

**RULES OF PRACTICE  
OF THE  
FRANKLIN COUNTY  
COURT OF COMMON PLEAS  
GENERAL DIVISION**

**LOCAL RULE 96. JUDICIAL SALES / TITLE INSURANCE REQUIRED**

**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 Compensation for Property Appraisers (8-1-17)**

A. Individual appraisers of property for cases pending in this court shall be paid a fee by the Franklin County Sheriff's Office, under the following scale:

<u>Appraised Value</u>	<u>Flat Fee Per Appraiser</u>
\$ 1 – 200,000	\$ 125.00
\$ 200,001 – 600,000	\$ 275.00
\$ 600,001 – 1 million	\$ 475.00
\$ 1,000,001 – 8 million	\$ 1,000.00

Appraisal work on property valued in excess of \$8 million shall be paid on a case-by- case basis, based upon a fee application submitted in accordance with part (C) of this Local Rule.

**B.** So long as the appraised value falls within the foregoing scale, the Sheriff may simply certify each appraiser's fee in writing to the Clerk, who shall then automatically tax those fees as costs in the case without additional formal approval by the Prosecutor's Office or the court.

**C.** In cases involving property having an appraised value in excess of \$8 million, or in situations in which an appraisal is unusually complex requiring exceptional research thought to justify a higher fee, each individual appraiser shall submit an affidavit explaining in detail the scope and complexity of the work as part of a fee application specific to that property. Such fee applications shall be filed in the case for which the appraisal was done, with copies contemporaneously provided to the Prosecutor's Office and the Sheriff's Office. The Sheriff, the Prosecutor's Office and any party to such a case may then recommend, or challenge the fee sought. The appropriate fee shall be determined by the assigned judge.

The Amendments to this Local Rule 96.06 become effective for appraisals done on or after August 1, 2017.

**96.07 (Renumbered 8-1-17)**

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