

# SHERIFF SALES IN OHIO 2008

A REPORT FROM  
POLICY MATTERS OHIO

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## ACKNOWLEDGEMENTS

Policy Matters Outreach Coordinator Pam Rosado oversaw our sheriff department survey. Interns Eden Engel-Rebitzer and Laura Wichman helped follow up and gather additional information. Kathleen Engel and Kermit Lind of Cleveland State University's Cleveland-Marshall College of Law provided useful information and Mr. Lind also reviewed the Data and Methodology section of the report. Marion Wynthucky at the Cuyahoga County Sheriff's Office verified the number of sheriff sales in Cuyahoga County and explained the reasons behind them. This report marks the fourth time Policy Matters Ohio has surveyed the state's county sheriff departments to find out how many foreclosed properties they have put up for auction and ask other questions. We would like to thank the 75 sheriff departments that responded to the survey.

**POLICY MATTERS OHIO**, the publisher of this study, is a nonprofit, nonpartisan research institute dedicated to researching an economy that works for Ohio. Policy Matters seeks to broaden debate about economic policy by doing research on issues that matter to working people and their families. With better information, we can achieve more just and efficient economic policy. Areas of inquiry for Policy Matters include work, wages, education, housing, energy, tax and budget policy, and economic development.

## Executive Summary

In this report, Policy Matters Ohio uses data from a biennial sheriff sale survey to provide an estimate of the number of families in Ohio that have lost their homes due to foreclosure. The foreclosure filings that are more commonly used to define this number represent only the first step in the process. While most of those filings end in the family losing their home, some may have a different resolution. Sheriff sales, coming at the end of the foreclosure process, offer another insight into how many families have lost their homes through the foreclosure process. Neither number provides a precise measure. This year, 75 out of 88 sheriff departments responded to the survey, representing 92 percent of Ohio's population.

The 75 counties reported 68,974 properties put up for sale last year. The number of such properties grew substantially again in 2007. In the 72 counties that provided data for each of the last two years, the number of properties put up for sale increased 18.4 percent from a year earlier, to 68,260. That reflected a jump of 50.6 percent from 2005. In the 54 counties (representing 76 percent of Ohio's population) for which we have data for every year since 2001, the number of sheriff sales more than tripled between 2001 and 2007. For every 1,000 people in Ohio, there were more than 6 properties put up for sheriff sale in 2007.

Sandusky and Cuyahoga counties reported by far the greatest increase in sheriff sales over the past two years of any reporting Ohio counties. However, these counties both recently improved their processing of foreclosed properties, so part of their recent increases reflect catching up with a backlog. Hardin and Cuyahoga counties reported the greatest number of sales per capita in 2007, followed by Montgomery, Knox and Franklin counties.

Ohio's ten most populous counties make up 57 percent of the population of the 75 Ohio counties that responded to the survey, but they accounted for almost 70 percent of Ohio's sheriff sales in 2007. Most of these urban counties are not among the leaders in sales growth, however, underscoring that like foreclosures, different counties in Ohio see high rates of increase of sheriff sales at different times.

As in past surveys, sheriffs' offices reported predatory lending as the top factor contributing to local foreclosures, with 20 of 36 responding departments ranking this as the number one factor.

Despite action by Congress and unprecedented U.S. actions to stabilize the financial system, most borrowers who are in trouble still have not seen truly significant measures to restructure their mortgages. More dramatic action should be taken to allow wide-scale modification of the terms of mortgages in owner-occupied properties. Renters who are affected by foreclosures also need protection. And additional steps, including the proposal to create county land banks to reclaim tax-foreclosed properties and others, must be taken to rebuild Ohio communities devastated by foreclosures.

A *Data and Methodology* section at the end of the report explains factors that make it difficult to place an exact number on how many Ohio families lose their homes through the foreclosure process.

