



# **TAX FORECLOSURE LAND AFFIDAVITS**

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**CUYAHOGA COUNTY PROSECUTOR'S OFFICE**



# LAND AFFIDAVITS

- **LAND AFFIDAVITS CONSIST OF THREE MAIN SECTIONS CONCERNING THE STATUS OF THE PARCEL. THESE ARE COMPLETED BY THE ELECTING SUBDIVISION THE PARCEL IS LOCATED.**
- **WE MUST HAVE A PROPERLY COMPLETED LAND AFFIDAVIT FOR EVERY PARCEL BEFORE WE FILE A TAX FORECLOSURE CASE.**
- **LAND AFFIDAVITS HELP US DETERMINE THE VENUE IN WHICH WE FILE OUR TAX FORECLOSURE CASES (I.E. BOARD OF REVISION OR JUDICIAL.)**

EXAMPLE

STATE OF OHIO ) \_\_\_\_\_ Case No. \_\_\_\_\_  
 ) ss.  
COUNTY OF CUYAHOGA ) PERMANENT PARCEL NO. «Parcel\_Number»

**AFFIDAVIT OF THE CITY OF «PARCEL\_CITY»**

Now comes \_\_\_\_\_ for the City of «Parcel\_City», Ohio and states based on information and belief that on or about **ORDINANCE DATE** the City of «Parcel\_City» enacted Ordinance No. **NUMBER** and adopted and implemented procedures to facilitate reutilization of "Nonproductive Land" situated in the City of «Parcel\_City» under Section 5722 of the Ohio Revised Code. **AFFIANT** further states that the Prosecuting Attorney of Cuyahoga County, Ohio has notified the City of «Parcel\_City», Ohio, an electing subdivision of a certain parcel of land to which foreclosure proceedings pursuant Section 323.25 and/or Section 5721.18 and/or 323.65- 323.79 of the Ohio Revised Code have been initiated. **AFFIANT** further states they have located parcel «Parcel\_Number» within the City of «Parcel\_City», **INSPECTED** said parcel and determined, pursuant to Section 5722.01(F) of the Ohio Revised Code, that the parcel is delinquent land:

**SECTION 1: [AFFIANT MUST "X" ONE OF THE FOUR BOXES BELOW]**

- AND** there are no buildings or other structures located on the parcel. **NONPRODUCTIVE LAND [i.e. VACANT LAND]**
- AND** there are buildings or other structures that are not in the occupancy of any person and the City of «Parcel\_City» has instituted proceedings under 505.86 or 715.26 of the Ohio Revised Code or Section 3 of Article XVIII, Ohio Constitution, for the removal or demolition of such buildings or other structures by the electing subdivision because of their insecure, unsafe or structurally defective condition. **NONPRODUCTIVE LAND**
- AND** there are buildings or other structures that are not in the occupancy of any person at the time the foreclosure proceeding initiated and whose acquisition the \_\_\_\_\_ determines to be eligible for the implementation of an effective land reutilization program. **NONPRODUCTIVE LAND**
- OR** the parcel does not fall under any of the above definitions of Nonproductive Land. **OTHER LAND**

**SECTION 2: [AFFIANT MUST "X" ONE OF THE BOXES THAT APPLY BELOW]**

- The City of «Parcel\_City» **DOES NOT** wish to acquire parcel number «Parcel\_Number» into its land reutilization program.
- The City of «Parcel\_City» **DOES** wish to acquire parcel number «Parcel\_Number» into its land reutilization program.

**SECTION 3: [AFFIANT MUST "X" ALL THAT APPLY TO PARCEL «Parcel\_Number»]**

- |   |   |
|---|---|
| <input type="checkbox"/> Occupied Structure                                 | <input type="checkbox"/> Absence of utility service hook-ups or billing             |
| <input type="checkbox"/> Unoccupied Structure                               | <input type="checkbox"/> Boarded up Structure                                       |
| <input type="checkbox"/> Business/ Commercial/ Mixed Residential-Commercial | <input type="checkbox"/> open vacant and/or vandalized                              |
| <input type="checkbox"/> Residential  | <input type="checkbox"/> condemned by political subdivision (attach order/notice)   |
| <input type="checkbox"/> Abandoned/ Vacant Lot                              | <input type="checkbox"/> statutory drug/nuisance condemnation (attach order/notice) |
| <input type="checkbox"/> Not Agricultural Lands                             | <input type="checkbox"/> building/environmental code violations                     |
| <input type="checkbox"/> Overgrown Weeds                                    | <input type="checkbox"/> Other _____  |
| <input type="checkbox"/> Dumping/ Noticeable Accumulation of Trash/ Debris  | _____   |

