



## Ohio Revised Code

### Section 2329.44 Excess payable to debtor; notice to debtor.

Effective: April 3, 2025

Legislation: House Bill 315 - 135th General Assembly

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(A) On a sale made pursuant to this chapter, if the officer who makes the sale receives from the sale more money than is necessary to satisfy the writ of execution, with interest and costs, the officer who made the sale shall deliver any balance remaining after satisfying the writ of execution, with interest and costs, to the clerk of the court that issued the writ of execution not later than forty-five days after confirmation of the sale. The clerk then shall do one of the following:

(1)(a) If the balance is five hundred dollars or more, send to the judgment debtor whose property was the subject of the sale a notice that indicates the amount of the balance, informs the judgment debtor that the judgment debtor is entitled to receive the balance, and sets forth the procedure that the judgment debtor is required to follow to obtain the balance. Subject to divisions (A)(1)(b) and (c) of this section, this notice shall be sent in the following manner:

(i) To the judgment debtor at the address of the judgment debtor in the caption on the judgment or at any different address the judgment debtor may have provided, by certified mail, return receipt requested, within ninety days after the sale.

(ii) If the certified mail envelope sent under division (A)(1)(a)(i) of this section is returned with an endorsement showing failure or refusal of delivery, the clerk immediately shall send the judgment debtor, at the address of the judgment debtor in the caption on the judgment or any different address the judgment debtor may have provided, a similar notice by ordinary mail.

(iii) If the ordinary mail envelope sent under division (A)(1)(a)(ii) of this section is returned for any reason, the clerk immediately shall give a similar notice to the judgment debtor that includes the case number, the name of the judgment debtor, if known, and information on how to contact the clerk by an advertisement in a newspaper published in and of general circulation in the county, which advertisement shall run at least once, a posting on the clerk's web site, a text message to the judgment debtor, or a posting in a conspicuous place in the court where the action was commenced.



(b) If the address of the judgment debtor is not known, the clerk shall not send a notice by mail under division (A)(1)(a)(i) or (ii) of this section, but shall comply with division (A)(1)(a)(iii) of this section.

(c) If the name of the judgment debtor is not known, but the address of the judgment debtor is known, the clerk shall send the notice required under division (A)(1)(a) of this section in the manner prescribed by division (A)(1)(a)(i), (ii), or (iii) of this section.

(d) If the balance remains unclaimed for ninety days following the last mailing, publication, posting, or text message required under division (A)(1)(a), (b), or (c) of this section, the clerk shall dispose of the balance in the same manner as unclaimed money is disposed of under sections 2335.34 and 2335.35 of the Revised Code.

(2)(a) If the balance is less than five hundred dollars, send to the judgment debtor whose property was the subject of the sale a notice that indicates the amount of the balance, informs the judgment debtor that the judgment debtor is entitled to receive the balance, and sets forth the procedure that the judgment debtor is required to follow to obtain the balance. This notice shall be sent to the judgment debtor in the following manner:

(i) At the address of the judgment debtor in the caption on the judgment or at any different address the judgment debtor may have provided, by ordinary mail;

(ii) If the address of the judgment debtor is not known, the clerk shall notify the judgment debtor in the same manner prescribed by division (A)(1)(a)(iii) of this section.

(iii) If the name of the judgment debtor is not known, but the address of the judgment debtor is known, the clerk shall notify the judgment debtor in the manner prescribed by either division (A)(2)(a)(i) or (A)(1)(a)(iii) of this section.

(b) If the balance remains unclaimed for ninety days following the date of the last mailing, publication, posting, or text message required by division (A)(2)(a) of this section, the clerk shall dispose of the balance in the same manner as unclaimed money is disposed of under sections 2335.34 and 2335.35 of the Revised Code.



(B)(1) Subject to division (B)(2) of this section, the clerk of the court that issued the writ of execution, on demand and whether or not the notice required by division (A)(1) or (2) of this section is provided as prescribed, shall pay the balance to the judgment debtor or the judgment debtor's legal representatives.

(2) The clerk of the court that issued the writ of execution is not required to pay the balance to the judgment debtor or the judgment debtor's legal representatives pursuant to division (B)(1) of this section until the judgment debtor or the legal representatives pay to the clerk the actual costs incurred in the provision of the notice required by division (A)(1) or (2) of this section.