

**As Passed by the House**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. S. B. No. 206**

**Senator Hackett**

**Cosponsors: Senators Brenner, Antonio, Chavez, Cirino, Craig, DeMora, Gavarone, Hicks-Hudson, Landis, O'Brien, Reineke, Rulli, Schaffer, Schuring, Smith, Wilkin**

**Representatives Abrams, Callender, Carruthers, Claggett, Click, Creech, Demetriou, Dobos, Edwards, Fischer, Gross, Hillyer, Holmes, Johnson, Jones, Kick, Lampton, Lorenz, Mathews, Pavliga, Peterson, Robb Blasdel, Schmidt, Seitz, Stein, Swearingen, Williams, Willis**

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**A BILL**

To amend sections 155.34, 1311.04, 1311.71, 1  
1311.72, 1311.73, 1311.75, 1311.76, 1311.77, 2  
4561.01, 5301.25, 5322.03, 5322.06, 5721.06, 3  
5721.32, 5721.33, 5721.35, and 5721.37 and to 4  
enact sections 1311.721, 4561.26, and 4561.27 of 5  
the Revised Code to establish a process by which 6  
an abandoned or derelict aircraft may be sold, 7  
to modify the law governing mechanics' liens, to 8  
make changes to the law regarding self-service 9  
storage facilities, to modify the rules 10  
governing the priority of liens after a property 11  
tax certificate sale, and to increase the term 12  
of the standard oil and gas lease for state 13  
land. 14

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

**Section 1.** That sections 155.34, 1311.04, 1311.71, 15  
1311.72, 1311.73, 1311.75, 1311.76, 1311.77, 4561.01, 5301.25, 16  
5322.03, 5322.06, 5721.06, 5721.32, 5721.33, 5721.35, and 17  
5721.37 be amended and sections 1311.721, 4561.26, and 4561.27 18  
of the Revised Code be enacted to read as follows: 19

**Sec. 155.34.** (A) Not later than one hundred twenty days 20  
after ~~the effective date of this amendment~~ September 30, 2021, 21  
the oil and gas land management commission shall adopt rules in 22  
accordance with Chapter 119. of the Revised Code establishing 23  
both of the following: 24

(1) A standard lease form that shall be used by a state 25  
agency for leases entered into under this chapter ~~that~~, is 26  
consistent with the practices of the oil and natural gas 27  
industries, and that contains all of the following: 28

(a) A prohibition against the use of the surface of the 29  
parcel of land for oil and gas development unless the state 30  
agency, in its sole discretion, chooses to negotiate and execute 31  
a written surface use agreement established under this section; 32

(b) A one-eighth gross landowner royalty; 33

(c) A primary term of ~~three~~ five years; 34

(d) An option for the lessee to extend the primary term of 35  
the lease for an additional three years by tendering to the 36  
state agency the same bonus paid when first entering into the 37  
lease. 38

(2) Any other procedures necessary to implement sections 39  
155.30 to 155.36 of the Revised Code. 40

(B) Not later than one hundred ~~and~~ twenty days after ~~the~~ 41  
~~effective date of this amendment~~ September 30, 2021, the 42

commission shall establish a standard surface use agreement that 43  
a state agency shall use to authorize the use of the surface of 44  
a leased parcel of land. 45

(C) Section 121.95 of the Revised Code does not apply to 46  
rules adopted under this section and the commission is not 47  
subject to any requirements of that section. 48

**Sec. 1311.04.** (A) (1) Prior to the performance of any labor 49  
or work or the furnishing of any materials for an improvement on 50  
real property which may give rise to a mechanics' lien under 51  
sections 1311.01 to 1311.22 of the Revised Code, the owner, part 52  
owner, or lessee who contracts for the labor, work, or materials 53  
shall record in the office of the county recorder for each 54  
county in which the real property to be improved is located a 55  
notice of commencement in substantially the form specified in 56  
division (B) of this section. 57

(2) Only one notice of commencement is required to be 58  
filed for a single improvement and if more than one notice of 59  
commencement is filed for a single improvement, all notices 60  
filed after the original notice shall be deemed to be amendments 61  
to the original notice. If an owner, part owner, or lessee 62  
contracts with additional original contractors, lenders, or 63  
sureties not identified in the original notice of commencement 64  
filed for the improvement, the owner, part owner, or lessee 65  
shall amend the original notice of commencement to identify the 66  
additional original contractors, lenders, and sureties. The date 67  
of the filing of the amended notice is the date of the filing of 68  
the original notice of commencement. 69

(B) The notice of commencement required under division (A) 70  
of this section shall contain, in affidavit form, all of the 71  
following information: 72

- (1) The legal description of the real property on which 73  
the improvement is to be made. For purposes of this division, a 74  
description sufficient to describe the real property for the 75  
purpose of conveyance, or contained in the instrument by which 76  
the owner, part owner, or lessee took title, is a legal 77  
description. 78
- (2) A brief description of the improvement to be performed 79  
on the property containing sufficient specificity to permit lien 80  
claimants to identify the improvement; 81
- (3) The name, address, and capacity of the owner, part 82  
owner, or lessee of the real property contracting for the 83  
improvement; 84
- (4) The name and address of the fee owner of the real 85  
property, if the person contracting for the improvement is a 86  
land contract vendee or lessee; 87
- (5) The name and address of the owner's, part owner's, or 88  
lessee's designee, if any; 89
- (6) The name and address of all original contractors, 90  
except that if the notice of commencement is recorded for an 91  
improvement involving a single- or double-family dwelling and if 92  
more than one original contractor is involved, instead of 93  
listing each original contractor, the owner shall state that 94  
multiple original contractors are involved in the improvement; 95
- (7) The date the owner, part owner, or lessee first 96  
executed a contract with an original contractor for the 97  
improvement; 98
- (8) The name and address of all lending institutions which 99  
provide financing for the improvements, if any; 100

(9) The name and address of all sureties on any bond which 101  
guarantee payment of the original contractor's obligations under 102  
the contract for the improvement, if any; 103

(10) The following statement: 104

"To Lien Claimants and Subsequent Purchasers: 105

Take notice that labor or work is about to begin on or 106  
materials are about to be furnished for an improvement to the 107  
real property described in this instrument. A person having a 108  
mechanics' lien may preserve the lien by providing a notice of 109  
furnishing to the above-named designee and the above-named 110  
designee's original contractor, if any, and by timely recording 111  
an affidavit pursuant to section 1311.06 of the Revised Code. 112

A copy of this notice may be obtained upon making a 113  
written request by certified mail to the above-named owner, part 114  
owner, lessee, designee, or the person with whom you have 115  
contracted." 116

(11) The name and address of the person preparing the 117  
notice; 118

(12) The following statement: 119

"The expiration date for this notice of commencement is 120  
four years from the date of recording unless a different date is 121  
specified herein." 122

~~(12)~~-(13) An affidavit of the owner, part owner, or lessee 123  
or the agent of the owner, part owner, or lessee which verifies 124  
the notice. 125

(C) If the notice of commencement furnished by or for an 126  
owner, part owner, or lessee contains incorrect information, the 127  
owner, part owner, or lessee is liable for any loss of lien 128

rights of a lien claimant and any actual expenses incurred by 129  
the lien claimant in maintaining lien rights, including 130  
attorney's fees, if the loss and expenses incurred are a direct 131  
result of the lien claimant's reliance on the incorrect 132  
information. 133

Any lien claimant who has included incorrect information 134  
in the claimant's affidavit for a lien under section 1311.06 of 135  
the Revised Code, as a result of incorrect information contained 136  
in the notice of commencement, may file for record an amended 137  
affidavit for a lien. The amended affidavit shall contain all of 138  
the information required by section 1311.06 of the Revised Code 139  
for an original affidavit. The lien claimant shall serve a copy 140  
of the amended affidavit on the owner, part owner, or lessee as 141  
provided in section 1311.07 of the Revised Code. The lien 142  
claimant may file the amended affidavit for record at any time 143  
during the time that the lien acquired by the original affidavit 144  
continues in effect under section 1311.13 of the Revised Code. 145  
In no event shall the amended affidavit extend such time period. 146  
The filing of an amended affidavit does not constitute a waiver 147  
of the rights granted by this division. 148

(D) Within ten days after the date a subcontractor, 149  
material supplier, or laborer serves a written request upon the 150  
owner, part owner, or lessee, or designee for a copy of the 151  
notice of commencement, the owner, part owner, lessee, or 152  
designee shall serve a copy of the notice of commencement to the 153  
requesting subcontractor, material supplier, or laborer. 154

(E) Within ten days after the date a subcontractor, 155  
material supplier, or laborer serves a written request for a 156  
copy of the notice of commencement upon the original contractor 157  
who has been provided with a notice of commencement from the 158

owner, part owner, or lessee, or designee and with whom the 159  
subcontractor, material supplier, or laborer has a direct 160  
contract, the original contractor shall serve a copy of the 161  
notice of commencement to the requesting subcontractor, material 162  
supplier, or laborer. 163

(F) Within ten days after the date a subcontractor, 164  
material supplier, or laborer serves a written request for a 165  
copy of the notice of commencement upon the subcontractor who 166  
has been provided with a notice of commencement from the owner, 167  
part owner, lessee, designee, or original contractor and with 168  
whom the subcontractor, material supplier, or laborer has a 169  
direct contract, the subcontractor shall serve a copy of the 170  
notice of commencement upon the requesting subcontractor, 171  
material supplier, or laborer. 172

(G) (1) Except as provided in division (G) (2) of this 173  
section, the owner, part owner, lessee, or designee shall post 174  
and maintain posted a copy of the notice of commencement in a 175  
conspicuous place on the real property described in the notice 176  
during the course of the actual physical improvement to the real 177  
property. 178

(2) No owner, part owner, lessee, or designee, has to post 179  
a copy of the notice of commencement on the real property 180  
described in the notice for an improvement that is the subject 181  
of a home purchase contract. 182

(H) The owner, part owner, lessee, or designee shall serve 183  
a copy of the notice of commencement upon the original 184  
contractor. If the owner, part owner, lessee, or designee fails 185  
to serve a copy of the notice of commencement upon the original 186  
contractor, the owner, part owner, or lessee is liable to the 187  
original contractor for all actual expenses incurred by the 188

original contractor in obtaining the information otherwise 189  
provided by the notice of commencement. 190

(I) If the owner, part owner, lessee, or designee fails to 191  
record the notice of commencement in accordance with this 192  
section, the time within which a subcontractor or material 193  
supplier may serve a notice of furnishing as required by section 194  
1311.05 of the Revised Code is extended until twenty-one days 195  
after the notice of commencement has been recorded. A 196  
subcontractor or material supplier need not serve a notice of 197  
furnishing to preserve lien rights for the period before the 198  
notice of commencement is recorded. 199

(J) If the owner, part owner, lessee, or designee fails to 200  
serve, upon written request, the notice of commencement in 201  
accordance with this section, the time within which a 202  
subcontractor or material supplier may serve a notice of 203  
furnishing as required by section 1311.05 of the Revised Code is 204  
extended until twenty-one days after the notice of commencement 205  
actually has been served to the subcontractor or material 206  
supplier. The owner, part owner, or lessee who fails to serve 207  
the notice pursuant to this section is liable to any 208  
subcontractor or material supplier who becomes a lien claimant 209  
for all actual expenses incurred by the lien claimant in 210  
obtaining the information that would have been contained in the 211  
notice. 212

(K) If an owner, part owner, lessee, or designee fails to 213  
post or maintain a copy of the notice of commencement as 214  
required by division (G)(1) of this section, the owner, part 215  
owner, or lessee is liable to a subcontractor, material 216  
supplier, or laborer who becomes a lien claimant for all actual 217  
expenses incurred by the lien claimant in obtaining the 218



information otherwise provided by the posting. 219

(L) If an original contractor or subcontractor who has 220  
been provided with a notice of commencement fails to serve a 221  
copy of the notice of commencement to any subcontractor, 222  
material supplier, or laborer who requests it, the original 223  
contractor or subcontractor who fails to serve the copy of the 224  
notice is liable to the subcontractor, material supplier, or 225  
laborer who made the request for all costs incurred by the 226  
subcontractor, material supplier, or laborer in obtaining the 227  
information contained in the notice of commencement, provided 228  
that an original contractor or subcontractor who fails to 229  
provide the notice upon request is not liable under this 230  
division to any subcontractor, material supplier, or laborer 231  
with whom the original contractor or subcontractor is not in 232  
direct privity of contract. 233