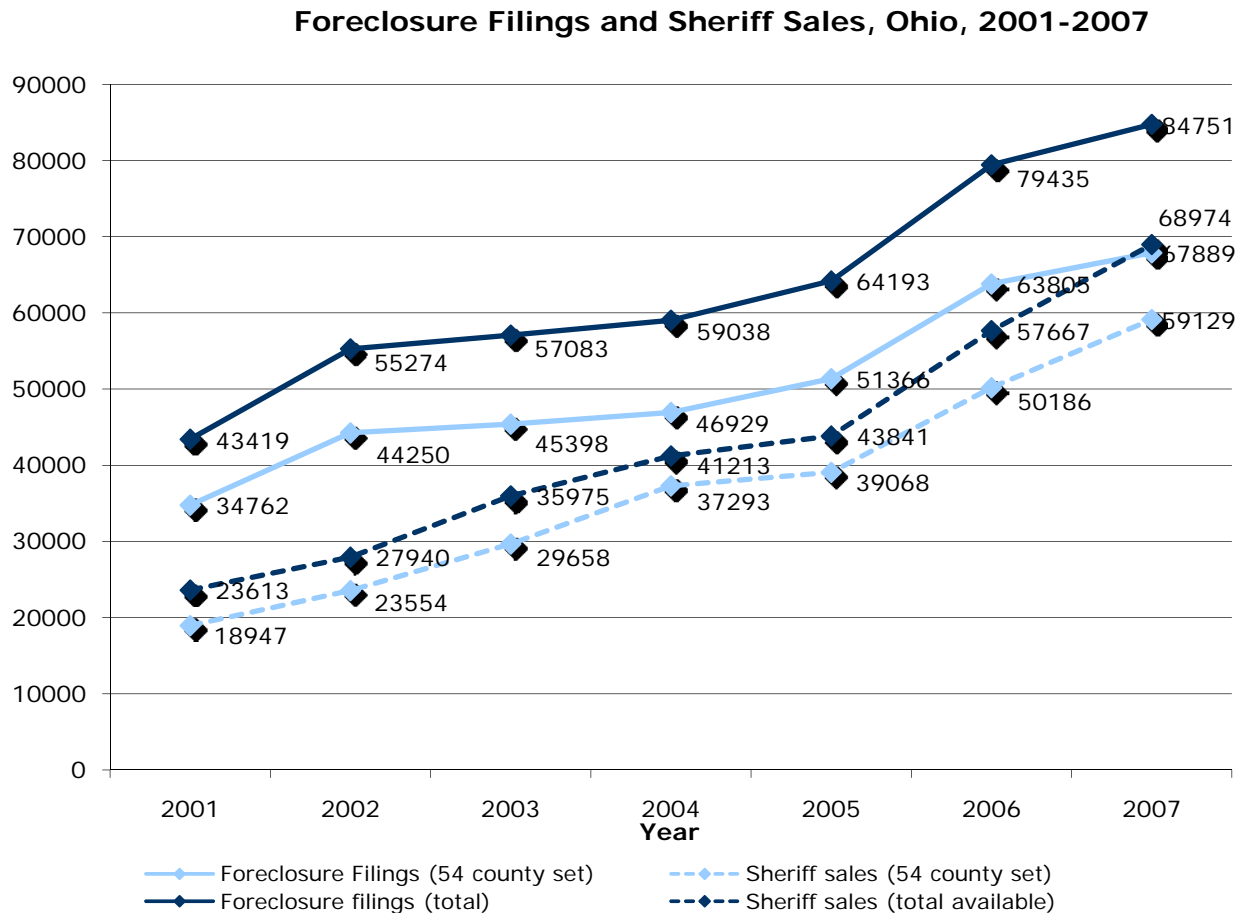
## Introduction

In this report, Policy Matters Ohio uses data from a biennial sheriff sale survey to provide an estimate of the number of families in Ohio that have lost their homes due to foreclosure. The foreclosure filings that are more commonly used determine this number represent only the first step in the foreclosure process. While most of those filings end in the family losing their home, some may have a different resolution. Sheriff sales, coming at the end of the foreclosure process, offer another insight into how many families have lost their homes through the foreclosure process. Neither number provides a precise measure. See page 12 for more on methodology. This year, 75 out of 88 sheriff departments responded to the survey, representing 92 percent of Ohio's population.

The 75 counties reported 68,974 properties put up for sale last year. The number of properties put up for sheriff sale in Ohio grew substantially again in 2007. In the 72 responding counties that provided data for both 2006 and 2007, the number of such properties increased to 68,260, up 18.4 percent. That reflected a jump of 50.6 percent from 2005.

**Over time.** Along with foreclosure filings, sheriff sales ballooned between 2001 and 2007. This report also uses a subset of 54 counties (representing 76 percent of Ohio's population) that have responded to our surveys since 2001 to make comparisons in sheriff sales across time. Between 2001 and 2007, the number of sheriff sales among these 54 counties in Ohio skyrocketed by 212 percent. In other words, it has more than tripled in the past six years, after fast growth during the 1990s. **Figure 1** on the next page shows the number of foreclosure filings and sheriff sales for Ohio from 2001 through 2007. The graph compares foreclosure filings and sheriff sales across time, using a consistent set of 54 counties. These figures are more reliable for making comparisons across years. The graph also includes our complete set of foreclosure filing and sheriff sale survey data, to present a picture of the magnitude of each.

