

**BELMONT COUNTY
FORECLOSURE SALE PROCEDURES
SEPTEMBER, 2022**

Due to the requirements of House Bill 390, the following changes in the Belmont County Sheriff's Office procedures for Foreclosure Sales are being implemented:

ORDER OF SALE

When filing a praecipe for an Order of Sale, plaintiffs must still provide a copy of the property's legal description summary.

Full legal descriptions must accompany the praecipe and include the County's Engineer's approval, if necessary. Once the legal description has been approved, "red" file stamped and returned along with the Property Description Approval Form, the certified copies should be attached to the Order of Sale, advertising notices, etc. Since title searches are part of the foreclosure process, this added step is the most efficient way of preventing the problems that arise from incorrect legal descriptions.

If a legal description submitted to the Engineer by the Sheriff's Office is rejected, the Sheriff's Office will return the Order of Sale to the Clerk of Courts citing a rejected legal description as the reason for its return. The Sheriff's Office must adhere to the timeline outlined in the law. A rejected legal description discovered at the time a deed is ready to record, will compromise the Sheriff's ability to be compliant with the law.

APPRAISALS

The appraisals are an outside appraisal only.

The Sheriff's Office does not have access to the inside of the homes and cannot obtain access for you. The Sheriff and Appraisers are not liable for the condition of the property. The only contact information provided to the Sheriff's Office regarding the property is the Attorney representing the mortgage company.

Once a home is listed for Sheriff Sale, you cannot purchase it through the Sheriff's Office prior to sale. The property has to go to auction.

The Sheriff's Office does not research the properties. It is the potential buyer's responsibility to do any type of research regarding liens, back taxes, etc., that may follow a property. **We strongly recommend that if you are serious about purchasing a property that you or your attorney do a title search at the court house prior to sale.**

*****The Sheriff's Office cannot provide legal advice about the properties as we are not attorneys. And again, we do not research the homes as to the responsibility of back taxes, liens, past due utilities bills etc. You will need to contact an Attorney for those questions and/or legal advice.*****

All sales stipulate "Buyer Beware."

ADVERTISEMENTS

Foreclosure sales are advertised in the classified Section of *The Times-Leader* three weeks prior to the date of sale. These advertisements will provide specific information regarding the legal description of the property.

Any sales pursuant to ORC 2329.20 shall state that the purchaser shall be responsible for those costs, allowances, and taxes that the proceeds of the sale are insufficient to cover.

The deposit requirement will be a part of the ad as well as the final payment requirement of thirty (30) calendar days from the date of filing of the Confirmation of Sale. Reference to the conveyance/recording fees to be paid may also be included in the ad.

SHERIFF SALE & AUCTION WEBSITE

House Bill 390 authorized the creation of an official public Sheriff Sale website. The sale website will replace conducting the Sheriff Sales at a physical location.

The opening bid begins at 2/3 of the appraised value of the property, unless otherwise directed by the court order. The auction system only allows bids in whole hundred dollar increments above the set opening bid amount (e.g., \$9,500 or \$12,000). Any bid for an uneven amount (e.g., \$9,515 or \$11,985) will not be allowed. Auction participants enter their highest acceptable bid for a property. The auction system then checks all the other bids and enters a bid on your behalf at \$100 more than the next highest bidder. The system stops entering bids for you when your highest acceptable bid is reached.

Withdrawals will not be accepted once the auction begins. Only bankruptcies will be accepted for withdrawal during the sale.

When the auction closes, the property is awarded to the participant with the highest bid. If there is only one qualified participant on a property and the auction closes, that participant will win the property at the opening bid.

Any residential FORECLOSURE properties not sold at first sale of the month will be offered for sale again two weeks later and auctioned without regard to the minimum bid requirement (ORC 2329.52). In the event that the successful bid does not cover all costs, allowances and taxes determined by the Court to be payable out of the proceeds of the sale, **in addition to the amount of the successful bid, the successful purchaser must pay a sum which, with the amount of said bid, will be sufficient to pay said costs, allowances and taxes.**

PURCHASER INFORMATION AT TIME OF SALE

By registering on the official Sheriff Sale website, each participant agrees to completing all required fields accurately under penalties of perjury. This information is used for the completion of mandatory Real Estate Judicial Sale Purchaser Information Form for each property sold at auction pursuant to ORC 2329.271. All purchaser at sale, including judgment creditors, will also be required to register on the sale website to participate in any active Sheriff Sale. ORC 2329.271 requires that this information is to be made a part of the court record. The Belmont County Sheriff's Office will attach the completed Real Estate Judicial Sale Purchaser Information Form to the Sheriff's Return on the Order of Sale and file with the Common Pleas Clerk of Courts after the sale.

If purchaser is an individual the information shall include: name, mailing address (which shall not be a post office box), telephone number, e-mail address, and financial transaction device information of the purchaser (see 301.28).

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, financial transaction device information (see ORC 301.28), name of an individual contact person for the entity, contact person's title, mailing address (which shall not be a post office box), e-mail address, and telephone number.

If 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, and telephone number (purchaser must be readily accessible through the contact person, and located in the State of Ohio).