(M) (1) If after the first work, labor, or material has 234  
been performed on or furnished to the improvement, the owner, 235  
part owner, lessee, or designee fails to serve, record, or post 236  
a notice of commencement as required by this section, the 237  
original contractor may, in writing, request the owner, part 238  
owner, lessee, or designee to serve, record, or post the notice. 239  
If an owner, part owner, lessee, or the designee of an owner, 240  
part owner, or lessee fails or refuses to serve, record, or post 241  
a notice of commencement within ten days of receipt of a 242  
request, the owner, part owner, or lessee is liable for the 243  
owner's, part owner's, or lessee's failure or refusal and for 244  
the designee's failure or refusal, without recourse to the 245  
original contractor for all damages, costs, and expenses which 246  
result from the filing of a valid mechanics' lien to the extent 247  
that the lien, damages, costs, and expenses could have been 248  
avoided through proper payment. 249

(2) Nothing in this division shall be interpreted as to	250
either of the following:	251
(a) Relieving an original contractor from the duty to pay	252
the original contractor's subcontractors, material suppliers,	253
and laborers for labor or work performed or materials furnished	254
pursuant to a contract directly with the original contractor;	255
(b) Obligating an owner, part owner, or lessee to pay for	256
work or labor performed or materials furnished by	257
subcontractors, material suppliers, or laborers pursuant to	258
direct contracts with the original contractor.	259
(N) (1) If the owner, part owner, or lessee fails to record	260
a notice of commencement or an amended notice, any person	261
holding a mortgage on the real property to be improved may	262
record a notice of commencement or an amended notice on behalf	263
of the owner, part owner, or lessee. If the owner, part owner,	264
or lessee fails to record a notice of commencement or an amended	265
notice within the later of ten days after the performance of any	266
labor or work or the furnishing of any material for an	267
improvement on real property which gives rise to a mechanics'	268
lien under sections 1311.01 to 1311.22 of the Revised Code or	269
three days after service of a demand to record the notice or	270
amended notice by the original contractor, the original	271
contractor may record a notice of commencement or an amended	272
notice on behalf of the owner, part owner, or lessee.	273
(2) If the original contractor or a mortgage holder has	274
recorded a notice of commencement or an amended notice on behalf	275
of the owner, part owner, or lessee, the owner, part owner, or	276
lessee is liable to the original contractor or mortgage holder	277
for all costs and expenses incurred in obtaining the information	278
contained in the notice of commencement or an amended notice and	279

all costs incurred in the preparation and recording of the 280  
notice of commencement or an amended notice. 281

(3) Unless required to file the notice of commencement or 282  
an amended notice on behalf of the owner, part owner, or lessee, 283  
the party filing a written notice of commencement or amended 284  
notice on behalf of the owner, part owner, or lessee is not 285  
liable to the owner, part owner, or lessee for any errors 286  
contained in the notice of commencement or amended notice. 287

(4) If a mortgage holder or an original contractor records 288  
a notice of commencement or amended notice on behalf of an 289  
owner, part owner, or lessee, such fact must be included on the 290  
notice or amended notice. 291

(O) This section does not apply to a home construction 292  
contract as defined in section 1311.011 of the Revised Code, 293  
except that when a lending institution as defined in division 294  
(A) (3) of section 1311.011 of the Revised Code requires that a 295  
notice of commencement be recorded as part of the financing for 296  
a home construction contract, which is secured in whole or in 297  
part by a mortgage on real estate upon which the improvements 298  
are to be constructed, the owner, part owner, or lessee may file 299  
a notice of commencement pursuant to this section by recording 300  
the notice of commencement in the county recorder's office of 301  
the county where the owner, part owner, or lessee's property is 302  
located. If the property is located in more than one county, the 303  
owner, part owner, or lessee shall record the notice of 304  
commencement in the county recorders' office of each county in 305  
which the property is located. 306

If the owner, part owner, or lessee files a notice of 307  
commencement pursuant to this division, the attachment, 308  
continuance, and priority provisions of section 1311.13 of the 309

Revised Code apply to that improvement, but the notice of 310  
furnishing requirements specified in section 1311.05 of the 311  
Revised Code do not apply to that improvement. 312

(P) The county recorder of the county where a notice of 313  
commencement is filed for record shall endorse the date and hour 314  
of its filing and cause it to be recorded as mechanics' liens 315  
are recorded, and collect the same fees for recording the notice 316  
of commencement as are provided in section 317.32 of the Revised 317  
Code. The recorder shall index the real property described in 318  
the notice of commencement and shall index the names of all 319  
owners, part owners, lessees, and land contract vendees in the 320  
direct index and the names of all original contractors in the 321  
reverse index as provided for in section 317.18 of the Revised 322  
Code. 323

(Q) Notwithstanding this section, if the owner, part 324  
owner, or lessee is a telephone company, an electric light 325  
company, a gas company, a water works company, all as defined in 326  
section 4905.03 of the Revised Code, or a subsidiary or 327  
affiliate thereof, the owner, part owner, or lessee may, but is 328  
not required to, record a notice of commencement pursuant to 329  
division (A) of this section, and is not required to serve, 330  
post, and provide copies of a notice of commencement pursuant to 331  
divisions (D), (G), and (H) of this section unless such owner, 332  
part owner, or lessee elects to record the notice of 333  
commencement. If the owner, part owner, or lessee elects to 334  
record the notice of commencement and the improvement extends 335  
beyond one parcel of real property or one county, the owner, 336  
part owner, or lessee may, in lieu of using the legal 337  
description required in division (B)(1) of this section, use a 338  
description which reasonably describes the real property on 339  
which the improvement is to be made. Any description used other 340

than the description specified in division (B) (1) of this 341  
section shall refer to the township and county in which the 342  
improvement is located, the name and route number of any local, 343  
state, or federal highway near the improvement, if any, the post 344  
office address of the real property, if any, and the name by 345  
which the owner, part owner, or lessee refers to the 346  
improvement. 347

If an owner, part owner, or lessee elects not to record, 348  
serve, post, or provide copies of a notice of commencement 349  
pursuant to divisions (A), (D), (G) (1), and (H) of this section, 350  
the owner, part owner, or lessee is subject to all applicable 351  
liabilities pursuant to divisions (C), (H), (J), (K), (M), and 352  
(N) of this section. 353

(R) If an owner, part owner, lessee, or designee fails to 354  
record a notice of commencement in accordance with this section, 355  
no subcontractor or material supplier who performs labor or work 356  
upon or furnishes material in furtherance of that improvement 357  
has to serve a notice of furnishing in accordance with section 358  
1311.05 of the Revised Code in order to preserve the 359  
subcontractor's or material supplier's lien rights. 360

(S) A notice of commencement filed as provided herein 361  
expires ~~six~~ four years after its filing date unless the notice 362  
of commencement or amendments made to the notice of commencement 363  
specify otherwise. 364

(T) (1) An owner, part owner, or lessee of real property 365  
who contracts for an improvement, or that person's agent may, 366  
upon completion of the improvement, submit an affidavit to the 367  
office of the county recorder for each county in which the real 368  
property that was improved is located stating all of the 369  
following: 370

(a) The name, address, and capacity of the owner, part 371  
owner, or lessee, or the agent of the owner, part owner, or 372  
lessee of the real property; 373

(b) The recording reference for the previously filed 374  
notice of commencement; 375

(c) That the improvement is complete. 376

(2) Upon receipt of an affidavit described in division (T) 377  
(1) of this section, the county recorder of the county where the 378  
affidavit is submitted shall indicate in the official records 379  
that the notice of commencement has expired. 380

(3) The owner, part owner, or lessee of the real property 381  
who contracted for the improvement shall serve a copy of the 382  
recorded affidavit submitted pursuant to division (T)(1) of this 383  
section, by regular mail, upon the original contractor as well 384  
as any subcontractor or lower tier project participant that 385  
served a notice of furnishing pursuant to section 1311.05 of the 386  
Revised Code. 387

(4) Service, lack of service, or a deficiency in service 388  
of the recorded affidavit under division (T)(3) of this section 389  
does not: 390

(a) Affect the expiration of the notice of commencement; 391

(b) Extend the rights of any party seeking to file an 392  
affidavit of mechanic's lien; 393

(c) Affect any time periods or other rights, requirements, 394  
or limitations that are set forth in this chapter. 395

(U) The expiration of a notice of commencement pursuant to 396  
division (S) or (T)(2) of this section does not affect the 397  
attachment, continuance, or priority of any lien under sections 398

<u>1311.13, 1311.14, and 1311.15 of the Revised Code.</u>	399
<b>Sec. 1311.71.</b> As used in sections 1311.71 to 1311.80 of the Revised Code:	400 401
(A) "Aircraft" has the same meaning as in section 4561.01 of the Revised Code and includes any part or equipment of the aircraft. <u>"Aircraft" includes an abandoned aircraft, unless otherwise specified.</u>	402 403 404 405
(B) <u>"Abandoned aircraft" means an aircraft to which both of the following apply:</u>	406 407
(1) <u>It is located on the premises of a public-use airport.</u>	408
(2) <u>The owner or operator has not paid any tie-down, hangar, rent, or storage costs for use of the premises for at least ninety consecutive days.</u>	409 410 411
(C) <u>"Director" means the director or other chief executive officer of a public-use airport. "Director" includes the director's or chief's designee.</u>	412 413 414
(D) <u>"Labor" means to repair, service, <del>store,</del> or maintain an aircraft.</u>	415 416
<del>(C)</del> (E) <u>"Materials" means all products and substances, including gasoline, oil, lubricants, accessories, parts, and equipment, that are furnished for an aircraft.</u>	417 418 419
(F) <u>"Public-use airport" has the same meaning as in section 4563.30 of the Revised Code.</u>	420 421
(G) <u>"Stores" means to keep an aircraft on real property owned by a person that is not the owner of the aircraft. "Stores" includes any necessary transportation of the aircraft to an appropriate location for its storage.</u>	422 423 424 425

**Sec. 1311.72.** (A) Except as provided in division (B) of 426  
this section, any person who performs labor upon, stores, or 427  
furnishes materials for an aircraft has a lien upon the aircraft 428  
to secure payment for the labor, storage, and materials. Except 429  
as provided in division (B) of this section, any person who owns 430  
or operates an airport or repair shop and whose employee 431  
performs labor upon, stores, or furnishes materials for an 432  
aircraft has a lien upon the aircraft to secure payment for the 433  
labor, storage, and materials. 434

(B) ~~No~~ Unless the aircraft is an abandoned aircraft, no 435  
person shall have a lien pursuant to division (A) of this 436  
section if the person has possession of the aircraft or if the 437  
cost of the storage, the labor performed, or the materials 438  
furnished for the aircraft is greater than or equal to one 439  
thousand dollars and the owner of the aircraft has not requested 440  
or consented to the performance of the storage, labor, or 441  
furnishing of the materials. 442

(C) A lien that arises under this section is valid against 443  
any person except a purchaser or encumbrancer who in good faith, 444  
without notice, and for value acquired rights prior to the 445  
recording of an affidavit for lien pursuant to section 1311.73 446  
of the Revised Code. 447

**Sec. 1311.721.** (A) Before perfecting a lien that arises 448  
under section 1311.72 of the Revised Code for an abandoned 449  
aircraft, the director of a public-use airport shall search the 450  
appropriate records of the airport and contact both of the 451  
following entities to determine the name and address of the last 452  
registered owner: 453

(1) The federal aviation administration's aircraft 454  
registration branch; 455



<u>(2) The office of aviation.</u>	456
<u>(B) (1) Within twenty business days after receipt of the information obtained under division (A) of this section, the director shall send notice to the owner of the abandoned aircraft that was identified in accordance with division (A) of this section that includes all of the following information:</u>	457 458 459 460 461
<u>(a) A description of the abandoned aircraft that includes its federal aviation administration n-number, manufacturer name, model designation, and serial number;</u>	462 463 464
<u>(b) The location of the abandoned aircraft on the airport premises;</u>	465 466
<u>(c) The amount of any fees and charges for the use of the airport by the abandoned aircraft that have accrued;</u>	467 468
<u>(d) That the airport may seek to perfect a lien in accordance with section 1311.73 of the Revised Code if, within thirty calendar days after the date of receipt of such notice or notification that delivery was not possible, the owner does not remove the abandoned aircraft from the airport and pay all accrued fees and charges.</u>	469 470 471 472 473 474
<u>(2) The notice described in division (B) (1) of this section may be sent by any of the following methods:</u>	475 476
<u>(a) Certified or express mail with return receipt requested;</u>	477 478
<u>(b) Certified mail with electronic tracking;</u>	479
<u>(c) A commercial carrier service utilizing any form of delivery requiring a signed receipt;</u>	480 481
<u>(d) Personal service.</u>	482

(C) The director may proceed in accordance with section 1311.73 of the Revised Code if the owner of the abandoned aircraft does not pay the accrued fees and charges in full and does not remove the abandoned aircraft within thirty days of the acknowledged receipt, or notification that the delivery was not possible, of a notice sent in accordance with division (B) of this section. 483  
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(D) Failure of the owner to receive a notice of removal does not invalidate a lien perfected under section 1311.73 of the Revised Code if the director complies with division (B) of this section. 490  
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**Sec. 1311.73.** ~~(A)~~(A) (1) To perfect a lien that arises under section 1311.72 of the Revised Code, the person claiming the lien shall make and file for record with the United States federal aviation administration an affidavit verified under oath that includes all of the following information: 494  
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(a) The amount owed to the lien claimant for the labor, storage, or materials,~~a;~~ 499  
500