**Figure 1**



As shown in **Figure 1**, foreclosure filings in Ohio grew 6.7 percent from 2006 to 2007.<sup>1</sup> At the same time, sheriff sales grew 17.8 percent among the 54 counties that have responded to our survey each year since 2001, and 18.4 percent among the 72 counties that responded to our most recent survey and provided data for each of the last two years.<sup>2</sup> As foreclosure filings have increased, so have sheriff sales, which is to be expected. At some points, the growth of sheriff sales outpaces the growth of foreclosures. For example, from 2002 to 2003 and from 2003 to 2004, sheriff sales in the 54 counties grew well over 20 percent each year, while foreclosure filings grew only slightly, by about 3 percent each year. While sheriff sale growth slowed in 2005, growth increased again from 2005 to 2006, and sheriff sales, though smaller in number, also outgrew foreclosure filings in 2006 and 2007.

<sup>1</sup> Schiller, Z. (2008). Foreclosure growth in Ohio 2008. Policy Matters Ohio. Cleveland; OH. Retrieved August 1, 2008 from <http://www.policymattersohio.org/publications.htm>

<sup>2</sup> Auglaize, Gallia and Sandusky counties responded to the survey but did not provide data for 2006.

**Cuyahoga County.** In 2006 and 2007, Cuyahoga County reported the highest number of properties put up for sheriff sale of any Ohio county. The totals are staggering: the county reported 10,267 in 2006 and 14,011 in 2007, which was 5,000 more than in the county with the second highest total. These high numbers in Cuyahoga County reflect increases in overall sheriff sales as well as quicker processing of sheriff sales and a reduced backlog.<sup>3</sup>

As the 2008 report *Responding to Foreclosures in Cuyahoga County: An Assessment of Progress*, documents, Cuyahoga County increased its weekly processing of sheriff sales from an average of 97 in 2005 to an average of 197 in 2006 and 270 in 2007. The report states, “the ratio of orders of sale to foreclosure cases filed went from 58 percent in October 2005 (493:847) to 115 percent in October 2006 (1426:1239).” This faster processing has reduced the backlog. See *Data and methodology* for more detailed information.

**Appendix A.** This appendix outlines the breakdown of number of orders of sheriff sale by county. Generally, counties with larger populations saw larger numbers of filings. As noted, Cuyahoga County reported 14,011 properties put up for sheriff sale in 2007. Franklin County follows Cuyahoga, with 8,943 properties put up for sheriff sale in 2007, a 24.5 percent increase from 2006. Hamilton and Montgomery counties proceed behind reporting 5,405 and 5,131, respectively. All other counties report the number of sheriff sales to be below 4,000 for 2007.

Noble, Morgan, Vinton, and Monroe counties all reported less than 30 sheriff sales in 2007, and were the counties with the smallest numbers of sheriff sales of those that responded to the survey. All four counties also saw a negative growth rate from 2006-2007.

**Appendix B.** This appendix outlines the breakdown of sheriff sales by county, and the rate of sales per 1,000 people for each county that responded to our 2008 survey. Sheriff sales per 1,000 population per county ranges from a maximum of 12.1 to 1.0. Counties with the highest rates of sheriff sales per population include both populous urban counties, and less populated rural counties.

### Counties with the highest percent change

**Table 1** outlines the ten counties with the highest percent increase in sheriff sales from 2005 to 2007. Some counties saw dramatic increases in sheriff sales during this period; Sandusky County tops this list, with 478 reported sheriff sales in 2007, representing a 183 percent increase from 2005. As in Cuyahoga County, Sandusky County reported experiencing a backlog of sales in previous years, and then increasing their capabilities of processing sales in 2007.<sup>4</sup> Cuyahoga County has the second highest percent increase in sheriff sales between 2005 and 2007, experiencing a 176 percent increase. Again, these first two figures reflect not just properties that

<sup>3</sup> For more information about this, see **Data Notes and Methodology**. Information from: Weinstein, A.C., Hexter, K.W., & Schnoke, M. (2006). *Responding to foreclosures in Cuyahoga County: An assessment of progress*. Cleveland, OH: Prepared for the Cuyahoga County Board of County Commissioners; and Weinstein, A.C., Hexter, K.W., & Schnoke, M. (2008). *Responding to foreclosures in Cuyahoga County: A pilot initiative, interim report*. Cleveland, OH: Prepared for the Cuyahoga County Board of County Commissioners. Both available online at [http://urban.csuohio.edu/civic\\_education/publications/](http://urban.csuohio.edu/civic_education/publications/)

<sup>4</sup> Personal communication, Sophia Bowders, Sandusky County Sheriff’s Office, August 2008.

were foreclosed in 2007, but also a backlog of properties that were foreclosed in previous years, and weren't put up for sheriff sale until 2007.

