



October 2016

Dear Attorney of Record,

Beginning October 11, 2016, the Clermont County Sheriff's Office will be implementing the new H.B. 390 rules. The changes are as follows:

### **Before the Sale:**

- The first run advertisement of the sale will be faxed to the attorney of record for checking any errors. Advertisements will contain the date, time and place of sale; deposit requirements; a statement that the purchaser shall be responsible for those costs, allowances and taxes that are not covered by the proceeds; and a provisional second sale date. Full legal description is no longer required. If not using full legal description, must include in ad the location where the full legal description can be obtained. Newspaper is not required to run the ad without payment.
- Remote bids by judgement creditors/lienholders who are party to the action must be received on or before 4:30 pm the business day before the sale via fax, email, overnight delivery or courier. Remote bids may be emailed to [sales-foreclosures@clermontcountyohio.gov](mailto:sales-foreclosures@clermontcountyohio.gov) or faxed to Bevin at (513)732-7515. Remote bids shall be a fixed maximum amount. A completed Purchaser Information Form must accompany the remote bid.
- The Clermont County Sheriff's Office will confirm the receipt of the remote bid by sending a notice or email to the submitter of the remote bid.

### **At the Sale:**

- If a judgment creditor has placed a remote bid, the officer conducting the auction will announce the bid after stating the minimum bid. Results of the sale will be posted on the website (<https://clermontsheriff.org/wp-content/uploads/sites/27/2019/01/SS-Results-Year.pdf>) by 4:30 pm the day of the sale.

- If a judgment creditor is the purchaser, no deposit is required.
- Deposits for third party purchasers will be as follows:
  - If appraisal is less than or equal to \$10,000, deposit is \$2,000.
  - If appraisal is greater than \$10,000, but less than or equal to \$200,000 deposit is \$5,000.
  - If appraisal is greater than \$200,000, deposit is \$10,000.
- A Purchaser Information Form will have to be filled out for each sale.
- A statement, listing the property taxes, assessments, interest and penalties as of the day of the sale will be supplied to the bank's representative.
- Second Auction
  - Only occurs when auction is at a physical location and not online.
  - Held without regard to a minimum bid.
  - Purchaser is subject to possible additional costs, allowances and taxes if purchase price is insufficient.
  - Must be held 8 to 29 days after first auction

### **After the Sale:**

- The sale must be confirmed within 30 days after the sale date, unless vacated or stayed by court order (i.e. bankruptcy).
- Purchasers to pay the balance due within 30 days of the Confirmation of Sale.
- If plaintiff is the purchaser, the plaintiff must approve deducting taxes, assessments, interest, penalties, and liens from the proceeds of the sale. Any amount not paid from the proceeds shall be certified to the treasurer, who shall enter that amount on the tax duplicate opposite the property. This amount shall be payable on the next due date for property taxes. Taxes, assessments, interest and penalties not paid on the date of sale, including any amount that becomes due after the sale date, continues to be a lien on the property.
- The attorney of record must provide the deed to the Sheriff's Office within seven days from the filing of the Confirmation of Sale. The Sheriff's Office will be responsible for proofing, notarizing and obtaining the Sheriff's signature on the deed.
- The Sheriff's Office is responsible for recording the deed within 14 calendar days after the confirmation of sale and payment of the balance due.