

**IN THE COMMON PLEASE COURT  
OF \_\_\_\_\_ COUNTY, OHIO**

_____	)	CASE NO.
as Treasurer of	)	
Cuyahoga County, Ohio	)	
	)	JUDGE
Plaintiff	)	
Vs.	)	Permanent Parcel No.
	)	
(Defendant)	)	<u>MAGISTRATE'S DECISION</u>
	)	("Nonproductive Lands")
	)	(Disposition)
Defendant	)	

This cause came on to be heard before the Magistrate on the Complaint of the Plaintiff, \_\_\_\_\_, Treasurer of \_\_\_\_\_ County, Ohio, and the evidence.

The Magistrate further finds that the municipality in which the parcel is located is \_\_\_\_\_, and that such municipality has declared the parcel to be unproductive as prescribed in R.C. 5722.01 et seq. The Magistrate finds and hereby approves that all necessary parties to this action have been duly served with summons, have entered their appearance herein or have been served by publication, according to law, and are properly before the Court; and, that such Defendants who having failed to answer to the Complaint have by reason thereof, confessed the allegations therein contained to be true. The municipality of \_\_\_\_\_, Ohio, has adopted by Ordinance a "Land Reutilization Program" under authority of Chapter 5722 of the Ohio Revised Code, delivered certified copies of such ordinance to the proper parties as required by law, and, implemented procedures to facilitate the effective reutilization of "Nonproductive Land" within its boundaries; that the Prosecuting Attorney did inform said municipality of the parcel

described in Exhibit "A" attached hereto and hereby incorporated herein, the subject parcel of the foreclosure in the within case, and being known as Permanent Parcel No. \_\_\_\_\_, which is within the said municipality, with respect to which the foreclosure proceedings herein were commenced, so advising the said municipality of the pendency of these foreclosure proceedings; and, that the said municipality or its authorized agent under R.C. 715.26 and R.C. 715.261 has notified the Prosecuting Attorney that said parcel is "Nonproductive Land", as defined by Section 5722.01 of the Ohio Revised Code.

The Magistrate further finds that the proceedings in the within case have complied with those proceedings set forth in Chapters 323, 5721 and 5722 of the Ohio Revised Code.

The Magistrate further finds that the Complaint has invoked the alternative right of redemption provisions of R.C. 323.65 and 323.78. The Magistrate further finds that there is due on said parcel:

1. All taxes, assessments, penalties, interest and other charges, if any which are due and unpaid, as of the date of the delivery of the Delinquent Land Tax Certificate to the Prosecuting Attorney by the County Auditor, which date is reflected on the Delinquent Land Tax Certificate for said parcel;
2. All taxes, assessments, penalties, interest and other charges, if any, payable subsequent to the date of the delivery of the Delinquent Land Tax Certificate to the Prosecuting Attorney by the County Auditor and prior to the entry of the Confirmation of Sale or the expiration of the alternative right of redemption period prescribed in R.C. 323.65 and 323.78; and,
3. All Court costs incurred in this proceeding, including the cost of the Judicial Reports filed in the within proceeding which is in the sum of \$\_\_\_\_\_, and, all the fees and costs of the Sheriff, all of which costs the Court finds are necessary costs in this proceeding.

All of such amounts will be ascertained at the time of the sale or as of the expiration of the alternative right of redemption as may be applicable in this order, and the total of all of such amounts constitute the total amount of the Findings of the Magistrate and also constitute the "Minimum Bid" for said parcel as defined by the Statutes of Ohio in the event this order requires the exposure of the parcel to sale.

The Magistrate further finds that for all such taxes, assessments, penalties, interest and other charges, if any, the Plaintiff has a good and valid first lien on said parcel as described in Exhibit "A" hereto.

In addition to the amounts above, the order of distribution appearing below includes those amounts required by R.C. 323.47(B).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the within action shall proceed according to Chapters 323, 5721 and 5722 of the Ohio Revised Code.