(b) A description of the aircraft that reasonably identifies it including the manufacturer, model, serial number, and registration number of the aircraft,~~the;~~ 501  
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503

(c) The name of the person for whom the labor was performed, the storage was provided, or the materials were furnished, the~~if applicable;~~ 504  
505  
506

(d) The name of the owner of the aircraft, if known,~~the;~~ 507

(e) The name and address of the lien claimant,~~the;~~ 508

(f) The date that the lien claimant or his~~the~~ lien claimant's employee last performed any labor upon, stored, or 509  
510

furnished any materials for the aircraft, ~~the~~ or if the storage 511  
is ongoing; 512

(g) The date that the lien claimant surrendered possession 513  
of the aircraft, if ~~he~~ the lien claimant surrendered it, ~~and the;~~ 514

(h) The name and address of the person who prepared the 515  
affidavit. 516

(2) The omission or inaccuracy of any address in the 517  
affidavit does not invalidate the affidavit. The lien claimant 518  
may verify the affidavit before any person authorized to 519  
administer oaths, including an agent for the owner, the lien 520  
claimant, or any other interested party. An agent of the lien 521  
claimant may sign the affidavit for the lien claimant, provided 522  
that the agent states ~~his~~ the agent's capacity with respect to 523  
the lien claimant. A lien claimant is considered to have filed 524  
for record with the United States federal aviation 525  
administration an affidavit upon receipt of the affidavit by the 526  
United States federal aviation administration as evidenced by a 527  
certified mail return receipt. 528

(B) The affidavit may be in the following form: 529

"Affidavit for ~~Artisan's~~ Lien on Aircraft 530

State of Ohio, 531

County of \_\_\_\_\_, ss: \_\_\_\_\_, 532

\_\_\_\_\_ of \_\_\_\_\_ 533

whose address is \_\_\_\_\_, 534

being first duly sworn, says that ~~he~~ such lien claimant or 535

~~his~~ such lien claimant's employee performed labor, repairs, 536

services, or maintenance upon, provided storage, or furnished 537

~~storage,~~ materials, products, substances, accessories, parts, or 538

equipment for a certain aircraft or part or equipment of a 539  
certain aircraft at the request of \_\_\_\_\_, whose 540  
address is \_\_\_\_\_, and of which 541  
\_\_\_\_\_ is the titled owner. 542

The owner's address is \_\_\_\_\_ 543

The aircraft upon which labor, repairs, services, or 544  
maintenance were performed, or storage was provided, or 545  
materials, products, substances, accessories, parts, or 546  
equipment were furnished is identified as follows: 547

Manufacturer: \_\_\_\_\_ 548

Model: \_\_\_\_\_ 549

Serial number \_\_\_\_\_ 550

Registration number \_\_\_\_\_ 551

The last date that labor, repairs, services, or 552  
maintenance were performed upon, or storage was provided, or 553  
materials, products, substances, accessories, parts, or 554  
equipment were furnished for the aircraft herein identified, 555  
including any part or equipment of that aircraft, was 556  
\_\_\_\_\_ , \_\_\_\_\_ , or alternatively, 557  
storage is still ongoing as of the following date: 558  
\_\_\_\_\_ , \_\_\_\_\_ 559

The lien claimant states there is justly and truly due, 560  
over and above all legal setoffs, the sum of \_\_\_\_\_ dollars, 561  
for which the lien claimant claims a lien on the aircraft 562  
identified herein. 563

The lien claimant states that ~~he~~the lien claimant is (is 564  
not) currently in possession of the aircraft. (The lien claimant 565  
states that ~~he~~the lien claimant surrendered possession of the 566

aircraft on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_) 567

\_\_\_\_\_ 568

Lien claimant 569

\_\_\_\_\_ 570

Capacity with respect to lien 571

claimant 572

Sworn to before me and subscribed in my presence this 573

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ 574

\_\_\_\_\_ 575

Notary public 576

This instrument was prepared by \_\_\_\_\_ 577

whose address is \_\_\_\_\_ " 578

(C) A lien claimant shall file the affidavit within one of 579

the following periods: 580

(1) Ninety days after the date on which ~~he~~the lien 581

claimant or ~~his~~the lien claimant's employee last performed labor 582

upon or furnished materials for the aircraft that is subject to 583

the lien, if ~~he~~the lien claimant or ~~his~~the lien claimant's 584

employee is in possession of the aircraft at the time of filing; 585

(2) Ninety days after the date on which ~~he~~the lien 586

claimant or ~~his~~the lien claimant's employee surrendered 587

possession of the aircraft that is subject to the lien; 588

(3) Ninety days after the date by which the owner of an 589

abandoned aircraft that is subject to the lien was required to 590

remove the aircraft from the lien claimant's property in 591

accordance with section 1311.721 of the Revised Code. 592

(D) Any lien claimant who files an affidavit may file a 593  
copy of the affidavit in the office of the county recorder in 594  
the county in which the labor was performed upon or the 595  
materials were furnished for the aircraft or where the aircraft 596  
was stored. The lien claimant shall pay to the county recorder 597  
the fee for recording an affidavit as determined under section 598  
317.32 of the Revised Code. 599

**Sec. 1311.75.** (A) A lien claimant who perfects a lien in 600  
accordance with section 1311.73 of the Revised Code has priority 601  
over all other liens, claims, or encumbrances, except wage and 602  
salary claims of workers who have no ownership interests in the 603  
business of the lien claimant and amounts that are owed by the 604  
lien claimant to the aircraft owner and that are subject to 605  
setoff against the amounts due for the labor, storage, and 606  
materials that are the basis for the lien. 607

(B) If more than one lien is perfected by more than one 608  
lien claimant in accordance with section 1311.73 of the Revised 609  
Code on the same aircraft, liens shall be ranked in priority in 610  
the order of earliest filing with the United States federal 611  
aviation administration, except as provided in division (A) of 612  
this section. 613

**Sec. 1311.76.** (A) A lien claimant may enforce a lien that 614  
arises under section 1311.72 of the Revised Code by bringing an 615  
action to recover the monetary amount secured by the lien in a 616  
court having jurisdiction in the county in which either of the 617  
following occurred: 618

(1) The storage took place, the labor that is the basis of 619  
the lien was performed, or the materials that are the basis of 620  
the lien were furnished ~~or in the;~~ 621

(2) The county in which the lien claimant's primary place of business is located, if it is located within this state. 622  
623

(B) If a lien claimant obtains a judgment or order of a court having jurisdiction enforcing a lien that arises under section 1311.72 of the Revised Code, the lien claimant shall send a certified copy of the judgment or order to the United States federal aviation administration. 624  
625  
626  
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628

(C) A lien that arises under section 1311.72 of the Revised Code remains in effect for six years after the date an affidavit is filed pursuant to section 1311.73 of the Revised Code, or until one of the following occurs within that six-year period: 629  
630  
631  
632  
633

(1) The lien claimant receives full payment of the amount due ~~him~~the lien claimant as stated in the affidavit filed pursuant to section 1311.73 of the Revised Code or in the judgment or order granted pursuant to this section by a court having jurisdiction; 634  
635  
636  
637  
638

(2) The lien claimant accepts less than the full amount secured by the lien pursuant to a written agreement with the owner of the aircraft that is subject to the lien; 639  
640  
641

(3) The owner files a bond in accordance with section 1311.77 of the Revised Code; 642  
643

(4) A final judgment is entered by a court having jurisdiction in an action releasing the lien against the aircraft. 644  
645  
646

(D) Within thirty days after a lien has been satisfied or released in accordance with division (C) of this section, the lien claimant shall cause the lien to be released by notifying the United States federal aviation administration, and by 647  
648  
649  
650

notifying the county recorder in whose office the copy of the 651  
affidavit or court judgment or order was filed, if the lien 652  
claimant filed any of those documents with the county recorder. 653

**Sec. 1311.77.** The owner of an aircraft that is subject to 654  
a lien that is perfected pursuant to section 1311.73 of the 655  
Revised Code may release ~~his~~the owner's aircraft from the lien 656  
by filing with a court having jurisdiction in the county in 657  
which the labor that is the basis of the lien was performed, in 658  
which the aircraft was stored, or in which the materials that 659  
are the basis of the lien were furnished, a bond, payable to the 660  
lien claimant, for the full amount owed to the lien claimant as 661  
stated in an affidavit filed pursuant to section 1311.73 of the 662  
Revised Code for the labor or materials, and conditioned for the 663  
payment of any judgment that may be recovered on the lien, with 664  
costs. 665

All bonds filed pursuant to this section shall be executed 666  
by a corporate surety licensed by the state and authorized to 667  
execute surety bonds in this state pursuant to Chapter 3929. of 668  
the Revised Code. 669

**Sec. 4561.01.** As used in sections 4561.01 to ~~4561.25~~ 670  
4561.27 of the Revised Code: 671

(A) "Aviation" means transportation by aircraft; operation 672  
of aircraft; the establishment, operation, maintenance, repair, 673  
and improvement of airports, landing fields, and other air 674  
navigation facilities; and all other activities connected 675  
therewith or incidental thereto. 676

(B) "Aircraft" means any ~~contrivance~~manned device used or 677  
~~designed~~intended for navigation or flight in the air, ~~excepting~~ 678  
~~a parachute or other contrivance for such navigation used~~ 679



~~primarily as safety equipment. "Aircraft" does not include an~~ 680  
~~ultralight vehicle as defined by 14 C.F.R. part 103.~~ 681

(C) "Airport" means any location either on land or water 682  
which is used for the landing and taking off of aircraft. 683

(D) "Landing field" means any location either on land or 684  
water of such size and nature as to permit the landing or taking 685  
off of aircraft with safety, and used for that purpose but not 686  
equipped to provide for the shelter, supply, or care of 687  
aircraft. 688

(E) "Air navigation facility" means any facility used, 689  
available for use, or designed for use in aid of navigation of 690  
aircraft, including airports, landing fields, facilities for the 691  
servicing of aircraft or for the comfort and accommodation of 692  
air travelers, and any structures, mechanisms, lights, beacons, 693  
marks, communicating systems, or other instrumentalities or 694  
devices used or useful as an aid to the safe taking off, 695  
navigation, and landing of aircraft, or to the safe and 696  
efficient operation or maintenance of an airport or landing 697  
field, and any combination of such facilities. 698

(F) "Air navigation hazard" means any structure, object of 699  
natural growth, or use of land, that obstructs the air space 700  
required for the flight of aircraft in landing or taking off at 701  
any airport or landing field, or that otherwise is hazardous to 702  
such landing or taking off. 703

(G) "Air navigation," "navigation of aircraft," or 704  
"navigate aircraft" means the operation of aircraft in the air 705  
space over this state. 706

(H) "Airperson" means any individual who, as the person in 707  
command, or as pilot, mechanic, or member of the crew, engages 708

in the navigation of aircraft. 709

(I) "Airway" means a route in the air space over and above 710  
the lands or waters of this state, designated by the Ohio 711  
aviation board as a route suitable for the navigation of 712  
aircraft. 713

(J) "Person" means any individual, firm, partnership, 714  
corporation, company, association, joint stock association, or 715  
body politic, and includes any trustee, receiver, assignee, or 716  
other similar representative thereof. 717

(K) "Government agency" means a state agency, state 718  
institution of higher education, regional port authority, or any 719  
other political subdivision of the state, or the federal 720  
government or other states. 721

Sec. 4561.26. (A) As used in sections 4561.26 and 4561.27 722  
of the Revised Code: 723

(1) "Derelict aircraft" means an aircraft that meets all 724  
of the following conditions: 725

(a) It is located on the premises of a public-use airport. 726

(b) It is not in a flyable condition. 727

(c) It does not comply with the United States federal 728  
aviation administration regulations that would allow it to be 729  
operated or flown. 730

(d) It does not have a written repair plan approved and 731  
signed by either a federal aviation administration certified 732  
airframe and power plant mechanic or a person otherwise 733  
authorized to perform maintenance on the aircraft in accordance 734  
with the federal aviation administration regulations. 735

(e) The owner or operator of the aircraft has not paid any tie-down, hangar, rent, or storage costs for use of the premises for at least ninety consecutive days. 736  
737  
738

(2) "Director" means the director or other chief executive officer of a public-use airport. "Director" includes the director's or chief's designee. 739  
740  
741

(3) "Public-use airport" has the same meaning as in section 4563.30 of the Revised Code. 742  
743

