

## ASHTABULA COUNTY SHERIFF'S OFFICE

### FORECLOSURE PROCEDURES HOUSE BILL 390

Due to the requirements of House Bill 390 (effective September 28, 2016), the following policies and procedures are in place for Foreclosure Sales. These guidelines may be changed or modified as necessary to expedite the weekly sales.

**2329.211** In every action of Judicial Sale or Execution of residential property if the Judgement Creditor is the purchase they **shall not** be required to make a deposit on the sale.

#### **All other purchasers shall make sale deposits as follows:**

If the appraised value of the property is less than or equal to \$10,000, the deposit is \$2,000

If the appraised value of the property is greater than \$10,000 but less than or equal to \$200,000, the deposit shall be \$5,000

If the appraised value of the property is greater than \$200,000, the deposit shall be \$10,000

#### **REMOTE BID:**

#### **2329.152(B)(2)and(3)**

The law authorizes the creation of an official public Sheriff's sale website to be implemented within 5 years. Until then, Sheriff's sales may be conducted at a physical location. If the sale is at a physical location, each Plaintiff, Judgement Creditor or Lienholder in the action may submit a remote bid in writing to the Sheriff via fax, email or overnight delivery or courier. The fixed maximum amount bid must be delivered to the Sheriff prior to 4:30 p.m. the business day before the sale. The Sheriff shall confirm receipt via email or fax to the Plaintiff, Judgement Creditor or Lienholder who entered the bid.

The Sheriff shall provide notice of the results not later than the close of the business day on the date of the sale to all who submitted remote bids via email, fax or posting on the Sheriff's website.

If the **remote bid** is not made on the Plaintiff, Judgement Creditor or Lienholder's behalf, they can file a motion to vacate the sale within 10 days after the sale date.

**\*\*REMOTE BIDDERS must include their Purchaser Information Form with their bid, whether it is via email, fax or overnight delivery or courier.\*\***

**THIRD PARTY PURCHASERS MUST COMPLETE THE REQUIRED PURCHASER INFORMATION FORM IMMEDIATELY FOLLOWING THE COMPLETION OF THE SHERIFF SALE. THE REQUIRED DEPOSIT MUST BE PAID, IN THE FORM OF A CASHIER'S CHECK, BY 3 P.M. THE DAY OF THE SALE.**

**THE UNPAID BALANCE OF THE PURCHASE PRICE IS DUE AND PAYABLE TO THE SHERIFF NO LATER THAN 30 DAYS FROM THE DATE OF SALE. THIS IS ALSO SUBJECT TO THE FILING OF THE CONFIRMATION OF SALE.**

**PURCHASER INFORMATION AT TIME OF SALE**

**2329.271**

The purchaser shall submit to the selling officer:

**If purchaser in an individual** the information shall include:

Name

Mailing Address (**which shall not be a post office box**)

Telephone number

Email address

**If purchaser is a legal entity** the information shall include:

The entity's legal name

Trade name (**if different**)

State and date of formation

Active status with the office of the Secretary of State

Mailing address

Telephone number

Name of an individual contact person for the entity

Contact person's title

Mailing address (**which shall not be a post office box**)

Email address

Telephone number

**An attorney or law firm that represents a purchaser** may submit the information required for the individual (since they represent either an individual or entity). If purchaser is buying residential rental property and it is purchased by a trust, business trust, estate, partnership, limited partnership, Limited Liability Company, association, corporation or any other business entity:

Name

Address

Telephone number (**purchaser must be readily accessible through the contact person, and located in the State of Ohio**)

A statement indicating whether the purchaser will occupy the lands and tenements. All purchaser information will be submitted to the Clerk of Courts and also be maintained by the Sheriff's Office record of proceedings. **The information is public record except (in 2329.271 (B) (2) for email address and telephone number which are confidential.**

**WHEN FILING A PRAECIPE ORDER OF SALE, PLAINTIFFS MUST STILL PROVIDE A COPY OF THE PROPERTY'S LEGAL DESCRIPTION SUMMARY.**