

Sheriff Sale - Frequently Asked Questions

What are the steps for a foreclosure action?

A Foreclosure action that results in the actual sale of the property by the Sheriff is a lengthy process. Key steps in the process are as follows:

- **Complaint Filed:** The matter is brought before the court.
- **Judgment Entry Filed:** Judgment/judgments are granted and the property may be sold to recover judgment amounts. (Typically filed 3-9 months after the complaint).
- **Praecipe Filed:** This order directs the Sheriff to appraise or not, to advertise and sell the property. There may be some terms of sale specified in this document that are established at the discretion of the Plaintiff's Attorney. The Sheriff cannot authorize an extension of these terms. The property is auctioned at Sheriff Sale.
- **Confirmation Filed:** This order defines the purchaser, orders the deed, the distribution of proceeds, orders lien cancellations, etc., and awards the purchaser the right to file for a writ of possession should anyone be occupying the property. This confirmation process is to be completed within 30 days of the sale according to Ohio law. The balance of the purchase price is due and payable within 30 days after the filing of the Confirmation. Failure to complete the sale will result in forfeiting the deposit and being held in contempt of court.

The Common Pleas Clerk of Courts Civil Division

The *Common Pleas Clerk of Courts Civil Division* is located on the 3rd floor of the Court House. They are the keeper of records and have the entire case file for each foreclosure case.

- **Phone:** 419-424-7037
- **Web:** 419-424-7037

How does the Sheriff Sale work?

By law, the sale must be public, unless ordered otherwise by the Court. Sales are held on Tuesdays at 10:00 a.m. in the lobby of the Sheriff's Office located at 200 West Crawford Street in Findlay, Ohio.

You or a representative must appear to bid. All bidding is done at the sale. No prior or sealed bids are taken. Bidding is verbal and the amount of your bid must be clearly spoken. There is no prior registration.

Make sure you can meet the terms of sale. **Caution:** This is a court function; if the sale is not completed, you are subject to being held in contempt of court which could result in fines and/or jail time.

What if I am interested in a property that has been vacant for a long time and want to know its status in the foreclosure process?

Gather information through the Clerk of Courts, the Auditor's Office, and the Recorders Office to learn information about the property and the foreclosure status. You can access information by visiting the web pages of these offices at Hancock County Ohio.

Keep in mind until a praecipe is filed, the property will not proceed to sale. Sale dates are set by the Sheriff after the Praecipe has been received at the Sheriff's Office.

Do I need to register for the sale?

No. There is no registration required. However, successful bidders must provide proper picture identification AFTER all sales are completed. The successful bidder must complete a *Purchaser Information Form* that will be provided at our office or online at <https://hancocksheriff.org/sheriff-sales> and can be printed and completed before the sale.

Can I have someone bid on a particular property in my absence?

Yes, but they must have all the necessary information required. You should complete a *Purchaser Information Form* for them to supply to the Sheriff at the Sale. Remember that if you are authorizing someone to bid for you, you are responsible for the purchase. The form is available online at <https://hancocksheriff.org/sheriff-sales> and can be printed and completed before the sale.

If I give the wrong deed information at the sale, can I change it after the sale?

No. You can, however, do a transfer once the new deed has been issued. There will be fees associated with this. Contact the Auditor's Office for understanding this process. The delivery of the deed may be delayed for failure to provide accurate information.

Can I put more money down for the deposit than is required?

You are free to deposit funds above the minimum amount, provided the amount does not exceed the purchase price. However, this will NOT affect the speed at which the process moves.

Who should the cashier's checks be made payable to?

The cashier's check aka Certified Bank Check aka Bank Check is to be made payable to The Hancock County Sheriff's Office.

Can I see the inside of the properties set for Sheriff Sale?

No. We **do not** have access to the interior of a property for sale, nor do we have any keys to the property. Properties purchased at Sheriff Sale are not available for inspection. The defendant in a foreclosure action is still the legal owner of the property. The bank or lending company should be contacted with any questions about an inspection of the property. No arrangements may be made for an internal inspection of the properties. You are urged to check out the property as best you can. Any attempt to view the property without the owner's permission can be a violation of the Criminal Trespassing law of the Ohio Revised Code. The Hancock County Auditor can provide information about the property. Sales are "Buyer Beware". You are urged to consult an attorney.

My property is set for Sheriff Sale. When must I vacate?

As the defendant, you have redemption rights until the confirmation is filed. The time for a confirmation to be filed is 30 days from the sale date according to Ohio Revised Code. This means that if you pay off your mortgage, and the court costs associated with the foreclosure action, or acquire new financing, you can keep your home. Once the confirmation is filed, you no longer have a right to redeem the property and the purchaser is awarded a writ of possession. (Some confirmations contain language to award the writ immediately upon the filing of the confirmation, others may require that the property is paid for and the deed recorded before the writ can be filed.) This gives the purchaser the right to file paperwork to have the Sheriff notify you to vacate. However, the Sheriff will NOT act upon a Writ of Possession until the property has been deeded to the new owner.

I am leasing a property that is in foreclosure. When must I vacate?