(B) The director of a public-use airport may dispose of any derelict aircraft located on the premises of that airport in accordance with the procedures established in this section and in section 4561.27 of the Revised Code. 744  
745  
746  
747

(C) Before disposing of a derelict aircraft, the director shall search the appropriate records of the airport and contact both of the following entities to determine the name and address of the last registered owner and any person having a legal or equitable interest in the derelict aircraft: 748  
749  
750  
751  
752

(1) The federal aviation administration's aircraft registration branch; 753  
754

(2) The office of aviation. 755

(D) (1) Within twenty business days after receipt of the information obtained under division (C) of this section, the director shall send notice to the owner and any person having a legal or equitable interest in the derelict aircraft that was identified in accordance with division (C) of this section, that includes all of the following information: 756  
757  
758  
759  
760  
761

(a) A description of the derelict aircraft that includes its federal aviation administration n-number, manufacturer name, 762  
763

<u>model designation, and serial number;</u>	764
<u>(b) The location of the derelict aircraft on the airport premises;</u>	765 766
<u>(c) The amount of any fees and charges for the use of the airport by the derelict aircraft that have accrued;</u>	767 768
<u>(d) That the airport may remove, sell, scrap, or otherwise dispose of the derelict aircraft in accordance with section 4561.27 of the Revised Code if, within thirty calendar days after the date of receipt of such notice or notification that delivery was not possible, the owner does not remove the derelict aircraft from the airport and pay all accrued fees and charges.</u>	769 770 771 772 773 774 775
<u>(2) The notice described in division (D)(1) of this section may be sent by any of the following methods:</u>	776 777
<u>(a) Certified or express mail with return receipt requested;</u>	778 779
<u>(b) Certified mail with electronic tracking;</u>	780
<u>(c) A commercial carrier service utilizing any form of delivery requiring a signed receipt;</u>	781 782
<u>(d) Personal service.</u>	783
<u>(3) In addition to the notice sent to the owner and any person having a legal or equitable interest in the derelict aircraft, the director shall do both of the following:</u>	784 785 786
<u>(a) File a copy of the notice with the federal aviation administration's aircraft registration branch;</u>	787 788
<u>(b) Post a copy of the notice on the public-use airport's web site.</u>	789 790

(E) The director may proceed in accordance with section 4561.27 of the Revised Code if the owner or any other person identified under division (C) of this section as having a legal or equitable interest in the derelict aircraft does not pay the accrued fees and charges in full and remove the derelict aircraft within thirty days of the acknowledged receipt of or notification that the delivery was not possible of a notice sent in accordance with division (D) of this section. 791  
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**Sec. 4561.27.** (A) If a derelict aircraft remains on the property of the public-use airport longer than the thirty-day period specified in division (E) of section 4561.26 of the Revised Code, the director may do one of the following: 799  
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801  
802

(1) Sell the derelict aircraft at public auction; 803

(2) Dispose of the derelict aircraft through an aircraft salvage or scrap metal dealer. 804  
805

(B) (1) If the director elects to sell the derelict aircraft at public auction, the director shall give notice of the date, time, and place of the sale not less than ten calendar days prior to the date of the sale in a written publication of general circulation in the county where the airport is located. The director may provide written notice of the intended sale to any person known to have an interest in purchasing the derelict aircraft. 806  
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(2) If the director elects to dispose of the derelict aircraft through an aircraft salvage or scrap metal dealer, the director may negotiate with the dealer for the price to be received or paid by the director, as the circumstances warrant. All information pertaining to the establishment of the price and justification for the price shall be prepared and maintained by 814  
815  
816  
817  
818  
819

the director, and the negotiated price shall be considered a 820  
commercially reasonable price. 821

(C) (1) If the sale price or the negotiated price under 822  
division (B) (1) or (2) of this section is less than the accrued 823  
fees and charges against the derelict aircraft or the director 824  
is required to pay the aircraft salvage or scrap metal dealer 825  
for its services, the prior owner of the derelict aircraft is 826  
liable to the airport for both of the following: 827

(a) Any remaining fees and charges; 828

(b) Any costs paid to an aircraft salvage or scrap metal 829  
dealer. 830

All fees, charges, and costs are recoverable against the 831  
prior owner of the derelict aircraft by any remedies otherwise 832  
provided by law. 833

(2) If the sale price or the negotiated price under 834  
division (B) (1) or (2) of this section is more than the accrued 835  
fees and charges against the aircraft, the director shall pay 836  
the excess proceeds to the following individuals, as applicable: 837

(a) Any other known lienholders, according to the priority 838  
of the liens; 839

(b) The owner of the aircraft, if the owner can be 840  
determined and located; 841

(c) The director of commerce, to be deposited as unclaimed 842  
funds into the unclaimed funds trust fund created under section 843  
169.05 of the Revised Code, if the owner cannot be determined or 844  
located. 845

(D) A purchaser or recipient in good faith of a derelict 846  
aircraft sold or obtained under this section takes the derelict 847

aircraft free and clear of the rights or liens of any other 848  
person holding any legal or equitable interest to the derelict 849  
aircraft, regardless of whether that interest is recorded. The 850  
purchaser or recipient shall notify the appropriate federal 851  
aviation administration office and the office of aviation of the 852  
change in the registered owner of the derelict aircraft. 853

**Sec. 5301.25.** (A) All deeds, land contracts referred to in 854  
division ~~(A) (21)~~ (A) (20) of section 317.08 of the Revised Code, 855  
and instruments of writing properly executed for the conveyance 856  
or encumbrance of lands, tenements, or hereditaments, other than 857  
as provided in division (C) of this section and section 5301.23 858  
of the Revised Code, shall be recorded in the office of the 859  
county recorder of the county in which the premises are 860  
situated. Until so recorded or filed for record, they are 861  
fraudulent insofar as they relate to a subsequent bona fide 862  
purchaser having, at the time of purchase, no knowledge of the 863  
existence of that former deed, land contract, or instrument. 864

(B) Whenever a survey is made of lands that are being 865  
conveyed, the county auditor shall require that the name of the 866  
person who made the survey appear in the deed. The name shall 867  
either be printed, typewritten, stamped, or signed in a legible 868  
manner. An instrument is in compliance with this division if it 869  
contains a statement in the following form: 870

"A survey of this property was made by \_\_\_\_\_" 871

(Name) 872

This division does not apply to any court decree, order, 873  
judgment, or writ, to any instrument executed or acknowledged 874  
outside of this state, or to any instrument executed within this 875  
state prior to September 20, 1965. 876

(C) All tax certificates sold pursuant to section 5721.32 877  
or 5721.33 of the Revised Code, or memoranda thereof, may be 878  
recorded in the office of the county recorder of the county in 879  
which the premises are situated, as provided in division ~~(B)~~ (D) 880  
of section 5721.35 of the Revised Code; provided, however, that 881  
the ~~first and superior~~ lien of the state and its taxing 882  
districts conveyed to the holder of the tax certificate, as 883  
provided in ~~division (A) of~~ section 5721.35 of the Revised Code, 884  
shall in no way be diminished or adversely affected if the tax 885  
certificate evidencing the conveyance of such ~~first and superior~~ 886  
lien, or memorandum thereof, is not recorded as provided in this 887  
section. 888

**Sec. 5322.03.** ~~An~~ The owner of a self-service storage 889  
facility may enforce the owner's lien created by division (A) of 890  
section 5322.02 of the Revised Code for a claim that has become 891  
~~due may be enforced, or remove and dispose of personal property~~ 892  
stored at the self-service storage facility pursuant to a rental 893  
agreement that has been terminated or is expired, only as 894  
follows: 895

(A) The following persons shall be notified in accordance 896  
with divisions (B) and (C) of this section: 897

(1) All persons whom the owner has actual knowledge of and 898  
who claim an interest in the personal property; 899

(2) All persons holding liens on any motor vehicle or 900  
watercraft amongst the property; 901

(3) All persons who have filed security agreements in the 902  
name of the occupant evidencing a security interest in the 903  
personal property with either the secretary of state or the 904  
county recorder of the county in which the self-service storage 905



facility is located or the Ohio county of the last known address 906  
of the occupant. 907

(B) (1) Except as otherwise provided in division (B) (2) of 908  
this section, the notice shall be delivered in person, sent by 909  
certified mail or sent by first-class mail or private delivery 910  
service with a certificate or verification of mailing to the 911  
last known address of each person who is required to be notified 912  
by division (A) of this section; 913

(2) (a) The notice may be sent by electronic mail to the 914  
occupant only if both of the following apply: 915

(i) The occupant agreed to receive the notice via 916  
electronic mail and provided an electronic mail address to the 917  
owner in the original agreement or in a subsequent amendment to 918  
the agreement. 919

(ii) The owner sends the notice via electronic mail in 920  
such a way as to establish, with a response or return receipt, 921  
that the message was delivered to the occupant's electronic mail 922  
address. 923

(b) If it cannot be established in accordance with 924  
division (B) (2) (a) of this section that the notice was 925  
delivered, the owner shall use another method of delivery 926  
authorized by division (B) (1) of this section. 927

(C) The notice shall include all of the following: 928

(1) The name and last known address of the occupant who 929  
rented the storage space in which the personal property was 930  
stored; 931

(2) The reason for the notice, including either or both of 932  
the following, as applicable: 933

(a) An itemized statement of the owner's claim showing the 934  
sum due at the time of the notice and the date when the sum 935  
became due; 936

(b) The date on which the rental agreement for the storage 937  
space expired or was terminated. 938

(3) A brief and general description of the personal 939  
property subject to the lien or stored pursuant to the 940  
terminated or expired rental agreement. The description shall be 941  
reasonably adequate to permit the person notified to identify it 942  
except that any container including, but not limited to, a 943  
trunk, valise, or box that is locked, fastened, sealed, or tied 944  
in a manner that deters immediate access to its contents and 945  
that has not been opened by the owner prior to the date on which 946  
the notice is given may be described as such without describing 947  
its contents. 948

(4) A notice of denial of access to the personal property, 949  
if a denial of access is permitted under the terms of the rental 950  
agreement, which notice provides the name, street address, and 951  
telephone number of the person whom the person notified may 952  
contact to pay the claim, if any, and to either obtain the 953  
personal property or, at the owner's sole discretion, enter into 954  
a rental agreement for the storage of the personal property; 955

(5) A demand for payment of the claim or removal of the 956  
personal property, as applicable, within a specified time not 957  
less than ten days after delivery of the notice; 958

(6) A conspicuous statement that, unless the claim is paid 959  
or the personal property is removed within that time, the 960  
personal property will be advertised for sale and will be sold 961  
by auction and that, if no person purchases the personal 962

property at the auction, the personal property may be sold at a 963  
private sale or destroyed; 964

(7) The street or internet address of the place at which 965  
the sale will be held, if the sale will be held at a place other 966  
than the self-service storage facility in which the personal 967  
property was stored. 968

(D) (1) Any notice given pursuant to this section that is 969  
sent by first-class mail or private delivery service with a 970  
certificate or verification of mailing shall be deemed delivered 971  
when it is deposited with the United States postal service or 972  
private delivery service and properly addressed with proper 973  
postage prepaid. 974

(2) Any notice given pursuant to this section that is sent 975  
by electronic mail to an occupant shall be deemed delivered when 976  
the owner receives a response or return receipt. 977

(E) The sale of the personal property shall conform to the 978  
terms of the notice as provided for in this section. 979

(F) The sale of the personal property may be held at the 980  
self-service storage facility or, if the street or internet 981  
address of the place was included in the notice as required by 982  
division (C) (7) of this section, on the internet or at the 983  
nearest suitable place to the self-service storage facility at 984  
which the personal property is stored. 985

(G) After the expiration of the time given in the notice, 986  
an advertisement of the sale shall be published once a week for 987  
two consecutive weeks in a newspaper of general circulation in 988  
the county in which the self-service storage facility is located 989  
or any other commercially reasonable manner. The manner of 990  
advertisement shall be deemed commercially reasonable if at 991

least three independent bidders register for, view, or attend 992  
the sale. The advertisement shall include all of the following: 993

(1) A brief and general description of the personal 994  
property as required by division (C)(3) of this section, except 995  
that the description shall describe the contents of any trunk, 996  
valise, or box that is locked, fastened, sealed, or tied in a 997  
manner that deters immediate access to its contents, if the 998  
trunk, valise, or box is opened by the owner prior to the date 999  
on which the advertisement of sale is published; 1000

(2) The name and last known address of the occupant who 1001  
rented the storage space in which the personal property was 1002  
stored; 1003

(3) The street address of the self-service storage 1004  
facility; 1005

(4) The time, place, and manner of the sale. 1006

The sale shall take place at least fifteen days after the 1007  
first publication. 1008

