the proceedings of the officer making 582
the sale, if the court of common pleas finds that the sale was 583
made, in all respects, in conformity with sections 2329.01 to 584
2329.61 of the Revised Code, it shall, within thirty days of the 585
return of the writ, direct the clerk of the court of common pleas 586
to make an entry on the journal that the court is satisfied of the 587
legality of such sale ~~and that the attorney who filed the writ of~~ 588
~~execution make to the purchaser a deed for the lands and~~ 589
~~tenements. Nothing in this section prevents the court of common~~ 590
~~pleas from staying the confirmation of the sale to permit a~~ 591
~~property owner time to redeem the property or for any other reason~~ 592
~~that it determines is appropriate. In those instances, the sale~~ 593
~~shall be confirmed within thirty days after the termination of any~~ 594
~~stay of confirmation.~~ 595

(B) The officer making the sale shall require the purchaser, 596
including a lienholder, to pay within thirty days of the 597
confirmation of the sale the balance due on the purchase price of 598
the lands and tenements. 599

(C) The officer making the sale shall record the prepared 600
deed required by section 2329.36 of the Revised Code within 601
fourteen days after the confirmation of sale or payment of the 602
balance due, whichever is later. If the deed is not prepared or 603
recorded within the fourteen-day period, the order of confirmation 604
shall serve to transfer the title of the property to the purchaser 605

as described in division (D) of this section. 606

(D) The order of confirmation shall, upon the expiration of 607
the fourteen-day period described in division (C) of this section 608
and unless stayed by the court pending timely appeal along with 609
the posting of an adequate supersedeas bond, serve to transfer the 610
title of the property to the purchaser. The plaintiff, or the 611
plaintiff's attorney, shall cause a certified copy of the order of 612
confirmation to be recorded in the office of the county recorder. 613
The clerk shall issue a copy of the order to the county auditor to 614
transfer record ownership of the property for the purpose of real 615
estate taxes. Real estate taxes coming due after the date of the 616
confirmation of sale shall not prohibit the auditor from 617
transferring ownership of the property on its records or cause the 618
recorder to deny recording. The real estate taxes shall become the 619
responsibility of the new title holder of the property. The 620
sheriff shall not require the confirmation of sale to be amended 621
for taxes not due and payable as of the date of the sale. 622

Sec. 2329.311. In sales of lands and tenements taken in 623
execution or order of sale, the judgment creditor and the first 624
lienholder each have the right to redeem the property within 625
fourteen days after the sale by paying the purchase price. The 626
redeeming party shall pay the purchase price to the clerk of the 627
court in which the judgment was rendered or the order of sale was 628
made. Upon timely payment, the court shall proceed as described in 629
section 2329.31 of the Revised Code, with the redeeming party 630
considered the successful purchaser at sale. 631

Sec. 2329.33. ~~In~~ Except as provided in division (C) of 632
section 2308.03 or any other section of the Revised Code, in sales 633
of real estate on execution or order of sale, at any time before 634
the confirmation thereof, the debtor may redeem it from sale by 635
depositing in the hands of the clerk of the court of common pleas 636

to which such execution or order is returnable, the amount of the 637
judgment or decree upon which such lands were sold, with all 638
costs, including poundage, and interest at the rate of eight per 639
cent per annum on the purchase money from the day of sale to the 640
time of such deposit, except where the judgment creditor is the 641
purchaser, the interest at such rate on the excess above ~~his~~ the 642
judgment creditor's claim. The Redemption of the debtor is a 643
satisfaction of the judgment against the debtor only and shall not 644
serve to discharge the judgment debtor of the judgment creditor's 645
advancements for real estate taxes, insurance premium, and 646
property protection if such a requirement was included in the 647
judgment. Upon successful redemption, the judgment debtor may 648
petition the court to require the judgment creditor to provide an 649
itemization of those advances within a reasonable amount of time 650
for payment by the judgment debtor. Should the judgment debtor pay 651
all sums required by this section, the court of common pleas 652
thereupon shall make an order setting aside such sale, and apply 653
the deposit to the payment of such judgment or decree and costs, 654
and award such interest to the purchaser, who shall receive from 655
the officer making the sale the purchase money paid by ~~him~~ the 656
purchaser, and the interest from the clerk. This section does not 657
take away the power of the court to set aside such sale for any 658
reason for which it might have been set aside prior to April 16, 659
1888. 660

