Mastering the Tax Foreclosure Process

Ric Wasserman, Athens County Treasurer

What is tax foreclosure?

How long does a property need to be tax delinquent?

Ohio Revised Code Section 5721.14

Foreclosure and forfeiture proceedings against vacant lands.

Land Bank targeting of properties for foreclosure

- Pre-work is very important.

Treasurer/Prosecutor relationship

- The relationship between a County Treasurer and a County Prosecutor exists outside the Land Bank
- The Land Bank is essentially asking the Treasurer to engage the foreclosure process

The difference between Expedited Foreclosure and Non-expedited Foreclosure

Board of Revision or Judicial process?

The Expedited Tax Foreclosure Process *Board of Revision (ORC 323.66 – 323.79)*

1. Title exam (ORC 323.68)
2. Filing of complaint (ORC 323.69)
3. Notification by certified mail (ORC 323.69 and Civ. R. 4)
4. Notification by publication (Civ. R. 4 and affidavit)
5. Tax-Date hearing with notification of the parties
6. Presentation of the case in a public BOR meeting, affidavit of abandonment, declaration of Land Bank interest, testimony attesting to tax delinquency (ORC 323.70)
7. Adjudication/Order of Sale (ORC 323.73)
8. Minimum bid – Sum of the encumbrances and cost
9. Sale Packet to the Sheriff
10. Scheduling and notification of Sheriff Auction
11. Sheriff Auction closing date
12. Outcome of auction – Confirmation of Sale (ORC 323.75)
13. Petition for property if no sale occurred (ORC 323.77)

The Expedited Tax Foreclosure Process *Judicial*

1. Title exam
2. Filing of complaint
3. Filing of Pre-Judicial Report
4. Notification by certified mail
5. Notification by Publication
6. Motion for Summary Judgment and Final Judicial Report
7. Non-oral hearing
8. Adjudication/Order of Sale
9. Minimum bid ordered by the court – Sum of the encumbrances and costs
10. Sale Packet to the Sheriff
11. Scheduling and notification of Sheriff Auction
12. Sheriff Auction closing date
13. Outcome of auction
14. Petition for property if no sale occurred

Forfeited Lands

Ohio Revised Code Section 5723.01

Forfeited lands.

Forfeiture Deed

Also known as Sherriff's Deed

Deed-in-Lieu of Foreclosure

Ohio Revised Code Section 5722.10

Accepting conveyance in lieu of foreclosure.

Auditor to remove property from the tax duplicate upon transfer to the Land Bank

1. Statement of Reason for Exemption From Real Property Conveyance Fee (DTE 100EX)
2. Removal from tax duplicate and remittance of taxes and assessments owed
3. Continued exemption throughout Land Bank ownership