(H) (1) Any person who has a security interest in, or who 1009  
holds a lien against, a motor vehicle or watercraft respecting 1010  
which the owner of a self-service storage facility seeks to 1011  
enforce the lien created by division (A) of section 5322.02 of 1012  
the Revised Code may pay the amount necessary to satisfy the 1013  
lien ~~created by division (A) of section 5322.02 of the Revised~~ 1014  
~~Code~~ and the reasonable expenses incurred under this section. 1015  
That person, upon payment of the amount necessary to satisfy the 1016  
lien plus expenses, may enter into a new rental agreement for 1017  
the storage of the motor vehicle or watercraft. Any person who 1018  
presents proof of a security interest in or lien on a motor 1019  
vehicle or watercraft or a court order authorizing the person to 1020

take possession of a motor vehicle or watercraft may immediately 1021  
remove the motor vehicle or watercraft from the self-service 1022  
storage facility without satisfying the lien or expenses of the 1023  
owner. 1024

(2) Before any sale of personal property other than a 1025  
motor vehicle or watercraft pursuant to this section, any person 1026  
who has a legal interest or a security interest in, or who holds 1027  
a lien against, any personal property other than a motor vehicle 1028  
or watercraft may pay the amount necessary to satisfy the lien 1029  
created by division (A) of section 5322.02 of the Revised Code,  1030  
if any, and the reasonable expenses incurred under this section 1031  
and remove the personal property in which the person has the 1032  
interest or against which the person holds the lien. After 1033  
removal of all the personal property, including any motor 1034  
vehicle or watercraft, from the storage space of the self- 1035  
service storage facility by any means under this section, the 1036  
owner may enter into a rental agreement with a new occupant for 1037  
the storage space, and the owner has no obligation to the prior 1038  
occupant of that storage space. 1039

(3) Upon receipt of the payment from a person other than 1040  
the occupant, the owner may, at the owner's sole discretion, 1041  
enter into a new rental agreement for the storage of the 1042  
personal property or, if the person meets the conditions set 1043  
forth in division (H)(2) of this section, shall permit the 1044  
person to remove the personal property from the self-service 1045  
storage facility. 1046

(4) If the occupant pays the amount necessary to satisfy 1047  
the lien created by division (A) of section 5322.02 of the 1048  
Revised Code and the reasonable expenses incurred under this 1049  
section, the occupant shall immediately remove all of the 1050

occupant's personal property from the self-service storage 1051  
facility, unless the owner of the self-service storage facility 1052  
agrees to enter into a new rental agreement for the storage of 1053  
the property. 1054

(I) (1) If property on which there is a lien under division 1055  
(A) of section 5322.02 of the Revised Code is not sold at 1056  
auction, but is claimed under division (H) of this section and 1057  
the owner's lien is satisfied, then all legal or security 1058  
interest in, or any other liens held against, the property shall 1059  
remain intact. 1060

(2) A purchaser at auction in good faith, except an owner 1061  
or an owner's agent, of the personal property sold ~~to satisfy an~~ 1062  
~~owner's lien created by division (A) of section 5322.02 of the~~ 1063  
~~Revised Code pursuant to this section~~ takes the property free 1064  
and clear of any rights of persons against whom the owner's lien 1065  
was valid, or any persons who had an interest in, or who held, 1066  
any other lien against the property, despite noncompliance by 1067  
the owner with the requirements of this section. 1068

(J) The owner may examine any personal property to be sold 1069  
pursuant to this section. The examination may include, but is 1070  
not limited to, the opening of any trunk, valise, box, or other 1071  
container that is locked, fastened, sealed, tied, or otherwise 1072  
closed in a manner that deters immediate access to its contents. 1073

(K) (1) If the property upon which division (A) of section 1074  
5322.02 of the Revised Code creates a lien or which is stored 1075  
pursuant to a terminated or expired rental agreement is a motor 1076  
vehicle, trailer, or a watercraft, the owner may, at the owner's 1077  
sole discretion, have the motor vehicle, trailer, or watercraft 1078  
towed from the premises if any of the following circumstances 1079  
applies: 1080

(a) The notice was delivered or sent pursuant to division 1081  
(B) of this section to all persons holding a lien on the motor 1082  
vehicle, trailer, or watercraft, and thirty days have elapsed 1083  
since the notice was delivered or sent. 1084

(b) Rent and other charges related to the property remain 1085  
unpaid or unsatisfied by the occupant for sixty days, and no 1086  
lien holders have been identified. 1087

(c) The owner is planning to hold or has held a sale for 1088  
the personal property that was stored in the self-service 1089  
storage space with that motor vehicle, trailer, or watercraft, 1090  
in which case the motor vehicle, trailer, or watercraft may, at 1091  
the owner's sole discretion, be towed prior to or following the 1092  
sale. 1093

(2) The owner shall not be liable for the motor vehicle, 1094  
trailer, or watercraft or any damages to the motor vehicle, 1095  
trailer, or watercraft once the towing service or storage 1096  
facility takes possession of the property. The notice delivered 1097  
or sent pursuant to division (B) of this section to all persons 1098  
holding a lien on the motor vehicle, trailer, or watercraft 1099  
shall include the name of the towing service or storage 1100  
facility. The name and the street address of the towing service 1101  
or storage facility shall also be made available to the occupant 1102  
or any lien holder upon the presentation of a document of title 1103  
or another document that confirms an interest in the motor 1104  
vehicle, trailer, or watercraft. 1105

As used in this division, "towing service or storage 1106  
facility" means any for-hire motor carrier that removes a motor 1107  
vehicle, trailer, or watercraft from a self-service storage 1108  
facility pursuant to this division and any place to which that 1109  
for-hire motor carrier delivers the motor vehicle, trailer, or 1110

watercraft. 1111

(L) The owner may satisfy the owner's lien from the 1112  
proceeds of any sale held pursuant to this section, but shall 1113  
mail the balance, if any, by certified mail, or by first class 1114  
mail or private delivery service with a certificate or 1115  
verification of mailing, to the occupant at the occupant's last 1116  
known mailing address. If the balance is returned to the owner 1117  
after the owner mailed the balance by certified mail, first 1118  
class mail, or private delivery service to the occupant or if 1119  
the mailing address of the occupant is not known, the owner 1120  
shall hold the balance for two years after the date of the sale 1121  
for delivery on demand to the occupant or to any other person 1122  
who would have been entitled to possession of the personal 1123  
property. After the expiration of the two-year period, the 1124  
balance shall become unclaimed funds, as defined in division (B) 1125  
of section 169.01 of the Revised Code, and shall be disposed of 1126  
pursuant to Chapter 169. of the Revised Code. 1127

(M) An owner may buy at any public sale held pursuant to 1128  
this section. 1129

(N) The rights provided by this section shall be in 1130  
addition to all other rights allowed by law to a creditor 1131  
against a debtor. 1132

(O) (1) If the owner complies with the requirements for 1133  
sale under this section, the owner's liability to persons who 1134  
have an interest in the personal property sold is limited to the 1135  
balance of the proceeds of the sale after the owner has 1136  
satisfied the owner's lien. 1137

(2) The owner is liable for damages caused by the failure 1138  
to comply with the requirements for sale under this section and 1139



is liable for conversion for willful violation of the 1140  
requirements for sale under this section. 1141

(P) If no person purchases the personal property at the 1142  
auction and if the owner has complied with this section, the 1143  
owner may do any of the following: 1144

(1) Advertise and sell the personal property pursuant to 1145  
divisions (F) to (O) of this section; 1146

(2) Sell the personal property at a private sale; 1147

(3) Dispose of the personal property in any manner 1148  
considered appropriate by the owner including, but not limited 1149  
to, destroying the personal property. 1150

**Sec. 5322.06.** (A) Except as otherwise provided in this 1151  
section, if the rental agreement entered into between the owner 1152  
and the occupant contains a provision placing a limit on the 1153  
value of personal property that may be stored in the occupant's 1154  
storage space, that limit is the maximum value of the stored 1155  
property, provided that the provision is printed in bold type or 1156  
underlined in the rental agreement. 1157

(B) A limit on the value of personal property under 1158  
division (A) of this section shall not be less than one thousand 1159  
dollars. 1160

(C) The rental agreement may provide that the occupant may 1161  
increase the limit on the value of property with the written 1162  
permission of the owner. 1163

(D) Nothing in a rental agreement shall limit an 1164  
occupant's claim for damages based on the loss or destruction of 1165  
personal property stored in the occupant's storage space, when 1166  
those damages are the result of ~~negligence~~ willful or wanton 1167

misconduct by, or on behalf of the owner. 1168

**Sec. 5721.06.** (A) (1) The form of the notice required to be 1169  
attached to the published delinquent tax list by division (B) (3) 1170  
of section 5721.03 of the Revised Code shall be in substance as 1171  
follows: 1172

"DELINQUENT LAND TAX NOTICE 1173

The lands, lots, and parts of lots returned delinquent by 1174  
the county treasurer of \_\_\_\_\_ county, with the 1175  
taxes, assessments, interest, and penalties, charged against 1176  
them agreeably to law, are contained and described in the 1177  
following list: (Here insert the list with the names of the 1178  
owners of such respective tracts of land or town lots as 1179  
designated on the delinquent tax list. If, prior to seven days 1180  
before the publication of the list, a delinquent tax contract 1181  
has been entered into under section 323.31 of the Revised Code, 1182  
the owner's name may be stricken from the list or designated by 1183  
an asterisk shown in the margin next to the owner's name.) 1184

Notice is hereby given that the whole of such several 1185  
lands, lots, or parts of lots will be certified for foreclosure 1186  
by the county auditor pursuant to law unless the whole of the 1187  
delinquent taxes, assessments, interest, and penalties are paid 1188  
within one year or unless a tax certificate with respect to the 1189  
parcel is sold under section 5721.32 or 5721.33 of the Revised 1190  
Code. The names of persons who have entered into a written 1191  
delinquent tax contract with the county treasurer to discharge 1192  
the delinquency are designated by an asterisk or have been 1193  
stricken from the list." 1194

(2) If the county treasurer has certified to the county 1195  
auditor that the treasurer intends to offer for sale or assign a 1196

tax certificate with respect to one or more parcels of 1197  
delinquent land under section 5721.32 or 5721.33 of the Revised 1198  
Code, the form of the notice shall include the following 1199  
statement, appended after the second paragraph of the notice 1200  
prescribed by division (A) (1) of this section: 1201

"Notice also is hereby given that a tax certificate may be 1202  
offered for sale or assigned under section 5721.32 or 5721.33 of 1203  
the Revised Code with respect to those parcels shown on this 1204  
list. If a tax certificate on a parcel is purchased, the 1205  
purchaser of the tax certificate acquires the state's or its 1206  
taxing district's ~~first~~ lien against the property, and an 1207  
additional interest charge of up to eighteen per cent per annum 1208  
shall be assessed against the parcel. In addition, failure by 1209  
the owner of the parcel to redeem the tax certificate may result 1210  
in foreclosure proceedings against the parcel. No tax 1211  
certificate shall be offered for sale if the owner of the parcel 1212  
has either discharged the lien by paying to the county treasurer 1213  
in cash the amount of delinquent taxes, assessments, penalties, 1214  
interest, and charges charged against the property, or has 1215  
entered into a valid delinquent tax contract pursuant to section 1216  
323.31 of the Revised Code to pay those amounts in 1217  
installments." 1218

(B) The form of the notice required to be attached to the 1219  
published delinquent vacant land tax list by division (B) (3) of 1220  
section 5721.03 of the Revised Code shall be in substance as 1221  
follows: 1222

"DELINQUENT VACANT LAND TAX NOTICE 1223

The delinquent vacant lands, returned delinquent by the 1224  
county treasurer of \_\_\_\_\_ county, with the taxes, 1225  
assessments, interest, and penalties charged against them 1226

according to law, and remaining delinquent for one year, are 1227  
contained and described in the following list: (here insert the 1228  
list with the names of the owners of the respective tracts of 1229  
land as designated on the delinquent vacant land tax list. If, 1230  
prior to seven days before the publication of the list, a 1231  
delinquent tax contract has been entered into under section 1232  
323.31 of the Revised Code, the owner's name may be stricken 1233  
from the list or designated by an asterisk shown in the margin 1234  
next to the owner's name.) 1235

Notice is hereby given that these delinquent vacant lands 1236  
will be certified for foreclosure or foreclosure and forfeiture 1237  
by the county auditor pursuant to law unless the whole of the 1238  
delinquent taxes, assessments, interest, and penalties are paid 1239  
within twenty-eight days after the final publication of this 1240  
notice. The names of persons who have entered into a written 1241  
delinquent tax contract with the county treasurer to discharge 1242  
the delinquency are designated by an asterisk or have been 1243  
stricken from the list." 1244