Sec. 2329.52. ~~When~~ (A) Except as otherwise provided in 661
division (B) of this section, when premises are ordered to be 662
sold, if said premises, or a part thereof, remain unsold for want 663
of bidders after having been once appraised, advertised, and 664
offered for sale, the court from which the order of sale issued 665
may, on motion of the plaintiff or defendant and from time to time 666
until said premises are disposed of, order a new appraisalment and 667
sale or direct the amount for which said premises, or a part 668

thereof, may be sold. 669

The court may order that the premises be sold as follows: One 670
third cash in hand, one third in nine months from the day of sale, 671
and the remaining one third in eighteen months from the day of 672
sale, the deferred payments to draw interest at six per cent and 673
be secured by a mortgage on the premises. 674

(B) When a residential property is ordered to be sold 675
pursuant to a residential mortgage loan foreclosure action, if the 676
property remains unsold after the first auction with a minimum bid 677
of two-thirds of the appraised value as established pursuant to 678
section 2329.17 of the Revised Code, a second auction shall be 679
held with no set minimum bid, and the residential property shall 680
be sold to the highest bidder. This second auction shall be held 681
not earlier than seven days and not later than thirty days after 682
the first auction. As a condition of the second auction, the 683
purchaser shall pay, in addition to the amount bid, a deposit to 684
the sheriff to be used to pay the costs and allowances of the 685
sale. This deposit shall be not less than five thousand dollars 686
and not more than ten thousand dollars, as determined by the 687
sheriff. The sheriff shall return the deposit, less the amount 688
used for costs and allowances, to the purchaser. A residential 689
property that remains unsold after two auctions may be 690
subsequently offered for sale from time to time with no set 691
minimum bid or disposed of in any other manner pursuant to this 692
chapter or any other provision of the Revised Code. 693

Sec. 2909.05. (A) No person shall knowingly cause serious 694
physical harm to an occupied structure or any of its contents. 695

(B)(1) No person shall knowingly cause physical harm to 696
property that is owned or possessed by another, when either of the 697
following applies: 698

(a) The property is used by its owner or possessor in the 699

owner's or possessor's profession, business, trade, or occupation, 700
and the value of the property or the amount of physical harm 701
involved is one thousand dollars or more; 702

(b) Regardless of the value of the property or the amount of 703
damage done, the property or its equivalent is necessary in order 704
for its owner or possessor to engage in the owner's or possessor's 705
profession, business, trade, or occupation. 706

(2) No person shall knowingly cause serious physical harm to 707
property that is owned, leased, or controlled by a governmental 708
entity. A governmental entity includes, but is not limited to, the 709
state or a political subdivision of the state, a school district, 710
the board of trustees of a public library or public university, or 711
any other body corporate and politic responsible for governmental 712
activities only in geographical areas smaller than that of the 713
state. 714

(C) No person, without privilege to do so, shall knowingly 715
cause serious physical harm to any tomb, monument, gravestone, or 716
other similar structure that is used as a memorial for the dead; 717
to any fence, railing, curb, or other property that is used to 718
protect, enclose, or ornament any cemetery; or to a cemetery. 719

(D) No person, without privilege to do so, shall knowingly 720
cause physical harm to a place of burial by breaking and entering 721
into a tomb, crypt, casket, or other structure that is used as a 722
memorial for the dead or as an enclosure for the dead. 723

(E) No person who is an owner of a residential property shall 724
knowingly cause physical harm to that property after the person 725
has been personally served with a summons and complaint in a 726
residential mortgage loan foreclosure action relating to that 727
property. 728