**FURTHER AFFIANT SAYETH NAUGHT**

Affiant's Signature: \_\_\_\_\_  
Affiant's Name (Print): \_\_\_\_\_  
As an Agent of: \_\_\_\_\_  
Affiant's Title: \_\_\_\_\_

Subscribed to and sworn before me by \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ in the City of \_\_\_\_\_, Ohio.

\_\_\_\_\_  
Notary Public

# OHIO REVISED CODE 5722.01-5722.22

STATE OF OHIO ) \_\_\_\_\_ Case No. \_\_\_\_\_  
 )ss.  
COUNTY OF CUYAHOGA ) PERMANENT PARCEL NO. «Parcel\_Number»

## AFFIDAVIT OF THE CITY OF «PARCEL\_CITY»

Now comes \_\_\_\_\_ for the City of «Parcel\_City», Ohio and states based on information and belief that on or about **ORDINANCE DATE**, the City of «Parcel\_City» enacted Ordinance No. **NUMBER** and adopted and implemented procedures to facilitate reutilization of “Nonproductive Land” situated in the City of «Parcel\_City» under Section 5722 of the Ohio Revised Code. **AFFIANT** further states that the Prosecuting Attorney of Cuyahoga County, Ohio has notified the City of «Parcel\_City», Ohio, an electing subdivision of a certain parcel of land to which foreclosure proceedings pursuant Section 323.25 and/or Section 5721.18 and/or 323.65- 323.79 of the Ohio Revised Code have been initiated. **AFFIANT** further states they have located parcel «Parcel\_Number» within the City of «Parcel\_City», **INSPECTED** said parcel and determined, pursuant to Section 5722.01(F) of the Ohio Revised Code, that the parcel is delinquent land:

- **THE FIRST PARAGRAPH OF THE LAND AFFIDAVIT IDENTIFIES THE GOVERNING SECTIONS OF THE OHIO REVISED CODE.**

# SECTION 1 – WHAT KIND OF LAND IS IT?

## SECTION 1: [AFFIANT MUST “X” ONE OF THE FOUR BOXES BELOW]

- AND there are no buildings or other structures located on the parcel. **NONPRODUCTIVE LAND [i.e. VACANT LAND]**
- AND there are buildings or other structures that are not in the occupancy of any person and the City of «Parcel\_City» has instituted proceedings under 505.86 or 715.26 of the Ohio Revised Code or Section 3 of Article XVIII, Ohio Constitution, for the removal or demolition of such buildings or other structures by the electing subdivision because of their insecure, unsafe or structurally defective condition. **NONPRODUCTIVE LAND**
- AND there are buildings or other structures that are not in the occupancy of any person at the time the foreclosure proceeding initiated and whose acquisition the \_\_\_\_\_ determines to be **eligible** for the implementation of an effective land reutilization program. **NONPRODUCTIVE LAND**
- OR the parcel does not fall under any of the above definitions of Nonproductive Land. **OTHER LAND**

- **IS THE PARCEL NONPRODUCTIVE OR OTHER LAND? SEE THE NEXT SLIDE FOR THE DEFINITIONS.**
- **CHOOSE THE OPTION THAT BEST DESCRIBES THE PARCEL IN QUESTION.**

# NONPRODUCTIVE LAND VS. OTHER LAND

## NONPRODUCTIVE LAND

- **ORC 5722.01 (F)**
- **1. “UPON WHICH THERE ARE NO BUILDINGS OR OTHER STRUCTURES,” I.E. VACANT LAND, *OR***
- **2. HAS BUILDINGS OR OTHER STRUCTURES THAT ARE NOT OCCUPIED AND HAS BEEN CONDEMNED AND/OR APPROVED FOR DEMOLITION, *OR***
- **3. HAS BUILDINGS OR OTHER STRUCTURES THAT ARE NOT OCCUPIED THAT IS ELIGIBLE TO TRANSFER TO A LAND BANK**
- **SHOULD BE ELIGIBLE FOR BOR FORECLOSURE**

