



Ohio Legislative Service Commission

Bill Analysis

Aida S. Montano

H.B. 269

128th General Assembly
(As Introduced)

Reps. Coley, Huffman, Grossman, Uecker, Blair, Bubp, Harwood, Zehringer

BILL SUMMARY

- Requires the officer taking lands and tenements in execution to give public notice of the date, time, and place of the sale of the lands and tenements for at least three weeks before the day of sale either by advertisement in a newspaper published in and of general circulation in the county (existing law) or by advertisement on a web site maintained or made available by the county.

CONTENT AND OPERATION

Notice of date, time, and place of sale on execution

Existing law

Existing law prohibits the sale of lands and tenements taken in execution until the judgment creditor who seeks the sale or the judgment creditor's attorney generally causes a written notice of the date, time, and place of the sale to be served in accordance with the Civil Rules upon the judgment debtor and upon each other party to the action in which the judgment giving rise to the execution was rendered, and the officer taking the lands and tenements gives public notice of the date, time, and place of the sale for at least three weeks before the day of sale by advertisement in a newspaper published in and of general circulation in the county. The court ordering the sale may designate in the order of sale the newspaper in which this public notice must be published, and this public notice is subject to R.C. 2329.27(A) (see **COMMENT**). (R.C. 2329.26(A)(1)(a)(i) and (2).)

Operation of the bill

The bill modifies the public notice requirement in existing law by requiring the officer taking the lands and tenements to give public notice of the date, time, and place

of the sale for at least three weeks before the day of sale by *either of the following methods: (1) advertisement on a web site maintained or made available by the county (added by the bill), or (2) advertisement in a newspaper published in and of general circulation in the county.* The bill further provides that the public notice is subject to R.C. 2329.27(A) (see **COMMENT**) *if the officer conducting the sale chooses to publish the notice in a newspaper, or if the court ordering the sale requires the officer to publish the notice in a newspaper (added by the bill).* As in existing law, if the court ordering the sale requires the officer to publish the notice in a newspaper, the court may designate in the order of sale the newspaper in which this public notice must be published. (R.C. 2329.26(A)(2).)

COMMENT

R.C. 2329.27(A), not in the bill, provides that when the public notice required by R.C. 2329.26(A)(2) (see above) is made in a newspaper published weekly, it is sufficient to insert it for three consecutive weeks. If both a daily and weekly edition of the paper are published and the circulation of the daily in the county exceeds that of the weekly in the county, or if the lands and tenements taken in execution are situated in a city, both a daily and weekly edition of the paper are published, and the circulation of the daily in that city exceeds the circulation of the weekly in that city, it is sufficient to publish the public notice in the daily once a week for three consecutive weeks before the day of sale, each insertion to be on the same day of the week. The expense of that publication in a daily cannot exceed the cost of publishing it in a weekly.

HISTORY

ACTION	DATE
Introduced	08-18-09

H0269-I-128.docx/kl