

RULE 12. FORECLOSURE, PARTITION AND QUIET TITLE ACTIONS.

A. Preliminary and final judicial reports.

1. Residential property. Parties seeking to foreclose, partition, or quiet title to residential property of four or fewer units must file preliminary and final judicial reports. The amount of the treasurer's lien shall be shown on the judicial reports.

2. Commercial property. Parties seeking to foreclose, partition, or quiet title residential real estate consisting of more than four single-family units or commercial real estate, must file either preliminary and final judicial reports or a commitment for an owner's fee policy of title.

3. Necessary parties. If the title report or other information shows necessary parties, other than the county treasurer, have not been joined, the complaining party shall join them.

4. Sanctions. Failure to timely file the required title reports or owner's fee policy of title may result in dismissal of the action without notice. *See R.C. 2329.191.*

B. Naming the Geauga County Treasurer. The Treasurer need not be made a party unless the tax lien is challenged or the Treasurer is otherwise a necessary party. In all cases, taxes and the Treasurer's lien shall be satisfied as required by law.

C. Mediation may be required. *See G.C.R. 31.*

D. Service by publication. Service by publication shall conform to law. *See R.C. 2703.141; compare Civ. R. 4.4.*

RULE 13. JUDICIAL SALES.

A. Methods of sale.

1. Goods and chattels. All public auctions of goods or chattels shall be personally conducted by either an officer of the court or an Ohio resident licensed as an auctioneer. The court may permit a private cash sale. *See R.C. 2329.15 and .151.*

2. Real estate. The sale of lands shall be conducted by either the Sheriff or, pursuant to court order, a private selling officer. A "private selling officer" is an Ohio resident licensed as both as: (1) an auctioneer; and (2) as either a real estate broker or real estate salesperson. *See R.C. 2329.01(B)(2); 2329.151 and 152.*

3. Real estate website. When operational, the statewide official public sheriff sale website and integrated action management system may be used by the county sheriff. After five years of operation, the county sheriff must use this system for all residential property sales. *See R.C. 2329.153 and .154; see also 2329.26 and .27 as an auctioneer.* The court may permit a private cash sale. *See R.C. 2329.15 and .151*

B. Deposits, taxes, and payments.

1. Sale deposits. A judgment creditor purchasing residential property is not required to make a sale deposit. All other purchasers must make cash deposits:

(a) If the appraised value is ten thousand dollars or less, the deposit is two thousand dollars.

(b) If the appraised value is more than ten thousand dollars and less than two hundred thousand dollars, the deposit is five thousand dollars.

(c) If the appraised value is more than two hundred thousand dollars, the deposit is ten thousand dollars. *See* R.C. 2329.211.

2. Deductions from proceeds. To the extent of sale proceeds, past due taxes, assessments, penalties, and interest are deducted. A purchasing plaintiff must approve any deduction for the current year's taxes, assessments, penalties, and interest. For all other purchasers, to the extent of sale proceeds, the current year's taxes, assessments, penalties, and interest will be deducted from the proceeds. Amounts not paid from proceeds remain a lien and must be paid. *See* R.C. 323.47(B).

3. Time to pay. All purchasers must pay the balance due within thirty (30) days of the confirmation of the sale. *See* R.C. 2329.31(B); *see also* R.C. 2329.30.

C. Unsold property and expedited foreclosure actions.

1. When property remains unsold, with no sale underway, the county prosecuting attorney may move for sale at public auction with no set minimum bid twelve months after foreclosure was decreed. The judgment creditor may redeem within fourteen days after sale. *See* R.C. 2329.071.
2. Expedited foreclosure of judicially declared vacant and abandoned residential property is available. *See* R.C. Chapter 2308; *see also* R.C. 323.73.

D. Criminal mischief. After service of a summons and complaint, the owner of residential property in a pending foreclosure is prohibited from knowingly and purposely diminishing its value. *See* R.C. 2308.04.