(F) Whoever violates this section is guilty of vandalism. 729
Except as otherwise provided in this division, vandalism is a 730

felony of the fifth degree that is punishable by a fine of up to 731
two thousand five hundred dollars in addition to the penalties 732
specified for a felony of the fifth degree in sections 2929.11 to 733
2929.18 of the Revised Code. If the value of the property or the 734
amount of physical harm involved is seven thousand five hundred 735
dollars or more but less than one hundred fifty thousand dollars, 736
vandalism is a felony of the fourth degree. If the value of the 737
property or the amount of physical harm involved is one hundred 738
fifty thousand dollars or more, vandalism is a felony of the third 739
degree. 740

~~(F)~~(G) For purposes of this section: 741

(1) "Cemetery" means any place of burial and includes burial 742
sites that contain American Indian burial objects placed with or 743
containing American Indian human remains. 744

(2) "Residential property" has the same meaning as in section 745
2308.01 of the Revised Code. 746

(3) "Serious physical harm" means physical harm to property 747
that results in loss to the value of the property of one thousand 748
dollars or more. 749

Sec. 3767.51. As used in sections 3767.52 to 3767.56 of the 750
Revised Code: 751

(A) "Blighted parcel" has the same meaning as in section 1.08 752
of the Revised Code, except it does not include a manufactured or 753
mobile home that is subject to real property taxes under section 754
4503.06 of the Revised Code. 755

(B) "Unoccupied" means any of the following: 756

(1) Property that is not physically inhabited or used as a 757
dwelling; 758

(2) Property on which no trade or business is actively being 759
conducted by the owner or another party occupying the parcel 760

pursuant to a lease or other legal authority; 761

(3) Property that is uninhabited with no signs or active 762

indications that it is undergoing improvements. 763

Sec. 3767.52. (A) A municipal corporation may commence a 764

cause of action by filing a complaint in the housing or 765

environmental division of a municipal court against the owner of 766

property that is an unoccupied, blighted parcel located in that 767

municipal corporation. The complaint shall seek an order that the 768

owner remediate the conditions of the property constituting 769

blight. 770

(B) Upon commencing an action pursuant to division (A) of 771

this section, a municipal corporation shall do both of the 772

following: 773

(1) In addition to service required under the Rules of Civil 774

Procedure, cause service of the complaint to all entities that 775

hold a lien or other interest in the property, as indicated in the 776

public record; 777

(2) Cause service of a notice to all entities that hold a 778

lien or other interest in the property, as indicated in the public 779

record, which states both of the following: 780

(a) The lienholder or interested person may remediate the 781

conditions of the property constituting blight within a period of 782

time determined by the municipal corporation. 783

(b) If the blight is not remediated, the housing or 784

environmental division of the municipal court in which the 785

complaint was filed shall order the blighted parcel to be sold 786

free and clear of all liens and interests in the property other 787

than federal tax liens. 788

(C)(1) A person who receives the complaint and notice 789

described in division (B) of this section shall have sixty days 790

As Reported by the House Financial Institutions, Housing, and Urban Development Committee

after the service to certify to the court that the person will 791
remediate the conditions of the property constituting blight. A 792
person wishing to certify remediation shall propose to the court a 793
period of time within which the person will remediate the 794
conditions constituting blight. The court may approve or 795
disapprove a certification of remediation. If the court approves 796
the certification, the court shall stay the action until the 797
period of time for remediation has elapsed. If the court 798
disapproves the certification due to a proposal of an unreasonable 799
period of time for remediation, the court shall establish a 800
reasonable period of time within which the person shall remediate 801
the conditions constituting blight. The person shall accept or 802
reject the court's proposed period of time for remediation. If the 803
person accepts the court's proposed period of time for 804
remediation, the person shall certify that it will remediate the 805
conditions constituting blight, and the court shall approve the 806
certification. If the person rejects the court's proposed period 807
of time for remediation, the court shall proceed as if no 808
certification was made. 809

