

IN THE BOARD OF REVISION/COURT OF COMMON PLEAS

_____ **COUNTY, OHIO**

_____, as Treasurer of **CASE NO.** _____

_____ County, Ohio,

Plaintiff,

P. P. No. _____

-vs-

_____, et al.,

ADJUDICATION OF FORECLOSURE
(Sheriff Sale)

This matter was heard on _____, 20__ by the _____ County Board of Revision ("BOR")/Court of Common Pleas ("CCP") upon the Complaint of Plaintiff pursuant to R.C. 323.25, 323.65 through 323.79 and/or 5721.18, for unpaid delinquent taxes, assessments, penalties, interest and/or costs ("Impositions") against abandoned and/or vacant land which is the subject of this case, and the evidence. The BOR/CCP finds that all necessary parties to this action having an interest in permanent parcel no. _____ which is further described in Exhibit A attached hereto and incorporated herein, have been duly served with summons according to law and are properly before the BOR/CCP. The BOR/CCP further finds that the parcel which is the subject of this proceeding constitutes abandoned land and/or vacant land as defined in R.C. 323.65.

The BOR/CCP further finds that there is due on the aforesaid parcel:

1. All Impositions which are due and unpaid, as of the date the County Auditor compiles a delinquent lands tax list or delinquent vacant lands tax list, pursuant to 5721.011;
2. All Impositions payable subsequent to the date the County Auditor compiles a delinquent lands tax list or delinquent vacant lands tax list, and prior to the entry of the Confirmation of Sale or conveyance; and
3. All costs incurred in this proceeding, including the cost of the Preliminary and Final Judicial Reports and, all the fees and costs of the Sheriff and Clerk all of which the BOR/CCP finds are necessary costs in this proceeding.

All of such amounts will be ascertained at the time of the sale, and the total thereof shall constitute both the total amount of the BOR/CCP Findings and the "Minimum Bid" for said parcel as provided by law.

The BOR/CCP finds that for all such Impositions the Plaintiff has a good and valid first lien on said parcel. The BOR/CCP further finds that the proceedings have complied with R.C. 323.65-323.79. The BOR/CCP further finds that a county, school district, land reutilization corporation, township, municipality or community development group ___ has/ ___ has not provided the BOR/CCP with a statement or other indicia of interest, (or authority in the case of a community development group) in acquiring the parcel in the event no bidder comes forth at the Sheriff's sale of the within parcel; and further if no such statement or indicia has been provided to BOR/CCP, then the parcel shall be sold at Sheriff's sale according to law; but if no bidder is forthcoming at the first sale, and such statement of indicia has been provided to the BOR, then the parcel shall be directly transferred to such county, school district, land reutilization corporation, township, municipality or community development organization as may be prescribed in any order of sale of this BOR/CCP.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the within action may proceed according to R.C. 323.65-323.79.

It is further ORDERED, ADJUDGED AND DECREED pursuant to R.C. 323.76, that unless:

(a) prior to the filing of the Confirmation of Sale or transfer with the Clerk of Court, there is tendered to the County Treasurer an amount sufficient to pay the full amount of all taxes, assessments, penalties, interest and other charges, if any, found to be due and unpaid on said parcel, together with all costs incurred in this proceeding;

or

(b) prior to the time said parcel is first offered for sale, any person entitled to redeem said parcel does in fact so redeem said parcel with the County Treasurer according to law for the payment of the taxes assessments, penalties, interest and other charges, if any, found herein to be due and unpaid on said parcel, together with all costs incurred in this proceeding;

there shall be no further equity of redemption; that said lien and said equity of redemption in and to said parcel shall be foreclosed; that an Order of Sale or transfer shall be issued to the Sheriff directing him, without appraisal, to advertise according to R.C. 323.73(A) and separately sell said parcel at public sale in the manner provided in such Order of Sale by law for the sale of real property on execution and according to R.C. Sections 323.73, 5721.19, and/or 5722.03 and any applicable Rules of the BOR/CCP, for not less than "MINIMUM BID" as prescribed in R.C. 323.73 (B) and, that the Sheriff make due return to this BOR for further proceedings under law; or, alternatively in the event of no bidder after

exposing the parcel to public sale there be no bidder, then the parcel shall be sold to a municipality, township, county land reutilization corporation, county, school district or community development group as ordered in the Order of Sale or Transfer;

It is further ORDERED that such taxes and special assessments, or installments of special assessments, and any other assessments, which are not yet legally due and payable according to law up to the time of the Confirmation of Sale or transfer, shall, unless otherwise provided by law, not be abated or removed from the tax duplicates and records in the Offices of the Auditor and Treasurer of _____ County, Ohio, but shall be and remain a first and best lien on said parcel, and that the purchaser shall take said parcel subject to all such taxes and assessments.

It is further ORDERED that the BOR/CCP shall reject the sale of abandoned land/vacant land to any person who is delinquent in the payment of property taxes on any parcel in the County, or to a member of any of the following classes of parties connected to that person:

1. A member of that person's immediate family;
2. Any other person with a power of attorney appointed by that person;
3. A sole proprietorship owned by that person or member of that person's immediate family;
4. A partnership, trust, business trust, corporation, or other entity in which that person or a member of that person's immediate family owns or controls directly or indirectly any beneficial or legal interest.

It is further ORDERED that upon the confirmation of sale or transfer, the proceeds thereof shall be applied by the Sheriff as follows:

1. The costs incurred in this proceeding as fixed in the "Minimum Bid";
2. The part of the proceeds that is equal to TWENTY percent (20%) of all certified delinquent taxes and assessments on said parcel shall be deposited in the delinquent real estate tax and collection fund created pursuant to R.C. 321.261, together with:
3. The taxes, assessments, penalties, interest and other charges, if any, due and unpaid on said parcel to the date of the confirmation of sale, as fixed in the "Minimum Bid"; and,
4. The balance, if any, to the Clerk of Courts, pending the further order of the Court.
 - a. It is further ORDERED that unless said parcel is previously redeemed upon the filing of the BOR/CCP order confirming the sale or transfer, the title to said parcel shall be incontestable in the purchaser, free and clear of all liens and encumbrances, except such easements and covenants of record running with the land as were created prior to the time the taxes or assessments, for

the nonpayment of which said parcel is sold at foreclosure, became due and payable, and except for Federal Tax Liens.

It is further ORDERED that, except as otherwise hereinabove provided, any defendant parties owning or claiming any right, title or interest in (including dower rights), or lien upon said parcel shall be and they are hereby forever barred from asserting any right, title or interest in said parcel.

IT IS SO ORDERED.

) IT IS SO ORDERED.

BOARD OF REVISION
Date: _____

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) **JUDGE, COUNTY OF** _____

BOARD OF REVISION
Date: _____

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BOARD OF REVISION
Date: _____

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