**Sec. 5721.32.** (A) The sale of tax certificates by public 1245  
auction may be conducted at any time after completion of the 1246  
advertising of the sale under section 5721.31 of the Revised 1247  
Code, on the date and at the time and place designated in the 1248  
advertisements, and may be continued from time to time as the 1249  
county treasurer directs. The county treasurer may offer the tax 1250  
certificates for sale in blocks of tax certificates, consisting 1251  
of any number of tax certificates as determined by the county 1252  
treasurer, and may specify a certificate period of not less than 1253  
three years and not more than six years. 1254

(B) (1) The sale of tax certificates under this section 1255  
shall be conducted at a public auction by the county treasurer 1256

or a designee of the county treasurer. 1257

(2) No person shall be permitted to bid without completing 1258  
a bidder registration form, in the form prescribed by the tax 1259  
commissioner, and without filing the form with the county 1260  
treasurer prior to the start of the auction, together with 1261  
remittance of a registration fee, in cash, of five hundred 1262  
dollars. The bidder registration form shall include a tax 1263  
identification number of the registrant. The registration fee is 1264  
refundable at the end of bidding on the day of the auction, 1265  
unless the registrant is the winning bidder for one or more tax 1266  
certificates or one or more blocks of tax certificates, in which 1267  
case the fee may be applied toward the deposit required by this 1268  
section. 1269

(3) The county treasurer may require a person who wishes 1270  
to bid on one or more parcels to submit a letter from a 1271  
financial institution stating that the bidder has sufficient 1272  
funds available to pay the purchase price of the parcels and a 1273  
written authorization for the treasurer to verify such 1274  
information with the financial institution. The county treasurer 1275  
may require submission of the letter and authorization 1276  
sufficiently in advance of the auction to allow for 1277  
verification. No person who fails to submit the required letter 1278  
and authorization, or whose financial institution fails to 1279  
provide the requested verification, shall be permitted to bid. 1280

(C) At the public auction, the county treasurer or the 1281  
treasurer's designee or agent shall begin the bidding at 1282  
eighteen per cent per year simple interest, and accept lower 1283  
bids in even increments of one-fourth of one per cent to the 1284  
rate of zero per cent. The county treasurer, designee, or agent 1285  
shall award the tax certificate to the person bidding the lowest 1286

certificate rate of interest. The county treasurer shall decide 1287  
which person is the winning bidder in the event of a tie for the 1288  
lowest bid offered, or if a person contests the lowest bid 1289  
offered. The county treasurer's decision is not appealable. 1290

(D) (1) The winning bidder shall pay the county treasurer a 1291  
cash deposit of at least ten per cent of the certificate 1292  
purchase price not later than the close of business on the day 1293  
of the sale. The winning bidder shall pay the balance and the 1294  
fee required under division (H) of this section not later than 1295  
five business days after the day on which the certificate is 1296  
sold. Except as provided under division (D) (2) of this section, 1297  
if the winning bidder fails to pay the balance and fee within 1298  
the prescribed time, the bidder forfeits the deposit, and the 1299  
county treasurer shall retain the tax certificate and may 1300  
attempt to sell it at any auction conducted at a later date. 1301

(2) At the request of a winning bidder, the county 1302  
treasurer may release the bidder from the bidder's tax 1303  
certificate purchase obligation. The county treasurer may retain 1304  
all or any portion of the deposit of a bidder granted a release. 1305  
After granting a release under this division, the county 1306  
treasurer may award the tax certificate to the person that 1307  
submitted the second lowest bid at the auction. 1308

(3) The county treasurer shall deposit the deposit 1309  
forfeited or retained under division (D) (1) or (2) of this 1310  
section in the county treasury to the credit of the tax 1311  
certificate administration fund. 1312

(E) Upon receipt of the full payment of the certificate 1313  
purchase price from the purchaser, the county treasurer shall 1314  
issue the tax certificate and record the tax certificate sale by 1315  
entering into a tax certificate register the certificate 1316

purchase price, the certificate rate of interest, the date the 1317  
certificate was sold, the certificate period, the name and 1318  
address of the certificate holder, and any other information the 1319  
county treasurer considers necessary. The county treasurer may 1320  
keep the tax certificate register in a hard-copy format or in an 1321  
electronic format. The name and address of the certificate 1322  
holder may be, upon receipt of instructions from the purchaser, 1323  
that of the secured party of the actual purchaser, or an agent 1324  
or custodian for the purchaser or secured party. The county 1325  
treasurer also shall transfer the tax certificate to the 1326  
certificate holder. The county treasurer shall apportion the 1327  
part of the proceeds from the sale representing taxes, 1328  
penalties, and interest among the several taxing districts in 1329  
the same proportion that the amount of taxes levied by each 1330  
district against the certificate parcel in the preceding tax 1331  
year bears to the taxes levied by all such districts against the 1332  
certificate parcel in the preceding tax year, and credit the 1333  
part of the proceeds representing assessments and other charges 1334  
to the items of assessments and charges in the order in which 1335  
those items became due. Upon issuing a tax certificate, the 1336  
delinquent taxes that make up the certificate purchase price are 1337  
transferred, and the ~~superior~~ lien of the state and its taxing 1338  
districts for those delinquent taxes is conveyed intact to the 1339  
certificate holder. 1340

(F) If a tax certificate is offered for sale under this 1341  
section but is not sold, the county treasurer may sell the 1342  
certificate in a negotiated sale authorized under section 1343  
5721.33 of the Revised Code, or may strike the corresponding 1344  
certificate parcel from the list of parcels selected for tax 1345  
certificate sales. The lien for taxes, assessments, charges, 1346  
penalties, and interest against a parcel stricken from the list 1347

thereafter may be foreclosed in the manner prescribed by section 1348  
323.25, sections 323.65 to 323.79, or section 5721.14 or 5721.18 1349  
of the Revised Code unless, prior to the institution of such 1350  
proceedings against the parcel, the county treasurer restores 1351  
the parcel to the list of parcels selected for tax certificate 1352  
sales. 1353

(G) A certificate holder shall not be liable for damages 1354  
arising from a violation of sections 3737.87 to ~~3737.891~~3737.89 1355  
or Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 1356  
6109., or 6111. of the Revised Code, or a rule adopted or order, 1357  
permit, license, variance, or plan approval issued under any of 1358  
those chapters, that is or was committed by another person in 1359  
connection with the parcel for which the tax certificate is 1360  
held. 1361

(H) When selling a tax certificate under this section, the 1362  
county treasurer shall charge a fee to the purchaser of the 1363  
certificate. The county treasurer shall set the fee at a 1364  
reasonable amount that covers the treasurer's costs of 1365  
administering the sale of the tax certificate. The county 1366  
treasurer shall deposit the fee in the county treasury to the 1367  
credit of the tax certificate administration fund. 1368

(I) After selling a tax certificate under this section, 1369  
the county treasurer shall send written notice to the owner of 1370  
the certificate parcel by certified mail or, if the treasurer 1371  
has record of an internet identifier of record associated with 1372  
the owner, by ordinary mail and by that internet identifier of 1373  
record. A mailed notice shall be sent to the owner's last known 1374  
tax-mailing address. The notice shall inform the owner that the 1375  
tax certificate was sold, shall describe the owner's options to 1376  
redeem the parcel, including entering into a redemption payment 1377



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 or transfer of any number of tax certificates with one or more persons, including a county land reutilization corporation. 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;

(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 years after the date the tax certificate was sold or transferred;

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

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

(B) The sale or transfer of tax certificates under this section shall be governed by the criteria established by the

county treasurer pursuant to division (E) of this section. 1407

(C) The county treasurer may execute a tax certificate 1408  
sale/purchase agreement and other necessary agreements with a 1409  
designated purchaser or purchasers to complete a negotiated sale 1410  
or transfer of tax certificates. 1411

(D) The tax certificate may be sold at a premium to or 1412  
discount from the certificate purchase price. The county 1413  
treasurer may establish as one of the terms of the negotiated 1414  
sale the portion of the certificate purchase price, plus any 1415  
applicable premium or less any applicable discount, that the 1416  
purchaser or purchasers shall pay in cash on the date the tax 1417  
certificates are sold and the portion, if any, of the 1418  
certificate purchase price, plus any applicable premium or less 1419  
any applicable discount, that the purchaser or purchasers shall 1420  
pay in noncash consideration and the nature of that 1421  
consideration. 1422

The county treasurer shall sell such tax certificates at a 1423  
certificate purchase price, plus any applicable premium and less 1424  
any applicable discount, and at a certificate rate of interest 1425  
that, in the treasurer's determination, are in the best 1426  
interests of the county. 1427

(E) (1) The county treasurer shall adopt rules governing 1428  
the eligibility of persons to purchase tax certificates or to 1429  
otherwise participate in a negotiated sale under this section. 1430  
The rules may provide for precertification of such persons, 1431  
including a requirement for disclosure of income, assets, and 1432  
any other financial information the county treasurer determines 1433  
appropriate. The rules also may prohibit any person that is 1434  
delinquent in the payment of any tax to the county or to the 1435  
state, or that is in default in or on any other obligation to 1436

the county or to the state, from purchasing a tax certificate or 1437  
otherwise participating in a negotiated sale of tax certificates 1438  
under this section. The rules may also authorize the purchase of 1439  
certificates by a county land reutilization corporation, and 1440  
authorize the county treasurer to receive notes in lieu of cash, 1441  
with such notes being payable to the treasurer upon the receipt 1442  
or enforcement of such taxes, assessments, charges, costs, 1443  
penalties, and interest, and as otherwise further agreed between 1444  
the corporation and the treasurer. The eligibility information 1445  
required shall include the tax identification number of the 1446  
purchaser and may include the tax identification number of the 1447  
participant. The county treasurer, upon request, shall provide a 1448  
copy of the rules adopted under this section. 1449

(2) Any person that intends to purchase a tax certificate 1450  
in a negotiated sale shall submit an affidavit to the county 1451  
treasurer that establishes compliance with the applicable 1452  
eligibility criteria and includes any other information required 1453  
by the treasurer. Any person that fails to submit such an 1454  
affidavit is ineligible to purchase a tax certificate. Any 1455  
person that knowingly submits a false or misleading affidavit 1456  
shall forfeit any tax certificate or certificates purchased by 1457  
the person at a sale for which the affidavit was submitted, 1458  
shall be liable for payment of the full certificate purchase 1459  
price, plus any applicable premium and less any applicable 1460  
discount, of the tax certificate or certificates, and shall be 1461  
disqualified from participating in any tax certificate sale 1462  
conducted in the county during the next five years. 1463

(3) A tax certificate shall not be sold to the owner of 1464  
the certificate parcel or to any corporation, partnership, or 1465  
association in which such owner has an interest. No person that 1466  
purchases a tax certificate in a negotiated sale shall assign or 1467

transfer the tax certificate to the owner of the certificate 1468  
parcel or to any corporation, partnership, or association in 1469  
which the owner has an interest. Any person that knowingly or 1470  
negligently transfers or assigns a tax certificate to the owner 1471  
of the certificate parcel or to any corporation, partnership, or 1472  
association in which such owner has an interest shall be liable 1473  
for payment of the full certificate purchase price, plus any 1474  
applicable premium and less any applicable discount, and shall 1475  
not be entitled to a refund of any amount paid. Such tax 1476  
certificate shall be deemed void and the tax lien sold under the 1477  
tax certificate shall revert to the county as if no sale of the 1478  
tax certificate had occurred. 1479

(F) The purchaser in a negotiated sale under this section 1480  
shall deliver the certificate purchase price or other 1481  
consideration, plus any applicable premium and less any 1482  
applicable discount and including any noncash consideration, to 1483  
the county treasurer not later than the close of business on the 1484  
date the tax certificates are delivered to the purchaser. The 1485  
certificate purchase price, less any applicable discount, or 1486  
portion of the price, that is paid in cash shall be deposited in 1487  
the county's general fund to the credit of the account to which 1488  
ad valorem real property taxes are credited and further credited 1489  
as provided in division (G) of this section. Any applicable 1490  
premium that is paid shall be, at the discretion of the county 1491  
treasurer, apportioned to and deposited in any authorized county 1492  
fund. The purchaser also shall pay on the date the tax 1493  
certificates are delivered to the purchaser the fee, if any, 1494  
negotiated under division (J) of this section. If the purchaser 1495  
fails to pay the certificate purchase price, plus any applicable 1496  
premium and less any applicable discount, and any such fee, 1497  
within the time periods required by this section, the county 1498

treasurer shall retain the tax certificate and may attempt to 1499  
sell it at any auction or negotiated sale conducted at a later 1500  
date. 1501