More than one lienholder or interested person may make a 810
certification for remediation. If more than one person makes a 811
certification, the court shall approve the certification of the 812
lienholder or person who proposes to remediate the conditions 813
constituting blight within the shortest period of time. 814

(2) If a lienholder or interested person certifies that it 815
will remediate the conditions constituting blight but does not do 816
so within the accepted period of time established pursuant to 817
division (C)(1) of this section, or if no person makes a 818
certification within the period of time stated in the notice 819
described in division (B)(2) of this section, the lien or other 820
interest of the persons in the property shall be extinguished but 821
may be paid pursuant to division (D) of section 3767.54 of the 822

Revised Code. The lienholder may still pursue payment of the debt 823
represented by the lien, and a person may still seek recourse for 824
the loss of other interest against the owner of the property if 825
otherwise permitted by law. 826

(3) If the lienholder or other interested person remediates 827
the blight, the court shall grant the lienholder or other 828
interested person a lien in the amount expended to remediate the 829
conditions constituting blight. 830

(D) If the court finds that the property was unoccupied at 831
the time the complaint was filed and is a blighted parcel, and if 832
no lienholder or other interested person has certified in 833
accordance with division (C)(1) of this section that it will 834
remediate the conditions constituting blight or if such a person 835
certifies that it will remediate the blight but fails to timely do 836
so, the court shall order the owner to remediate the conditions 837
constituting blight within a specified period of time. If the 838
blight is not remediated within this period of time, the court 839
shall order the property sold pursuant to sections 3767.53 and 840
3767.54 of the Revised Code. If the blight is remediated, the 841
court shall dismiss the action. 842

Sec. 3767.53. (A) A housing or environmental division of a 843
municipal court shall order the sale of an unoccupied, blighted 844
parcel pursuant to section 3767.54 of the Revised Code by the 845
sheriff of the county where the property is located, if all of the 846
following apply: 847

(1) The municipal corporation commenced a cause of action by 848
filing a complaint for the owner of the blighted parcel to 849
remediate the conditions of the property constituting blight in 850
accordance with division (A) of section 3767.52 of the Revised 851
Code. 852

(2) The municipal corporation caused service of the complaint 853

and notice in accordance with division (B) of section 3767.52 of 854
the Revised Code. 855

(3) One of the following applies: 856

(a) No lienholder or other interested person certified that 857
it would remediate the conditions constituting blight pursuant to 858
division (C) of section 3767.52 of the Revised Code. 859

(b) A lienholder or other interested person certified that it 860
would remediate the conditions constituting blight, but does not 861
do so within the accepted period of time established pursuant to 862
division (C) of section 3767.52 of the Revised Code. 863

(4) The court has entered a finding that the property was 864
unoccupied at the time the complaint described in division (A)(1) 865
of this section was filed and is a blighted parcel pursuant to 866
division (D) of section 3767.52 of the Revised Code. 867

(5) The court ordered the owner of the property to remediate 868
the conditions constituting blight pursuant to division (D) of 869
section 3767.52 of the Revised Code and the owner failed to do so. 870

(B) If a property that a housing or environmental division of 871
a municipal court orders sold under this section remains unsold 872
for want of qualified bidders, as defined in section 3767.54 of 873
the Revised Code, after having been advertised and offered for 874
sale in accordance with that section, the court may, on motion of 875
the municipal corporation and from time to time until the property 876
is sold, order a new sale. 877

(C) The housing or environmental division of a municipal 878
court has exclusive original jurisdiction of an action under 879
sections 3767.52 to 3767.54 of the Revised Code. 880

Sec. 3767.54. (A) If the housing or environmental division of 881
a municipal court orders an unoccupied, blighted parcel to be sold 882
pursuant to section 3767.53 of the Revised Code, the sheriff of 883

the county where the property is located shall do all of the 884
following: 885

(1) Cause notice of the sale and notice that only qualified 886
bidders are eligible to purchase the unoccupied, blighted parcel 887
to be sent to both of the following: 888

(a) The owner of the property in the same manner as provided 889
in section 2329.091 of the Revised Code; 890