The purchaser may allow you to continue to live in the property or may serve you with an eviction notice. You should contact your attorney for guidance.

Why does the auditor's appraisal of a particular property differ from the Sheriff Sale appraisal?

The Auditor's appraisal is done by law and is completed by a contract mass appraiser who appraises all property in the county for tax purposes. Appraisers appointed by the court only appraise the specific property being sold. Since an appraisal is an opinion of value, it may vary widely.

When can I get the property appraised?

It is recommended that lenders do their own appraisal, once the property is vacated. Be reminded that the appraisers have no rights to an interior inspection of the property until after the confirmation.

When will my closing be scheduled?

The Sheriff's Office has nothing to do with closings. The purchaser must arrange financing and closing. The Sheriff is not involved in the closing and will not sign any settlement statements or closing documents. When you bring your final payment to the Sheriff's Office, we will proceed with conveying and recording the property. We will mail you the deed unless you have requested otherwise.

What happens to the liens on the property?

Liens are marshaled, (placed in order and paid in order), and paid from the sale proceeds. A Deficiency Judgment is granted to the Plaintiff, (Lienholder), against the Defendant, (Homeowner), if enough money is not generated at the sale. The liens are then canceled against the property. The exception is a Federal Lien, (which would be on file at the Hancock County Recorder's Office). You are urged to check out any liens and check with an attorney if you have questions. We do not have lien information at the Sheriff's Office.

Do I receive a clear title?

The Sheriff's Office does not guarantee a clear title. A title search is recommended at your expense **before** you bid!!

Will I get my deposit back, if redemption is filed on a property that I purchased at Sheriff Sale?

Yes. Deposit refunds are set up for payment immediately upon receipt of the court order to set aside the sale and refund the purchaser's deposit. Checks payable to more than one payee must be signed for by all payees before the check will be released.

Can I use my refund check from the Sheriff's office to make a deposit at a future Sheriff's Sale?

No. A Cashier's check, Certified Bank check, Money Order, or cash is required for all monies related to a Sheriff's Sale.

If I do not complete the purchase of a property that I put a deposit on at Sheriff Sale, will I get my money back?

Failure to pay the full amount of a property purchased at a Sheriff's Sale may result in all or part of your deposit being forfeited. You may also face fines and jail time for being in contempt of court.

The ad for a property I am interested in was in last week's Courier, but not this week. What happened?

The property may have been withdrawn from sale or it may have been the final week of advertising. You can verify this by checking the Clerk of Court's website at Hancock County Ohio. For the Date of Sale and the Sale Status see the PDF: Current Listings at <https://hancocksheriff.org/sheriff-sales>

If no one is living in a property I purchased, can I start renovations right after the sale?

The purchaser has no legal rights to the property until the deed is recorded in the new owner's name. Any investment in the property is risky for two reasons. First, you do not yet own the property and have not been awarded a right to possession, and second, the defendant can still redeem the property.

Where do I pick up the keys to the property I purchased at Sheriff Sale?

There are no keys for these properties. You will need to change the locks once the deed is recorded in your name. Check the auditor's office at Hancock County Ohio to see if the property now reflects your name.

I am a defendant in a foreclosure action and am entitled to a portion of the proceeds. How do I acquire these funds?

If there is no distribution listed for your name in the confirmation filed, check the confirmation for funds to be held by the Clerk of Courts. The Sheriff's Office deposits all excess funds with the Clerk

of Courts Office. To have the excess funds paid, you must obtain an order from the court, signed by the judge assigned to your case, directing the clerk to disburse the excess funds to you.

Can my title company pay for and pick up my deed?

A Title Company can pay the Sheriff's Office the balance of the money due; however, the Sheriff's Office will have the deed recorded and mailed to the new owner unless the new owner requests otherwise.

If I want to pay off the balance of a purchase price, can I bring a check to the Sheriff's Office?

A cashier's check aka Certified Bank Check, money order, or cash may be paid to the Hancock County Sheriff's Office at any time before the Sheriff requests payment. We **do not** accept business or personal checks, credit cards, or debit cards for any payments. Be aware that paying off the balance before the Sheriff has requested it will *not* speed up the process!!

Do you prepare survivorship deeds?

The Sheriff's Office **does not** prepare any deeds. All deeds are prepared by the plaintiff's attorney. It is the job of the Sheriff's Office to check the deed for errors as much as possible.

What if someone is living in the house that I have purchased?

If someone is living in the house and will not vacate, you will be responsible for filing a Writ of Possession (there is a fee) with the Clerk of Common Pleas Court and for providing the manpower to set out their belongings or place them in storage. The Sheriff will serve the Writ and provide Security for the "move out" time. You may want to consult an attorney for questions regarding this situation.

What happens to the properties that do not sell?

Sometimes the property will be reappraised or a court order to reduce the amount of the starting bid will be obtained. The property will be set for a subsequent sale.

How can I find out what happened to a property that went to Sheriff Sale?

Sale results are available on our Website no later than the next business day after the sale date. See the PDF: Current Listings at <https://hancocksheriff.org/sheriff-sales>