

**IN THE BOARD OF REVISION/COURT OF COMMON PLEAS
_____ COUNTY, OHIO**

_____, as Treasurer of
_____ County, Ohio,

CASE NO. BR/CCP _____

Plaintiff,

P. P. No. _____

-vs-

_____, et al.,

ADJUDICATION OF FORECLOSURE
(Direct Transfer)

This matter was heard on _____, 20__ by the _____ County Board of Revision (“BOR”)/Court of Common Pleas (“CCP”) upon the Complaint of Plaintiff 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. 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 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; 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.

The BOR/CCP finds that for all such Impositions the Plaintiff has a good and valid first lien on said parcel and that the same are hereby foreclosed due to non-payment thereof. The BOR/CCP further finds that the proceedings have complied with R.C 323.65-323.79.

_____ The BORR/CCP finds that the Impositions as defined in R.C. 323.65 (F) exceed the presumed fair market value of the parcel as currently shown by the latest valuation by the Auditor and that such presumption of fair market value has not been rebutted by a good faith appraisal as prescribed in R.C. 323.71; therefore the BOR/CCP finds that the subject parcel qualifies to be transferred without appraisal or public auction to a certificate holder under R.C. 323.69 or directly to a community development organization, municipal corporation, county land reutilization corporation, county or township as provided in R.C. 323.76(G) and 323.74 as authorized by any Order of Transfer of this BOR/CCP pursuant to this Adjudication of Foreclosure.

or

___ The BOR/CCP finds the plaintiff has petitioned the BOR/CCP to apply the alternative right of redemption to this case as prescribed in R.C. Sections 323.65(K) and 323.78; the BOR/CCP finds that the subject parcel therefore qualifies to be transferred without appraisal or public auction to a certificate holder under R.C. 323.69 or to a community development organization, municipal corporation, school district, land reutilization corporation, county or township as provided in R.C. 323.76(G), 323.74 and/or 323.65(K) and 323.78 as directed by any Order of Transfer of this BOR/CCP pursuant to this Adjudication of Foreclosure; and upon hearing and due consideration, the BOR/CCP hereby grants said petition to invoke the alternative right of redemption under R.C. 323.65(K) and 323.78, and the same shall apply in this case.

The BOR further finds that a county, township, municipality school district, land reutilization corporation 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 such that the parcel may be so directly transferred to such county, township, municipality, school district, land reutilization corporation or community development organization as may be prescribed in any order of transfer of this BOR/CCP.

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

It is further ORDERED, ADJUDGED AND DECREED pursuant to R.C. 323.65-79, that unless:

___ (a) prior to the journalization of both this adjudication of foreclosure of the land and the BOR's/CCP's order to the Sheriff to transfer by deed the land directly to a certificate holder or to

any municipality, township county, school district, land reutilization corporation or community development organization (as prescribed in R.C. 323.65-323.79), any person entitled to redeem said parcel does within said time 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;

or

____ (b) prior to the expiration of the forty-five (45) day alternative right of redemption as prescribed in Sections 323.65(K) and 323.78 of the Revised Code, any person entitled to redeem said parcel does within said time in fact so redeem said parcel with the County Treasurer according to law for the payment of taxes, assessments, penalties, interest and other charges, if any, found herein to be due and unpaid on said parcel, together with all costs incurred on 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; in the case of the expiration of the forty-five (45) day alternative right of redemption, no further action of confirmation of this BOR/CCP shall be required and the transfer to any Transferee indicated in the BOR's/CCP's Order to Transfer shall be considered automatically confirmed and the equity of redemption forever extinguished and the title to said parcel shall be incontestable in the transferee, free and clear of all liens and encumbrances, except such easements and covenants of record running with the land as were prior to the time the taxes or assessments, for the non-payment of which said parcel is sold at foreclosure, became due and payable.

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 conveyance or expiration of the alternative right of redemption under R.C. Sections 323.65(K) and 323.78, 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 transferee of the parcel shall take said parcel subject to all such taxes and assessments unless otherwise provided in R.C. 323.65-323.79 or as prescribed for electing subdivisions in R.C. 5722.01 et seq. for the abatement of taxes of certain nonproductive lands as defined therein.

The alternative right of redemption under 323.65(K) and 323.78 ___ does/___does not apply in this case.

The transferee, county, municipality, school district, land reutilization corporation, township or community development organization shall pay all costs as may be payable by law or otherwise negotiated between the Treasurer and said transferee as prescribed in R.C. 323.75.

It is further ORDERED that unless said parcel is previously redeemed as prescribed hereinabove, upon the journalization of this Order and the Order to Transfer confirming the transfer, the title to said parcel shall be incontestable in the transferee, 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. Alternatively, if the plaintiff has petitioned the BOR/CCP to invoke the alternative right of redemption pursuant to R.C. Sections 323.65(K) and 323.78 then, unless said parcel is redeemed prior to the expiration of such period, transfer of title in the manner, and to the party indicated in the Order to Transfer, shall be deemed confirmed consistent therewith, and the title to said parcel shall be incontestable in the transferee 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 and assessments for the non-payment of which said parcel is conveyed 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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BOARD OF REVISION)
Date: _____)
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BOARD OF REVISION)
Date: _____)

_____)
JUDGE)
Date: _____)