(b) The public in the same manner as provided in division 891
(A)(2) of section 2329.26 of the Revised Code, except the date, 892
time, and place of the sale need only be published once at least 893
one week before the day of sale by advertisement in a newspaper of 894
general circulation in the county. 895

(2) Verify that each bidder who intends to bid at the sale is 896
included in the list of qualified bidders provided to the sheriff 897
in accordance with section 3767.55 of the Revised Code and is in 898
possession of proof that the bidder is a qualified bidder; 899

(3) Conduct the sale of the property; 900

(4) Provide a deed to the purchaser; 901

(5) Distribute the proceeds of the sale in accordance with 902
division (D) of this section; 903

(6) Collect fees pursuant to section 311.17 of the Revised 904
Code. 905

(B) A property sold pursuant to this section shall be sold 906
free and clear of all liens, including all taxes and assessments 907
other than federal taxes, to the highest qualified bidder. 908

(C) No appraisal of or minimum bid for the property shall be 909
required as a condition of a sale conducted pursuant to this 910
section. 911

(D) The proceeds of the sale conducted pursuant to this 912

section shall first be paid to satisfy the costs of the municipal corporation for bringing the action under section 3767.52 of the Revised Code and then shall be distributed according to the priorities otherwise established by law, including to lienholders whose liens are extinguished by the sale. 913
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(E)(1) After a sale conducted pursuant to this section, the housing or environmental division of the municipal court shall make an entry on the journal that the court is satisfied of the legality of the sale. 918
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(2) Notwithstanding section 2329.36 of the Revised Code, the municipal corporation who filed the complaint pursuant to division (A) of section 3767.52 of the Revised Code shall file and record the deed of the property in accordance with that section. 922
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925

(F) As used in sections 3767.53 to 3767.56 of the Revised Code, "qualified bidder" means one of the following: 926
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(1) A lienholder of the property; 928

(2) A person who satisfies all of the following criteria: 929

(a) Has been prequalified, in accordance with section 3767.55 of the Revised Code; 930
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(b) Has the capacity to remediate the conditions that constitute blight of the blighted parcel; 932
933

(c) Has agreed, as a condition of the sale, to remediate the conditions constituting blight within the time period the bidder owns the property or within twelve months after the date of the sale, whichever period of time is less, to the satisfaction of the municipal corporation that commenced the action under section 3767.52 of the Revised Code in relation to the property. 934
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Sec. 3767.55. A municipal corporation that commences a cause of action under section 3767.52 of the Revised Code shall do the following: 940
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(A) Establish qualifications to allow a person to bid at a sheriff's sale conducted pursuant to section 3767.54 of the Revised Code, which shall include a requirement that the person be a lienholder or be able and willing to remediate the conditions that constitute blight of the unoccupied, blighted parcel and agree to remediate the conditions within twelve months after the date of the sale; 943
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(B) Issue proof of qualification to a qualified bidder in a form determined by the municipal corporation; 950
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(C) Compile a list of qualified bidders for each sale; 952

(D) Provide the list of qualified bidders to the sheriff conducting the sale at least one day prior to the sale. 953
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Sec. 3767.56. If the successful qualified bidder of a property sold under section 3767.54 of the Revised Code fails to remediate the conditions constituting blight of the property within the time period specified in that section, the municipal corporation that commenced the cause of action under section 3767.52 of the Revised Code in relation to that property may remediate the conditions constituting blight of the property, and may take a judgment against the successful qualified bidder for the costs of the remediation. 955
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Section 2. That existing sections 323.47, 1901.18, 1901.185, 2303.26, 2329.01, 2329.02, 2329.20, 2329.21, 2329.23, 2329.26, 2329.30, 2329.31, 2329.33, 2329.52, and 2909.05 of the Revised Code are hereby repealed. 964
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Section 3. Sections 3767.51, 3767.52, 3767.53, 3767.54, 3767.55, and 3767.56 of the Revised Code are hereby repealed, effective December 31, 2019. 968
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