## OTHER LAND

- **LAND THAT IS NOT STATUTORILY ABLE TO BE DEFINED AS NONPRODUCTIVE LAND**
- **SOME EXAMPLES INCLUDE:**
  - **ALL OCCUPIED STRUCTURES**
  - **PARCELS WITH EPA VIOLATIONS**
  - **PARCELS WITH VALID REHABILITATION PERMITS**
- ***MAY BE* ELIGIBLE FOR BOR OR JUDICIAL FORECLOSURE**

# SECTION 2 – DO YOU WANT IT? \*\*

**SECTION 2: [AFFIANT MUST "X" ONE OF THE BOXES THAT APPLY BELOW]**

- The City of «Parcel\_City» DOES NOT wish to acquire parcel number «Parcel\_Number» into its land reutilization program.
- The City of «Parcel\_City» DOES wish to acquire parcel number «Parcel\_Number» into its land reutilization program.

- **ONLY NONPRODUCTIVE LAND CAN BE ACQUIRED BY A LAND REUTILIZATION PROGRAM.**
- **OTHER LAND IS NOT ELIGIBLE FOR DIRECT TRANSFER.**

**\*\*OR CAN YOU HAVE IT?**

# SECTION 3 – WHAT DOES THE PROPERTY LOOK LIKE?

## SECTION 3: [AFFIANT MUST "X" ALL THAT APPLY TO PARCEL «Parcel\_Number»]

- |   |   |
|---|---|
| <input type="checkbox"/> Occupied Structure                                 | <input type="checkbox"/> Absence of utility service hook-ups or billing             |
| <input type="checkbox"/> Unoccupied Structure                               | <input type="checkbox"/> Boarded up Structure                                       |
| <input type="checkbox"/> Business/ Commercial/ Mixed Residential-Commercial | <input type="checkbox"/> open vacant and/or vandalized                              |
| <input type="checkbox"/> Residential  | <input type="checkbox"/> condemned by political subdivision (attach order/notice)   |
| <input type="checkbox"/> Abandoned/ Vacant Lot                              | <input type="checkbox"/> statutory drug/nuisance condemnation (attach order/notice) |
| <input type="checkbox"/> Not Agricultural Lands                             | <input type="checkbox"/> building/environmental code violations                     |
| <input type="checkbox"/> Overgrown Weeds                                    | <input type="checkbox"/> Other _____  |
| <input type="checkbox"/> Dumping/ Noticeable Accumulation of Trash/ Debris  | _____   |

FURTHER AFFIANT SAYETH NAUGHT

Affiant's Signature: \_\_\_\_\_  
Affiant's Name (Print): \_\_\_\_\_  
As an Agent of: \_\_\_\_\_  
Affiant's Title: \_\_\_\_\_

Subscribed to and sworn before me by \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ in the City of \_\_\_\_\_, Ohio.

\_\_\_\_\_  
Notary Public

Exhibit "A"

- **CHECK OFF ALL CONDITIONS THAT APPLY TO THIS PARCEL.**
- **IF THERE IS A STRUCTURE, WE MUST KNOW IF IT IS OCCUPIED OR NOT. IF THERE IS NOT A STRUCTURE, CHOOSE ABANDONED/VACANT LOT.**



# LAND AFFIDAVITS OVERVIEW

- **NONPRODUCTIVE LAND IS NOT REQUIRED TO BE ACQUIRED BY A LAND BANK. THE DEFINITION OF THE LAND REMAINS THE SAME WHETHER YOU WISH TO ACQUIRE IT OR NOT.**
- **OTHER LAND, INCLUDING OCCUPIED STRUCTURES, ARE NOT ELIGIBLE TO BE ACQUIRED BY A LAND BANK.**
- **COMPLETE LAND AFFIDAVITS WITH AS MUCH INFORMATION AS POSSIBLE FROM YOUR INSPECTIONS. THIS WILL ENSURE THAT WE DETERMINE THE APPROPRIATE VENUE (EITHER BOR OR JUDICIAL.)**
- **IF YOU KNOW THE STATUS OF A PARCEL HAS CHANGED, PLEASE CONTACT OUR OFFICE AS SOON AS POSSIBLE TO ALLOW US TO FILE AN AMENDED AFFIDAVIT.**