



Ohio Legislative Service Commission

Sub. Bill Comparative Synopsis

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Sub. H.B. 323 128th General Assembly (H. Housing & Urban Revitalization)

Topic	Previous Version (As Introduced)	Accepted Sub. Version (LSC 128 0703-6)
Recording deed when taxes are delinquent	No provision.	Prohibits county recorder from recording a deed of property sold pursuant to residential mortgage foreclosure action if there are delinquent property taxes <i>(R.C. 317.13(D))</i> .
Time for mortgagor to answer clerk's summons and complaint for foreclosure before plaintiff takes specified actions	Plaintiff must take specific actions, including filing additional information if mortgagor answers, and filing motion for default judgment, if mortgagor does not answer the clerk's summons and complaint <i>(R.C. 2308.02(C) and (D))</i> .	If mortgagor answers or fails to answer "within the time the clerk prescribes in accordance with the Civil Rules," the plaintiff takes the specified actions <i>(R.C. 2308.03(A) and (B) and 2308.05)</i> .
Information the plaintiff must file with the clerk	Requires the plaintiff to provide an estimate of the property's value and a completed property status report if the mortgagor answers the summons and complaint <i>(R.C. 2308.02(C))</i> .	Plaintiff also must provide a copy of any mortgage insurance policy issued with respect to the property <i>(R.C. 2308.03(A)(2))</i> .
Information plaintiff must provide clerk if a mortgagor answers and property is occupied	No provision.	Requires plaintiff to provide, within 45 days of the mortgagor's answer, a writing that indicates whether: (1) The plaintiff has agreed to comply with the federal Home Affordable Modification Program;

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		<p>(2) The mortgagor or a representative has been in contact with the plaintiff;</p> <p>(3) The mortgagor has applied for a loan modification, and if so, whether it has been accepted, denied, or is pending (R.C. 2308.03(B)).</p>
What happens to property when it is deemed abandoned	No provision.	Specifies that the abandoned property is transferred pursuant to R.C. 2308.13 (procedures that transfer property to county) if no other lienholder files to initiate a foreclosure action against the unoccupied property within 150 days after a mortgagor fails to answer (R.C. 2308.05(C)).
Prohibition against issuing default judgment if property is a nuisance	Prohibits a court from issuing a judgment that orders the sale of a property that is the subject of a residential mortgage foreclosure action or residential area commercial property mortgage foreclosure action, and prohibits a county recorder from accepting for recording any deed based on that sale, if that property constitutes a public nuisance (R.C. 2308.03(A)).	Prohibits the judgment from being issued, or the deed being recorded, if a court has found <i>probable cause</i> that the property constitutes a public nuisance under the bill. Additionally prohibits a clerk from issuing a default judgment in these circumstances (R.C. 2308.06(A)).
Reasons for which a plaintiff may appear at a probable cause nuisance hearing	<p>Provides two reasons for which a plaintiff may appear at a probable cause hearing: to present information that property is not nuisance and request to abate the nuisance (R.C. 2308.03(C)).</p> <p>Permits plaintiff to make request to purchase and repair, but only written request is permitted (R.C. 2308.03(D)).</p>	Permits plaintiff to appear at the hearing to provide a written pledge to purchase the property at the sheriff's sale and to abate the nuisance subsequent to gaining title (R.C. 2308.08(A)(3)).



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Continuing jurisdiction over nuisance property	No provision.	Specifies that the court maintains continuous jurisdiction when it grants a request to abate a nuisance for the foreclosure action continues; requires progress report within 30 days; court may request subsequent reports at its discretion (<i>R.C. 2308.08(C)(1)</i>).
Request to purchase, then abate nuisance	Permits a plaintiff to submit a written pledge to purchase the property at the sheriff's sale and abate the nuisance after obtaining title to the property (<i>R.C. 2308.03(D)</i>).	Specifies that the written request may be made at any time prior to or during a probable cause hearing; permits plaintiff to present the written pledge at the hearing upon a request to appear (<i>R.C. 2308.09(A)</i>).
Court to retain continuing jurisdiction	Requires a report on progress within 30 days after taking title pursuant to a pledge to purchase and abate a nuisance (<i>R.C. 2308.03(D)</i>).	When plaintiff pledges to purchase then abate, the court maintains continuing jurisdiction until nuisance is abated and may require any subsequent reports at the court's discretion (<i>R.C. 2308.09(B)</i>).
If plaintiff does not purchase nuisance property as pledged	No provision.	Specifies that if the court fails to receive confirmation from the officer making the sale that the plaintiff bid at the auction as pledged, the court must resume the probable cause hearing for the nuisance (<i>R.C. 2308.09(C)</i>).
Court's continuing jurisdiction over nuisance properties	No provision.	Specifies that the court maintains continuing jurisdiction over any property that was subject to a probable cause hearing, until the nuisance condition is abated and specifies the court may resume a hearing at its own discretion or upon complaint by specified persons (<i>R.C. 2308.10</i>).
What happens to property deemed abandoned by plaintiff who fails to file or writ of execution	No provision.	Specifies that an abandoned property be transferred to the county pursuant to procedures currently in the bill (<i>R.C. 2308.12(A)(3) and 2308.13</i>).

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Time at which clerk issues writ of execution	Sixty days after filing the certificate of judgment <i>(R.C. 2308.05(B)(1))</i> .	No earlier than 60 days after filing the certificate of judgment <i>(R.C. 2308.12(B))</i> .
Ability to withdraw or dismiss petition for writ of execution, order of sale	No provision.	May not withdraw or dismiss petition for writ of execution or an order of sale unless the mortgagee (plaintiff) and mortgagor have made a joint request for such a dismissal and represent to the court in writing that they have reached a workout or loan modification <i>(R.C. 2308.12(E))</i> .
Information sheriff provides to the court upon sale	No provision.	Requires the officer making the sale to submit a confirmation order that provides the court with sufficient information to determine whether the purchaser is a plaintiff who pledged to purchase the property then abate the nuisance <i>(R.C. 2308.14)</i> .
Prohibition of filing motion to dismiss or vacate the sale, order of sale, or confirmation of sale in residential mortgage foreclosure action	No provision.	Prohibits plaintiff or other lienholder from filing motion to dismiss or vacate sale, order of sale, or confirmation of sale of foreclosed residential property, and prohibits court from accepting such a motion <i>(R.C. 2308.15; R.C. 2329.31(C))</i> .
Limitation of possible orders a court may make in relation to residential property for the execution of judgment	Provides that the sale of property pursuant to judicial procedure is the only order a court may make for the execution of a judgment on a residential property when the action was brought by a mortgagee of that property <i>(R.C. 2323.07(A)(2))</i> .	Expands this provision to also apply to other lienholders of that property <i>(R.C. 2323.07(A)(2))</i> .
Using purchased note as basis of suit	No provision.	Prohibits person who has purchased a note based on a residential mortgage to file any action in court seeking judgment based on that note and may not use that note as the basis of any suit <i>(R.C. 2329.07(E))</i> .



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Preparation of deed after sheriff's sale	No provision.	Under current law, the attorney who files the writ of execution prepares the deed. The bill directs the officer making the sale to prepare the deed (R.C. 2329.36).

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