

**27.0 SHERIFF'S SALES**

In every Sheriff's sale of real property the purchaser, except where an electing municipal corporation as defined by Section 5722.01 of the Ohio Revised Code is the purchaser, as soon as his bid is accepted, shall be required to deposit in cash or by certified check payable to the Sheriff ten percent (10%) of the amount of the accepted bid. Where the amount bid is \$3,000.00 or less, the minimum amount of such deposit shall be \$300.00. The maximum amount of a deposit in any case shall be \$10,000.00. The unpaid balance of the purchase price shall be due and payable to the Sheriff within thirty (30) days from the date of sale. The purchaser shall be required to pay interest on unpaid balance of ten percent (10%) per annum from the date of sale to the date of payment of the balance unless the balance shall be paid within eight (8) days from the date of sale, fifteen (15) days from the date of sale of tax delinquent foreclosure property. Any interest received shall be distributed by the Sheriff to the parties entitled to distribution of the proceeds of sale in the proper order of priority.

Unless specifically exempted by this rule, there shall be no waiver of deposit for any Sheriff sale.

In the event a purchaser fails to pay the balance due on the purchase price within thirty (30) days after the date of the sale, he shall be in contempt of the Court and the Sheriff shall forthwith cause a citation to issue commanding such defaulting purchaser to appear before the assigned Judge and show cause why he should not be punished. Upon a finding of guilt or contempt, the Court may further proceed in accord with O.R.C. 2327.04.

In the event that a party shall register a bid at a Sheriff's sale and such bid is accepted by the Sheriff as the successful bid, and the party offering the bid fails to deposit in cash or by certified check payable to the Sheriff ten percent (10%) of the amount of the accepted bid, the Sheriff shall disregard the bid, and shall immediately re-offer the property for sale as before.

The Sheriff shall conduct sales of real property on Mondays, except where a Monday is a legal holiday such sales will be conducted on the following day. One week from the date of a sale, the Sheriff shall make his return to the Court and have the sale confirmed and deed ordered. Sales relating to tax delinquency foreclosures may be conducted by the Sheriff on any day when the Court is in session. As to tax delinquency foreclosure sales, the Sheriff shall make his return two (2) weeks from the date of sale. On the day following such return and confirmation, the Clerk shall notify the Sheriff to issue the deed to the purchaser. Such deed shall be issued and recorded in conformity with R.C. 2329.36. In the event that the purchaser shall be an electing municipal corporation, such deed shall be delivered to the electing municipal corporation only upon receipt delivered to the Sheriff evidencing that the municipal corporation has paid the [County Auditor](#) all costs for the parcel, as determined by the Court, incurred in the proceeding instituted under Section 5721.18 of the Ohio Revised Code. In the event the attorney who files the writ of execution fails to prepare a deed or deliver the deed to the Sheriff within seven days of the confirmation of the Sheriff's sale as required by R.C. 2329.36(A), the Sheriff may cause a deed to be prepared and bill the attorney who filed the writ of execution an appropriate fee for preparing the deed.

The Court will not confirm any Sheriff's sale until such time as the party ordering the sale has filed a certificate of service of notice of the sale stating that the notice of the sale has been sent to all parties who have appeared in the action, by ordinary mail to their last known address or attorney of record.

## Cuyahoga County Common Pleas Court Local Rules

In each advertisement of sale, the Sheriff shall cause to be included notice that the full purchase price shall be paid within thirty (30) days from the date of sale and unless paid within eight (8) days after sale, fifteen (15) days for tax delinquent property, shall bear interest at ten percent (10%) until paid, otherwise, the purchaser shall be adjudged to be in contempt of Court. The Sheriff shall also keep a copy of this entire rule conspicuously posted at the place where he conducts sales and shall call attention to the rule before receiving bids.

Appraisal fees shall be based on the Auditor's last tax appraisal of the property as shown by his duplicates and the fees allowable shall be scaled as follows:

Up to \$100,000 tax value, each appraiser .... \$ 50.00

On all appraisals where the tax value exceeds \$100,000, each appraiser shall receive \$1.25 for each \$5,000 or fraction in excess of the amount. In considering appraisals on commercial property for good cause shown, the Court may award fees in excess of the scale.

All appraisal fees of commercial property must be approved by the Court upon submission of supporting affidavits and other evidence which shall include the number of hours spent and statement of hourly rates. No person shall receive any compensation for any appraisal without approval of the Court.

Should an appraiser seek a fee in excess of the scale, the Sheriff will include at the top of the status form (to be signed by the Judge) a notice of the date, time and place of the sale. This information shall, in turn, be contained in the Clerk's postcard notice to all parties or their attorneys, and the sending of the notice shall be shown on the docket.

*Amendment of paragraph two effective 2/01/09.*

*Amendments to paragraph five effective 11/01/09.*