

24.0 FORECLOSURE, QUIET TITLE AND PARTITION ACTIONS

- (A) In cases to quiet title, for partition, and for the marshaling and foreclosure of liens on real property the attorney for the plaintiff shall file with the Clerk, the original guaranteed evidence of the state of the record title to the property in question (Preliminary Judicial Report), including the names of the owners of the property, and a reference to the volume, and page and date of the recording of the next preceding recorded instrument by or through which the owners claim title, as the same shall have been prepared and extended by a responsible title and abstract company to a date not over thirty (30) days prior to the filing of the complaint. The Preliminary Judicial Report shall be filed within fourteen days after filing the complaint.

Upon failure of the attorney for the plaintiff to comply with the foregoing requirement, any interested party may procure leave to furnish and file such evidence of title within the ensuing thirty (30) days. Such evidence of title shall become and remain a part of the case file. Where the evidence of title indicates that necessary parties have not been made defendants the attorney for the party filing the case shall proceed without delay to cause such new parties to be added and served. Judges reserve the discretion to set case management orders and rules of procedure.

- (B) When a motion is filed under Civ.R.55 or Civ.R.56, it should be accompanied by a Proposed Magistrate's Decision and a Final Judicial Report. The Final Judicial Report shall be prepared and filed in accord with the foregoing requirements, including a copy of the case docket showing the address and location of the property and the record state of title through the date of lis pendens. The Final Judicial Report must also have an effective date within six months of the date of judgment.
- (C) Failure to comply with this rule may result in dismissal.
- (D) The expenses of the title work required under this rule shall include a base search fee not to exceed \$300.00, plus a premium on the Judicial Report issued, based on the fair market value of the property or in the case of a foreclosure, the final principal balance due on the first lien or such additional amount as may be allowed by the Court, for each property involved, and said costs shall be taxed as part of the costs in the case. The premium on the Judicial Report is that rate allowed by the Ohio Department of Insurance.

Effective 11/01/2009.