



Ohio Revised Code

Section 2329.26 Notice of date, time and place of sale.

Effective: September 28, 2016

Legislation: House Bill 390 - 131st General Assembly

(A) Lands and tenements taken in execution shall not be sold until all of the following occur:

(1)(a) Except as otherwise provided in division (A)(1)(b) of this section, the judgment creditor who seeks the sale of the lands and tenements or the judgment creditor's attorney does both of the following:

(i) Causes a written notice to be served in accordance with divisions (A) and (B) of Civil Rule 5 upon the judgment debtor and upon each other party to the action in which the judgment giving rise to the execution was rendered. Such notice shall include the date, time, and place of the sale if the sale is to be held at a physical location or the start date and web site address of the sale if the sale is to be held online. Such notice shall also include the provisional second sale date described in division (B) of section 2329.52 of the Revised Code, if applicable.

(ii) At least seven calendar days prior to the date of the sale, files with the clerk of the court that rendered the judgment giving rise to the execution a copy of the written notice described in division (A)(1)(a)(i) of this section with proof of service endorsed on the copy in the form described in division (B) of Civil Rule 5.

(b) Service of the written notice described in division (A)(1)(a)(i) of this section is not required to be made upon any party who is in default for failure to appear in the action in which the judgment giving rise to the execution was rendered.

(2) One of the following applies:

(a) The officer taking the lands and tenements gives public notice once a week for at least three consecutive weeks before the day of sale if the sale is to be held at a physical location or the start date of the sale if the sale is to be conducted online.



Such notice shall be by advertisement in a newspaper of general circulation in the county. The newspaper shall meet the requirements of section 7.12 of the Revised Code. The court ordering the sale may designate in the order of sale the newspaper in which this public notice shall be published.

The notice shall include all the following information:

- (i) The date, time, and place of the sale if the sale is to be held at a physical location;
 - (ii) The start date, the minimum duration, and web site address of the sale if the sale is to be held online;
 - (iii) The deposit required by section 2329.211 of the Revised Code;
 - (iv) That the purchaser shall be responsible for those costs, allowances, and taxes that the proceeds of the sale are insufficient to cover;
 - (v) The provisional second sale date described in division (B) of section 2329.52 of the Revised Code, if applicable; provided, however, that no sale shall be invalid, nor shall the court vacate any sale, if the notice described in division (A)(1)(a)(i) of this section or the public notice described in division (A)(2) of this section fails to include the provisional date for a second sale of the property and the property is sold on the initial sale date.
- (b) If a private selling officer has been ordered to sell the lands and tenements, the private selling officer shall give the public notice described in division (A)(2)(a) of this section in the newspaper designated by the court. If the court has not designated a newspaper, the private selling officer shall give this public notice in the newspaper customarily used or designated by the county sheriff. No sale that otherwise complies with division (A)(2) of this section shall be invalid.
- (B) The officer taking the lands and tenements shall collect the purchaser's information required by section 2329.271 of the Revised Code.
- (C) A sale of lands and tenements taken in execution may be set aside in accordance with division (A) or (B) of section 2329.27 of the Revised Code.