The purchaser must also indicate whether or not they will occupy the lands and tenements.

All purchaser information will be submitted to the Clerk of Courts and will also be maintained by the Belmont County Sheriff's Office. The information is public record except for email, telephone number and financial transaction devise information which are all confidential.

****Registration will contain a statement that the information is true and correct under penalties of perjury.****

SALE DEPOSITS

If the Judgement Creditor is the purchaser, no deposit is required.

A judgement creditor is defined as the creditors (plaintiff or defendants) who are awarded judgement in the foreclosure case. However, Judgment Creditors are required to submit a copy of the court order stating they are the Judgment Creditor on the case they are bidding to Belmont County Sheriff's Office or Realauction Customer Service (customerservice@realauction.com) at least (1) business day prior to the sale date. Submission can be done via email or fax. Submission must include the bidder number and user account contact first and last name in the submission. The user account associate with the submitted bidder number will receive an email confirmation when they have successfully linked to the case as the Judgement Creditor. If the user account associated with the submitted bidder number does NOT receive email confirmation prior to the auction clock beginning, contact Realauction Customer Service; this must be done prior to the auction clock running on the sale date to ensure the user account is properly linked to the case. It is the responsibility of the Judgment Creditor to verify they are properly linked to the cases. If the Judgment Creditor does not submit a copy of the order stating they are the judgment creditor at least (1) business day before the sale date, they will be required to place the deposit required for the case.

All third-party purchasers deposit(s) shall be made in accordance with the guidelines as set forth in **Ohio Revised Code Section 2329.211**, as follows:

(A)

(1) In every action demanding the judicial or execution sale of residential property, if the judgement creditor is the purchaser at the sale, the purchaser shall not be required to make a deposit. All other purchasers shall make a deposit as follows:

(a) If the appraised value of the residential property is less than or equal to \$10,000, the deposit shall be \$2,000.

(b) If the appraised value of the residential property is greater than \$10,000 but less than \$200,000, the deposit shall be \$5,000.

(c) If the appraised value of the residential property is greater than \$200,000, the deposit shall be \$10,000.

(2) The timing of the deposit and the other payment requirements shall be established by the court or the person conducting the sale and included in the advertisement of the sale. If the purchaser fails to meet the timing or other requirements of the deposit, the sale shall be invalid.

(3) If the sale is held online, the deposit may be made by a financial transaction device as defined in section 301.28 of the Revised Code.

(B) In every action demanding the judicial or execution sale of commercial property, the purchaser at the sale shall make a deposit pursuant to the requirements, if any, established for the sale.

Unused deposits will remain in bidder's account to be used on future bids, or the bidder can request a refund by clicking the "Request Refund" button under the Funds Transfer section of the left navigation after logged into the auction website. Requested refund money will be refunded electronically for deposits made via ACH or mailed as a paper check for deposits made via wire transfer. All check refunds will be made payable to the name and address found on the wire transfer that was received. For business entities, the name and address on the wire transfer received should match the registered bidder account business name and address. If, however, the account was set up for an individual rather than a business entity, the refund check will then be issued in the name and address on the wire transfer received and the registered bidder account should match this information. Should a refund check be lost or stolen, please note there is a \$35.00 stop payment/reissue fee per check and will be taken out of the refund amount requested by the bidder. Please allow up to 20 business days after receipt of the request for processing. Allow up to an additional 2 weeks for the receipt of the funds.

COMPLETION OF THE SHERIFF SALE

The timeline for the completion of a Sheriff Sale is approximately two-and-a-half-months from the date of sale. This process includes:

Confirmation Entry – The Confirmation of Sale must be filed within 30 calendar days of sale date. By registering on the auction website and filling in all the appropriate fields and acknowledgements, a Real Estate Judicial Purchaser Information Form will be transmitted to the Belmont County Sheriff's Office on the sale date pursuant to ORC 2329.271.

Payment - Final payment is due thirty (30) calendar days from the date the Confirmation of Sale is filed with the Belmont County Common Pleas Clerk of Courts as required by HB 138. ***Purchasers must keep track of the case status at <http://belmontcountycoc.org/> and contact the Belmont County Sheriff's Office when confirmation of the sale is filed.*** The final payment amount will be the final bid amount minus the deposit paid plus any additional fees associated with transfer and recording of the deed.

The Belmont County Sheriff's Office will advise you of the acceptable payment methods. The case number, sale date, and defendant name must be provided with submission of the final payment.

Deed - Should you be a successful bidder, the property is not yours until the Judge confirms the sale, a new deed is prepared, and it has been conveyed and transferred into your name.

Preparation of the deeds will be done by the Plaintiff's counsel. The deeds must be delivered to the Belmont County Sheriff's Office within seven (7) calendar days of the filing of the confirmation.

If the previous owner still resides in the property after the Sheriff Sale is complete, **you must wait until a new deed is transferred into your name** before you can file an Eviction Action through the appropriate local court.

For any questions, contact Barb Blake at (740) 695-7933 Ext. 116 (bblake@belmontsheriffohio.gov) or Melissa Wood at (740) 695-7933 Ext. 132 (mwood@belmontsheriffohio.gov).