(G) Upon receipt of the full payment from the purchaser of 1502  
the certificate purchase price or other agreed-upon 1503  
consideration, plus any applicable premium and less any 1504  
applicable discount, and the negotiated fee, if any, the county 1505  
treasurer, or a qualified trustee whom the treasurer has engaged 1506  
for such purpose, shall issue the tax certificate and record the 1507  
tax certificate sale by entering into a tax certificate register 1508  
the certificate purchase price, any premium paid or discount 1509  
taken, the certificate rate of interest, the date the 1510  
certificates were sold, the name and address of the certificate 1511  
holder or, in the case of issuance of the tax certificates in a 1512  
book-entry system, the name and address of the nominee, and any 1513  
other information the county treasurer considers necessary. The 1514  
county treasurer may keep the tax certificate register in a 1515  
hard-copy format or an electronic format. The name and address 1516  
of the certificate holder or nominee may be, upon receipt of 1517  
instructions from the purchaser, that of the secured party of 1518  
the actual purchaser, or an agent or custodian for the purchaser 1519  
or secured party. The county treasurer also shall transfer the 1520  
tax certificates to the certificate holder. The county treasurer 1521  
shall apportion the part of the cash proceeds from the sale 1522  
representing taxes, penalties, and interest among the several 1523  
taxing districts in the same proportion that the amount of taxes 1524  
levied by each district against the certificate parcels in the 1525  
preceding tax year bears to the taxes levied by all such 1526  
districts against the certificate parcels in the preceding tax 1527  
year, and credit the part of the proceeds representing 1528  
assessments and other charges to the items of assessments and 1529

charges in the order in which those items became due. If the 1530  
cash proceeds from the sale are not sufficient to fully satisfy 1531  
the items of taxes, assessments, penalties, interest, and 1532  
charges on the certificate parcels against which tax 1533  
certificates were sold, the county treasurer shall credit the 1534  
cash proceeds to such items pro rata based upon the proportion 1535  
that each item of taxes, assessments, penalties, interest, and 1536  
charges bears to the aggregate of all such items, or by any 1537  
other method that the county treasurer, in the treasurer's sole 1538  
discretion, determines is equitable. Upon issuing the tax 1539  
certificates, the delinquent taxes that make up the certificate 1540  
purchase price are transferred, and the ~~superior~~ lien of the 1541  
state and its taxing districts for those delinquent taxes is 1542  
conveyed intact to the certificate holder or holders. 1543

(H) If a tax certificate is offered for sale under this 1544  
section but is not sold, the county treasurer may strike the 1545  
corresponding certificate parcel from the list of parcels 1546  
selected for tax certificate sales. The lien for taxes, 1547  
assessments, charges, penalties, and interest against a parcel 1548  
stricken from the list thereafter may be foreclosed in the 1549  
manner prescribed by section 323.25, 5721.14, or 5721.18 of the 1550  
Revised Code unless, prior to the institution of such 1551  
proceedings against the parcel, the county treasurer restores 1552  
the parcel to the list of parcels selected for tax certificate 1553  
sales. 1554

(I) Neither a certificate holder nor its secured party, if 1555  
any, shall be liable for damages arising from a violation of 1556  
sections 3737.87 to ~~3737.891~~ 3737.89 or Chapter 3704., 3734., 1557  
3745., 3746., 3750., 3751., 3752., 6109., or 6111. of the 1558  
Revised Code, or a rule adopted or order, permit, license, 1559  
variance, or plan approval issued under any of those chapters, 1560

that is or was committed by another person in connection with 1561  
the parcel for which the tax certificate is held. 1562

(J) When selling or transferring a tax certificate under 1563  
this section, the county treasurer may negotiate with the 1564  
purchaser of the certificate for fees paid by the purchaser to 1565  
the county treasurer to reimburse the treasurer for any part or 1566  
all of the treasurer's costs of preparing for and administering 1567  
the sale of the tax certificate and any fees set forth by the 1568  
county treasurer in the tax certificate sale/purchase agreement. 1569  
Such fees, if any, shall be added to the certificate purchase 1570  
price and shall be paid by the purchaser on the date of delivery 1571  
of the tax certificate. The county treasurer shall deposit the 1572  
fees in the county treasury to the credit of the tax certificate 1573  
administration fund. 1574

(K) After selling tax certificates under this section, the 1575  
county treasurer shall send written notice to the owner of the 1576  
certificate parcel by either certified mail or, if the treasurer 1577  
has record of an internet identifier of record associated with 1578  
the owner, by ordinary mail and by that internet identifier of 1579  
record. A mailed notice shall be sent to the owner's last known 1580  
tax-mailing address. The notice shall inform the owner that a 1581  
tax certificate with respect to such owner's parcel was sold or 1582  
transferred and shall describe the owner's options to redeem the 1583  
parcel, including entering into a redemption payment plan under 1584  
division (C) (2) of section 5721.38 of the Revised Code. However, 1585  
the county treasurer is not required to send a notice under this 1586  
division if the treasurer previously has attempted to send a 1587  
notice to the owner of the parcel at the owner's last known tax- 1588  
mailing address and the postal service has returned the notice 1589  
as undeliverable. 1590

**Sec. 5721.35.** (A) Upon the sale and delivery of a tax 1591  
certificate, ~~the tax certificate vests in the~~ certificate holder 1592  
holds the first lien previously held by the state and its taxing 1593  
districts under section 5721.10 of the Revised Code for the 1594  
amount of taxes, assessments, interest, and penalty charged 1595  
against a certificate parcel, ~~superior to all other liens and~~ 1596  
~~encumbrances upon the parcel described in the tax certificate,~~ 1597  
~~in the amount of the certificate redemption price, except liens~~ 1598  
~~for delinquent taxes that attached to the certificate parcel~~ 1599  
~~prior to the attachment of the lien being conveyed by the sale~~ 1600  
~~of such tax certificates~~subject to division (B) of this section. 1601

(B)(1) As used in this division, "eligible lienholder" 1602  
means a person that, before the sale of a tax certificate, holds 1603  
the lien on the certificate parcel that is immediately 1604  
subordinate to the first lien held by the state and its taxing 1605  
districts under section 5721.10 of the Revised Code. 1606

(2) If there is no eligible lienholder at the time of a 1607  
certificate sale, or if the tax certificate is acquired in a 1608  
manner other than through a sale under section 5721.32 or 1609  
5721.33 of the Revised Code, the first lien previously held by 1610  
the state and its taxing districts immediately vests in the 1611  
certificate holder. In all other instances, upon the conclusion 1612  
of the sale, the eligible lienholder has the first lien on the 1613  
certificate parcel, superior to the lien for taxes, assessments, 1614  
interest, and penalties held by the certificate holder and to 1615  
all other liens and encumbrances upon the parcel described in 1616  
the tax certificate, unless and until both of the following 1617  
occur: 1618

(a) Within ninety days after the sale, the certificate 1619  
holder sends notice of the certificate sale by certified mail to 1620



the eligible lienholder and offers that lienholder a right of 1621  
first refusal to purchase the tax certificate for the amount of 1622  
the certificate purchase price. The certificate holder shall 1623  
record the notice with the county recorder of the county in 1624  
which the certificate parcel is situated. 1625

(b) The eligible lienholder fails to exercise that right 1626  
of first refusal and purchase the tax certificate within ninety 1627  
days after receiving that notice. 1628

(3) If the eligible lienholder exercises the right of 1629  
first refusal described in division (B)(2) of this section, the 1630  
tax certificate shall be transferred to that lienholder in 1631  
accordance with section 5721.36 of the Revised Code. The 1632  
eligible lienholder shall present the endorsed certificate to 1633  
the county treasurer of the county where the certificate is 1634  
registered within ninety days after the transferor endorses the 1635  
certificate. Upon the completion of such transfer, the eligible 1636  
lienholder continues to hold the first lien on the certificate 1637  
parcel. 1638

If both of the conditions in divisions (B)(2)(a) and (b) 1639  
of this section are met, at the end of the ninety-day period 1640  
described in division (B)(2)(b) of this section, the certificate 1641  
holder has the first lien on the certificate parcel, superior to 1642  
the lien held by the eligible lienholder and to all other liens 1643  
and encumbrances upon the parcel described in the tax 1644  
certificate. 1645

(C) With respect to the priority as among ~~such~~ first liens 1646  
of the state and its taxing districts for different years, the 1647  
priority shall be determined by the date such first liens of the 1648  
state and its taxing districts attached pursuant to section 1649  
323.11 of the Revised Code, with first priority to the earliest 1650

attached lien and each immediately subsequent priority based 1651  
upon the next earliest attached lien. 1652

~~(B)(1)~~ (D)(1) A certificate holder or the county treasurer 1653  
may record the tax certificate or memorandum thereof in the 1654  
office of the county recorder of the county in which the 1655  
certificate parcel is situated, as a mortgage of land under 1656  
division ~~(A)(20)~~ (A)(19) of section 317.08 of the Revised Code. 1657  
The county recorder shall index the certificate in the indexes 1658  
provided for under section 317.18 of the Revised Code. If the 1659  
lien is subsequently canceled, the cancellation also shall be 1660  
recorded by the county recorder. 1661

(2) Notwithstanding Chapter 1309., Title LIII, or any 1662  
other provision of the Revised Code, a secured party holding a 1663  
security interest in a tax certificate or memorandum thereof may 1664  
perfect that security interest only by one of the following 1665  
methods: 1666

(a) Possession; 1667

(b) Registering the tax certificate with the county 1668  
treasurer in the name of the secured party, or its agent or 1669  
custodian, as certificate holder; 1670

(c) Recording the name of the secured party in the tax 1671  
certificate register in the office of the county treasurer of 1672  
the county in which the certificate parcel is situated. 1673

**Sec. 5721.37.** (A)(1) At any time after one year from the 1674  
date shown on the tax certificate as the date the tax 1675  
certificate was sold, and not later than the end of the 1676  
certificate period, a certificate holder, except for a county 1677  
land reutilization corporation, may file with the county 1678  
treasurer a request for foreclosure, or a private attorney on 1679

behalf of the certificate holder may file with the county 1680  
treasurer a notice of intent to foreclose, on a form prescribed 1681  
by the tax commissioner, provided the certificate parcel has not 1682  
been redeemed under division (A) or (C) of section 5721.38 of 1683  
the Revised Code and at least one certificate respecting the 1684  
certificate parcel, held by the certificate holder filing the 1685  
request for foreclosure or notice of intent to foreclose and 1686  
eligible to be enforced through a foreclosure proceeding, has 1687  
not been voided under section 5721.381 of the Revised Code. If 1688  
the certificate holder is a county land reutilization 1689  
corporation, the corporation may institute a foreclosure action 1690  
under the statutes pertaining to the foreclosure of mortgages or 1691  
as permitted under sections 323.65 to 323.79 of the Revised Code 1692  
at any time after it acquires the tax certificate. 1693

(2) If, before the expiration of the certificate period, 1694  
the owner of the property files a petition in bankruptcy, the 1695  
county treasurer, upon being notified of the filing of the 1696  
petition, shall notify the certificate holder by ordinary first- 1697  
class or certified mail or by binary means of the filing of the 1698  
petition. It is the obligation of the certificate holder to file 1699  
a proof of claim with the bankruptcy court to protect the 1700  
holder's interest in the certificate parcel. The last day on 1701  
which the certificate holder may file a request for foreclosure 1702  
or a notice of intent to foreclose is the later of the 1703  
expiration of the certificate period or one hundred eighty days 1704  
after the certificate parcel is no longer property of the 1705  
bankruptcy estate; however, the certificate period is tolled 1706  
while the property owner's bankruptcy case remains open. If the 1707  
certificate holder is a county land reutilization corporation, 1708  
the corporation may institute a foreclosure action under the 1709  
statutes pertaining to the foreclosure of mortgages or as 1710

permitted under sections 323.65 to 323.79 of the Revised Code at 1711  
any time after it acquires such tax certificate, subject to any 1712  
restrictions under such bankruptcy law or proceeding. 1713

Interest at the certificate rate of interest continues to 1714  
accrue during any extension of time required by division (A) (2) 1715  
of this section unless otherwise provided under Title 11 of the 1716  
United States Code. 1717

(3) If, before the expiration of three years from the date 1718  
a tax certificate was sold, the owner of property for which the 1719  
certificate was sold applies for an exemption under section 1720  
3735.67 or 5715.27 of the Revised Code or under any other 1721  
section of the Revised Code under the jurisdiction of the 1722  
director of environmental protection, the county treasurer shall 1723  
notify the certificate holder by ordinary first-class or 1724  
certified mail or by binary means of the filing of the 1725  
application. Once a determination has been made on the exemption 1726  
application, the county treasurer shall notify the certificate 1727  
holder of the determination by ordinary first-class or certified 1728  
mail or by binary means. Except with respect to a county land 1729  
reutilization corporation, the last day on which the certificate 1730  
holder may file a request for foreclosure shall be the later of 1731  
three years from the date the certificate was sold or forty-five 1732  
days after notice of the determination was provided. 1733

(B) When a request for foreclosure or a notice of intent 1734  
to foreclose is filed under this section, the certificate holder 1735  
shall submit a payment to the county treasurer equal to the sum 1736  
of the following: 1737

(1) The certificate redemption prices of all outstanding 1738  
tax certificates that have been sold on the parcel, other than 1739  
tax certificates held by the person requesting foreclosure; 1740

(2) Any taxes, assessments, penalties, interest, and charges appearing on the tax duplicate charged against the certificate parcel that is the subject of the foreclosure proceedings and that are not covered by a tax certificate, but such amounts are not payable if the certificate holder is a county land reutilization corporation;

(3) If the foreclosure proceedings are filed by the county prosecuting attorney pursuant to section 323.25, sections 323.65 to 323.79, or section 5721.14 or 5721.18 of the Revised Code, a fee in the amount prescribed by the county prosecuting attorney to cover the prosecuting attorney's legal costs incurred in the foreclosure proceeding.

