

LOC.R. 65.1 TITLE EVIDENCE

In every real property sale proceeding requiring approval of the Court, the Plaintiff shall file, within 14 days after the filing of the pleadings requesting such relief, a commitment for an owner's policy of title insurance, using the current ALTA owner's policy commitment, or a preliminary judicial report issued by a licensed "title insurance company" as that term is defined in R.C. 3953.01(c), of the Ohio Revised Code, showing:

- (A) the name of the owners of the real property to be sold;
- (B) a reference to the volume and page of the recording by which the owners acquired title to such real property;
- (C) a description of all exceptions to the owner's fee simple title and liens thereon;
- (D) the name and address, as shown on the recorded lien, of the lien holder(s);
- (E) the legal description of the real property to which the report relates.

The commitment or report shall have an effective date not more than thirty (30) days prior to the filing of the initial pleading requesting sale. The commitment shall be endorsed, or the final judicial report filed, with an effective date not less than seven (7) days prior to submission to the Court of the Judgment Entry Confirming Sale, Ordering Deed and Distribution. The cost of the title examination and the premiums arising from the issuance of the insurance, commitment, or reports and other title related expenses, including cancellation fees, shall be paid out of the judicial sale, but if the sale is not completed they will be taxed as court costs upon the filing of an invoice. It is incumbent upon counsel to promptly advise the Court when a fee for which an invoice has been filed is paid subsequently outside the case and therefore should be removed from the court costs to be assessed.

If the Plaintiff believes title insurance will enhance the marketability of the real property, then the Plaintiff may include the premium for a final owner's policy of title insurance as a Seller's expense on the closing statement for the sale.