It is further ORDERED that unless:

(a) prior to the filing of an entry confirming the sale, or the expiration of the alternative right of redemption, 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 expiration of the alternative right of redemption, as may be applicable, or prior to the time said parcel is first offered for sale, any person entitled to redeem said parcel enters into a written undertaking 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; and that either 1) an Order of Sale, shall be issued

to the Sheriff directing him, without appraisal, to advertise according to Section 5721.191 of the Ohio Revised Code and separately sell said parcel at public sale in the manner provided by law for the sale of real property on execution and according to Sections 5721.19 and 5722.03 of the Ohio Revised Code and the applicable Rules of the Cuyahoga County Common Pleas Court, for not less than the total amount of the findings herein which shall constitute the "MINIMUM BID"; and that the Sheriff make due return to this Court, for further proceedings under law; or 2) in the event this order applies the alternative right of redemption procedure in R.C. 323.65 and 323.78, or otherwise is eligible for a direct transfer as prescribed in R.C. 323.73(G) the Sheriff hereby is directed to execute a deed directly to that electing subdivision which has made request to acquire said parcel, on the deed form attached hereto and made a part hereof as Exhibit "B".

It is further ORDERED that in the event said parcel described herein has not been sold at the first sale, is not subject to the alternative right of redemption and then the said municipality shall be deemed to have submitted a "Minimum Bid", and that said parcel shall be sold to the said municipality and shall be reported to the Court for confirmation of sale as to the purchase of nonproductive lands by electing municipal corporations under the "Land Reutilization Program" If the alternative right of redemption applies to the subject parcel, it is hereby ordered that upon the expiration of the alternative right of redemption period, such right of redemption shall forever terminate without further order of the Court.

It is further ORDERED that upon the expiration of the alternative right of redemption or confirmation of sale, if said parcel is not sold to the said municipality, 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 five percent (5%) 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 Section 321.261 of the Ohio Revised Code, together with:

3. All taxes, assessments, penalties, and interest, the lien for which attached for a prior tax year but have not been paid on or before the date of confirmation, and taxes and assessments the lien for which attaches before the confirmation of sale but that are not yet determined, assessed, and levied for the year in which confirmation occurs, apportioned pro rata to the part of that year that precedes confirmation and any penalties and interest on those taxes and assessments.

4. The balance, if any, to the Clerk of Courts, pending the further order of the Court.

It is further ORDERED that should said parcel be sold to the said electing subdivision, the said electing subdivision shall pay all costs incurred in these proceedings.

It is further ORDERED that upon the expiration of the alternative right of redemption, the sale of said parcel and the confirmation of sale thereof, the Sheriff of Cuyahoga County, Ohio, shall issue a Deed in accordance with law.

It is further ORDERED that such taxes and special assessments, or installments of special assessments, and any other assessments, which are not legally due and payable according to law at the time of the Confirmation of Sale, or prior to the expiration of the alternative right of redemption shall 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, except that the said electing subdivision heretofore mentioned is exempt here from.

It is further ORDERED that unless said parcel is previously redeemed pursuant to Sections 323.65, 323.78 or 5721.25 of the Ohio Revised Code, upon the filing of the entry of confirmation of sale, or in the case of the expiration of the alternative right of redemption, the title to said parcel shall be incontestable in the transferee, and shall be 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.

It is further ORDERED that, except as otherwise hereinabove provided, any defendant parties owning or claiming any right, title or interest in, or lien upon said parcel together with such who may have right of dower, shall be and they are hereby forever barred from asserting any right, title or interest in said parcel.

It is further ORDERED that the alternative right of redemption as prescribed in R.C. 323.65 and 323.78 hereby \_\_\_applies/\_\_\_\_\_ does not apply to this parcel, and therefore if applicable by this order, at the expiration of such period, the Sheriff is ordered to execute and deliver to the electing subdivision a Sheriff's deed, without sale, appraisal or advertisement upon payment of the costs set forth hereinabove.

Record is hereby Ordered. A party shall not assign as error on appeal the Court's adoption of any finding of fact or conclusion of law unless the party timely and specifically objects to that finding or conclusions as required by Civ.R. 53(D)(3)(b).

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MAGISTRATE