

**RULES OF PRACTICE
OF THE
COURT OF COMMON PLEAS**

STATEMENT OF PURPOSE

Delay in criminal and civil cases in the Courts of Common Pleas throughout the state of Ohio is a serious problem in the administration of justice. Constitutional courts were created to serve the litigants and the interest of the public at large, not for the convenience or benefit of judges and lawyers. Unnecessary delay erodes the public's confidence in the judicial system.

It is the obligation of the judges of the Court of Common Pleas, Franklin County, Ohio, to operate the Court in a manner that is lawful, fair, just, and efficient for the benefit of the citizens of Franklin County and all other litigants that come before it. To that end, the following rules are designed (1) to expedite the disposition of both criminal and civil cases in this Court, while at the same time safeguarding the rights of litigants to the just processing of their cases; (2) to expedite and make consistent the disposition of cases in the general branch of the Court; and (3) to serve the public interest which mandates the prompt disposition of all cases before this Court.

RULE 96 - JUDICIAL SALES/TITLE INSURANCE REQUIRED - [6/1/93]

96.01 In every action demanding the judicial sale of one to four family residential real estate, the party or parties seeking such judicial sale shall file, within fourteen (14) days after the filing of the pleadings requesting such relief, a commitment for an owner's policy of title insurance, on the currently revised ALTA owner's policy form prepared by a licensed "title insurance company" as that term is defined in Section 3953.01(c) of the Ohio Revised Code, showing: (i) the name of the owners of the property to be sold; (ii) a reference to the volume and page of the recording by which said owners acquired title to such real estate; (iii) a description of all exceptions to said owner's fee simple title and liens thereon; and (iv) the name and address, as shown on the recorded lien, of the lien holder(s). Such commitment shall have an effective date within fourteen (14) days prior to the filing of the complaint or other pleading requesting judicial sale. Such commitment shall cover each parcel of real estate to be sold, shall be in "the amount of the successful bid at Sheriff's sale", shall show "purchaser at judicial sale" as the proposed insured, and shall not expire until 30 days after recordation of the Sheriff's Deed to such purchaser.

96.02 No later than thirty (30) days prior to the date set for such judicial sale, the party or parties submitting the same shall cause the original commitment to be updated by the issuer thereof to a date subsequent to the date of judgment, to insure that all necessary parties are properly before the Court in the pending action. Where the evidence of title indicates that necessary party or parties have not been made defendants, the attorney for the party submitting the said Judgment Decree shall proceed without delay to cause such new parties to be added and served a copy of the Complaint in accordance with the Ohio Rules of Civil Procedure.

96.03 After the Sheriff's return of the order of sale and prior to the confirmation of the sale, the party or parties requesting the order of sale shall cause an invoice for the cost of the title insurance policy, commitment cost related expenses and cancellation fee, if any, to be filed with the Clerk of this Court. The amount of the invoice shall be taxed as costs in the case.

96.04 The purchaser at the judicial sale may, by paying the premium for such policy, obtain the issuance of title insurance in accordance with the commitment.

96.05 The party or parties requesting the order of sale shall prepare a distribution entry showing the court costs assessed, which include the invoice for the cost of the title insurance policy, commitment cost related expenses, including cancellation fee, if any, and all other costs and distribution of sale.

96.06 This rule shall not apply to any foreclosure brought by the State of Ohio, Franklin County, or any Municipal Corporation.