(C) (1) With respect to a certificate purchased under section 5721.32, 5721.33, or 5721.42 of the Revised Code, if the certificate parcel has not been redeemed and at least one certificate respecting the certificate parcel, held by the certificate holder filing the request for foreclosure and eligible to be enforced through a foreclosure proceeding, has not been voided under section 5721.381 of the Revised Code, the county treasurer, within five days after receiving a foreclosure request and the payment required under division (B) of this section, shall certify notice to that effect to the county prosecuting attorney and shall provide a copy of the foreclosure request. The county treasurer also shall send notice by ordinary first class or certified mail to all certificate holders other than the certificate holder requesting foreclosure that foreclosure has been requested by a certificate holder and that payment for the tax certificates is forthcoming. Within ninety days of receiving the copy of the foreclosure request, the prosecuting attorney shall commence a foreclosure proceeding in the name of the county treasurer in the manner provided under

section 323.25, sections 323.65 to 323.79, or section 5721.14 or 1772  
5721.18 of the Revised Code, to enforce the lien vested in the 1773  
certificate holder by the certificate. The prosecuting attorney 1774  
shall attach to the complaint the foreclosure request and the 1775  
county treasurer's written certification. 1776

(2) With respect to a certificate purchased under section 1777  
5721.32, 5721.33, or 5721.42 of the Revised Code, if the 1778  
certificate parcel has not been redeemed, at least one 1779  
certificate respecting the certificate parcel, held by the 1780  
certificate holder filing the notice of intent to foreclose and 1781  
eligible to be enforced through a foreclosure proceeding, has 1782  
not been voided under section 5721.381 of the Revised Code, a 1783  
notice of intent to foreclose has been filed, and the payment 1784  
required under division (B) of this section has been made, the 1785  
county treasurer shall certify notice to that effect to the 1786  
private attorney. The county treasurer also shall send notice by 1787  
ordinary first class or certified mail or by binary means to all 1788  
certificate holders other than the certificate holder 1789  
represented by the attorney that a notice of intent to foreclose 1790  
has been filed and that payment for the tax certificates is 1791  
forthcoming. After receipt of the treasurer's certification and 1792  
not later than one hundred twenty days after the filing of the 1793  
intent to foreclose or the number of days specified under the 1794  
terms of a negotiated sale under section 5721.33 of the Revised 1795  
Code, the private attorney shall commence a foreclosure 1796  
proceeding in the name of the certificate holder in the manner 1797  
provided under division (F) of this section to enforce the lien 1798  
vested in the certificate holder by the certificate. The private 1799  
attorney shall attach to the complaint the notice of intent to 1800  
foreclose and the county treasurer's written certification. 1801

(D) The county treasurer shall credit the amount received 1802

under division (B) (1) of this section to the tax certificate 1803  
redemption fund. The tax certificates respecting the payment 1804  
shall be paid as provided in division (D) of section 5721.38 of 1805  
the Revised Code. The amount received under division (B) (2) of 1806  
this section shall be distributed to the taxing districts to 1807  
which the delinquent and unpaid amounts are owed. The county 1808  
treasurer shall deposit the fee received under division (B) (3) 1809  
of this section in the county treasury to the credit of the 1810  
delinquent tax and assessment collection fund. 1811

(E) (1) Except with respect to a county land reutilization 1812  
corporation, if the certificate holder does not file with the 1813  
county treasurer a request for foreclosure or a notice of intent 1814  
to foreclose with respect to a certificate parcel with the 1815  
required payment within the certificate period or any extension 1816  
of that period pursuant to division (C) (2) of section 5721.38 of 1817  
the Revised Code, or within the period provided under division 1818  
(A) (2) of this section, and during that time the certificate has 1819  
not been voided under section 5721.381 of the Revised Code and 1820  
the certificate parcel has not been redeemed or foreclosed upon, 1821  
the certificate holder's lien against the parcel is canceled and 1822  
the certificate is voided, subject to division (E) (2) of this 1823  
section. 1824

(2) In the case of any tax certificate purchased under 1825  
section 5721.32 of the Revised Code or under section 5721.42 of 1826  
the Revised Code by the holder of a certificate issued under 1827  
section 5721.32 of the Revised Code prior to June 24, 2008, the 1828  
county treasurer, upon application by the certificate holder, 1829  
may sell to the certificate holder a new certificate extending 1830  
the three-year period prescribed by division (E) (1) of this 1831  
section, as that division existed prior to that date, to six 1832  
years after the date shown on the original certificate as the 1833

date it was sold or any extension of that date. 1834

The county treasurer and the certificate holder shall 1835  
negotiate the premium, in cash, to be paid for a new certificate 1836  
sold under division (E) (2) of this section. If the county 1837  
treasurer and certificate holder do not negotiate a mutually 1838  
acceptable premium, the county treasurer and certificate holder 1839  
may agree to engage a person experienced in the valuation of 1840  
financial assets to appraise a fair premium for the new 1841  
certificate. The certificate holder has the option to purchase 1842  
the new certificate for the fair premium so appraised. Not less 1843  
than one-half of the fee of the person so engaged shall be paid 1844  
by the certificate holder requesting the new certificate; the 1845  
remainder of the fee shall be paid from the proceeds of the sale 1846  
of the new certificate. If the certificate holder does not 1847  
purchase the new certificate for the premium so appraised, the 1848  
certificate holder shall pay the entire fee. The county 1849  
treasurer shall credit the remaining proceeds from the sale to 1850  
the items of taxes, assessments, penalties, interest, and 1851  
charges in the order in which they became due. 1852

A certificate issued under division (E) (2) of this section 1853  
vests in the certificate holder and its secured party, if any, 1854  
the same rights, interests, privileges, and immunities as are 1855  
vested by the original certificate under sections 5721.30 to 1856  
5721.43 of the Revised Code. The certificate shall be issued in 1857  
the same form as the form prescribed for the original 1858  
certificate issued except for any modifications necessary, in 1859  
the county treasurer's discretion, to reflect the extension 1860  
under this division of the certificate holder's lien to six 1861  
years after the date shown on the original certificate as the 1862  
date it was sold or any extension of that date. The certificate 1863  
holder may record a certificate issued under division (E) (2) of 1864



this section or memorandum thereof as provided in division ~~(B)~~ 1865  
(D) of section 5721.35 of the Revised Code, and the county 1866  
recorder shall index the certificate and record any subsequent 1867  
cancellation of the lien as provided in that section. The sale 1868  
of a certificate extending the lien under division (E) (2) of 1869  
this section does not impair the right of redemption of the 1870  
owner of record of the certificate parcel or of any other person 1871  
entitled to redeem the property. 1872

(3) If the holder of a certificate purchased under section 1873  
5721.32, 5721.33, or 5721.42 of the Revised Code submits a 1874  
notice of intent to foreclose to the county treasurer but fails 1875  
to file a foreclosure action in a court of competent 1876  
jurisdiction within the time specified in division (C) (2) of 1877  
this section, the liens represented by all tax certificates 1878  
respecting the certificate parcel held by that certificate 1879  
holder, and for which the deadline for filing a notice of intent 1880  
to foreclose has passed, are canceled and the certificates 1881  
voided, and the certificate holder forfeits the payment of the 1882  
amounts described in division (B) (2) of this section. 1883

(F) With respect to tax certificates purchased under 1884  
section 5721.32, 5721.33, or 5721.42 of the Revised Code, upon 1885  
the delivery to the private attorney by the county treasurer of 1886  
the certification provided for under division (C) (2) of this 1887  
section, the private attorney shall institute a foreclosure 1888  
proceeding under this division in the name of the certificate 1889  
holder to enforce the holder's lien, in any court or board of 1890  
revision with jurisdiction, unless the certificate redemption 1891  
price is paid prior to the time a complaint is filed. The 1892  
attorney shall prosecute the proceeding to final judgment and 1893  
satisfaction, whether through sale of the property or the 1894  
vesting of title and possession in the certificate holder or 1895

other disposition under sections 323.65 to 323.79 of the Revised Code or as may otherwise be provided by law. 1896  
1897

The foreclosure proceedings under this division, except as otherwise provided in this division, shall be instituted and prosecuted in the same manner as is provided by law for the foreclosure of mortgages on land, except that, if service by publication is necessary, such publication shall be made once a week for three consecutive weeks and the service shall be complete at the expiration of three weeks after the date of the first publication. 1898  
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Any notice given under this division shall include the name of the owner of the parcel as last set forth in the records of the county recorder, the owner's last known mailing address, the address of the subject parcel if different from that of the owner, and a complete legal description of the subject parcel. In any county that has adopted a permanent parcel number system, such notice may include the permanent parcel number in addition to a complete legal description. 1906  
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It is sufficient, having been made a proper party to the foreclosure proceeding, for the certificate holder to allege in such holder's complaint that the tax certificate has been duly purchased by the certificate holder, that the certificate redemption price is due and unpaid, that there is a lien against the property described in the tax certificate, and, if applicable, that the certificate holder desires to invoke the alternative redemption period prescribed in sections 323.65 to 323.79 of the Revised Code, without setting forth in such holder's complaint any other special matter relating to the foreclosure proceeding. The complaint shall pray for an order directing the sheriff, or the bailiff if the complaint is filed 1914  
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in municipal court, to offer the property for sale in the manner 1926  
provided in section 5721.19 of the Revised Code or otherwise 1927  
transferred according to any applicable procedures provided in 1928  
sections 323.65 to 323.79 of the Revised Code, unless the 1929  
complaint documents that the county auditor has determined that 1930  
the true value of the certificate parcel is less than the 1931  
certificate purchase price. In that case, the prayer of the 1932  
complaint shall request that fee simple title to the property be 1933  
transferred to and vested in the certificate holder free and 1934  
clear of all subordinate liens. 1935

In the foreclosure proceeding, the certificate holder may 1936  
join in one action any number of tax certificates relating to 1937  
the same owner. However, the decree for each tax certificate 1938  
shall be rendered separately and any proceeding may be severed, 1939  
in the discretion of the court or board of revision, for the 1940  
purpose of trial or appeal. Except as may otherwise be provided 1941  
in sections 323.65 to 323.79 of the Revised Code, upon 1942  
confirmation of sale, the court or board of revision shall order 1943  
payment of all costs related directly or indirectly to the tax 1944  
certificate, including, without limitation, attorney's fees of 1945  
the holder's attorney in accordance with section 5721.371 of the 1946  
Revised Code. The tax certificate purchased by the certificate 1947  
holder is presumptive evidence in all courts and boards of 1948  
revision and in all proceedings, including, without limitation, 1949  
at the trial of the foreclosure action, of the amount and 1950  
validity of the taxes, assessments, charges, penalties by the 1951  
court and added to such principal amount, and interest appearing 1952  
due and unpaid and of their nonpayment. 1953

(G) If a parcel is sold under this section, the officer 1954  
who conducted the sale shall collect the recording fee from the 1955  
purchaser at the time of the sale and, following confirmation of 1956

the sale, shall prepare and record the deed conveying the title 1957  
to the parcel to the purchaser. 1958

(H) In any foreclosure proceeding instituted pursuant to 1959  
this section, the holder of a tax certificate shall be found to 1960  
hold the first lien against the certificate parcel only if, with 1961  
the request for foreclosure or notice of intent to foreclose, 1962  
the certificate holder verifies either that (1) the conditions 1963  
described in divisions (B) (2) (a) and (b) of section 5721.35 of 1964  
the Revised Code have been met or (2) the certificate holder was 1965  
not required to meet those conditions in order to obtain the 1966  
first lien against the parcel. 1967

**Section 2.** That existing sections 155.34, 1311.04, 1968  
1311.71, 1311.72, 1311.73, 1311.75, 1311.76, 1311.77, 4561.01, 1969  
5301.25, 5322.03, 5322.06, 5721.06, 5721.32, 5721.33, 5721.35, 1970  
and 5721.37 of the Revised Code are hereby repealed. 1971

**Section 3.** The amendment by this act of sections 5301.25, 1972  
5721.06, 5721.32, 5721.33, 5721.35, and 5721.37 of the Revised 1973  
Code applies to tax certificates sold on or after the effective 1974  
date of this section. 1975