**Table 1**

<b>Top 10 Counties with Highest Percent Change in Properties Put Up For Sheriff Sales, 2005-2007</b>							
<b>County</b>	<b>Sales</b>			<b>Percent Change in Sales</b>			<b>Rank in Growth 2005-2007</b>
	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2005-2006</b>	<b>2006-2007</b>	<b>2005-2007</b>	
<b>Sandusky</b>	169	N/A	478	N/A	N/A	182.8%	1
<b>Cuyahoga</b>	5,074	10,267	14,011	102.4%	36.5%	176.1%	2
<b>Mercer</b>	53	110	105	107.6%	-4.6%	98.1%	3
<b>Holmes</b>	33	50	64	51.5%	28.0%	93.9%	4
<b>Ashtabula</b>	384	556	743	44.8%	33.6%	93.5%	5
<b>Portage</b>	400	818	769	104.5%	-6.0%	92.3%	6
<b>Columbiana</b>	319	404	613	26.7%	51.7%	92.2%	7
<b>Wyandot</b>	46	85	85	84.8%	0.0%	84.8%	8
<b>Knox</b>	271	393	486	45.0%	23.7%	79.3%	9
<b>Delaware</b>	364	501	639	37.6%	27.5%	75.6%	10
<b>Ohio</b>	<b>45,325**</b>	<b>57,667**</b>	<b>68,260**</b>	<b>27.2%**</b>	<b>18.4%**</b>	<b>50.6%**</b>	

\*\*Calculated using only those 72 counties where data for all three years is available. When all 75 counties are included, the percentage change between 2005 and 2007 is slightly higher, at 51.0%. In Columbiana County, the number of sheriff sales reported for 2005 in this year's survey differed substantially from the number for that year reported in our 2006 survey. In Sandusky County, data for 2006 is unavailable and data from a previous survey from 2005 was used.  
Sources: See Appendix A.

Though Cuyahoga, Franklin, Hamilton, and Montgomery top the list of counties with the highest number of properties put up for sheriff sale, Sandusky, Mercer, and Holmes top the list of counties with the highest percent change in sheriff sales from 2005 to 2007, along with Cuyahoga. The counties with the highest percent growth change with each biannual survey, often with no overlap, confirming that growth in foreclosures is a statewide problem. From 2003 to 2005, counties with the highest percent change had increases ranging from 44.8 percent to 171.4 percent, but rates grew even higher between 2005 and 2007, ranging from 75.6 percent to 182.8 percent. The number of properties being put up for sheriff sale is growing at an increasing rate, though the fastest growth in any two-year period is coming from a different set of counties.

Regardless of when these properties might have first been put up for sheriff sale, they were put up for sale in 2007, and the task of bringing these properties back to productive use can finally begin again when the property is sold at sheriff sale. Cuyahoga County saw a large share of the sheriff sales in Ohio, and is therefore currently seeing a large number of properties with new owners. It can be said that, on average, there were 30 properties per square mile put up for sheriff sale in Cuyahoga County in 2007, an alarming statistic that presents a challenge for community practitioners, stakeholders, and families in Cuyahoga County.<sup>5</sup>

<sup>5</sup> This figure is calculated using square meters per county from the U.S. Census Bureau, converted into square miles.

### Rank per 1,000 population

Hardin, Cuyahoga, Montgomery, Knox, and Franklin counties are the top five counties with the highest rate of sheriff sales per 1,000 people, among the 75 counties that responded to the survey. **Table 2** outlines the top ten counties.

This list is made up of a wide range of counties, from more populated urban counties to much less populated counties. Hardin County has the largest number of sheriff sales per 1,000 population. Hardin County representatives reported seeing many properties being put up for sale, withdrawn, and put up again, in explaining the high numbers of properties put up for sale (see *Data and Methodology*). Cuyahoga County comes in second. Again, Cuyahoga and Sandusky Counties have experienced a dramatic increase in sheriff sales because they sped up processing foreclosed properties, getting them to sheriff sale faster and reducing their backlogs of orders of sale.<sup>6</sup>

**Table 2**

Rates of Properties Put Up For Sheriff Sale by County Population, 2007				
County	Population, 2007	Sheriff Sales, 2007	Sheriff Sales per 1,000 Population	Rank
Hardin	31,650	383	12.1	1
Cuyahoga	1,295,958	14,011	10.8	2
Montgomery	538,104	5,131	9.5	3
Knox	58,961	486	8.2	4
Franklin	1,118,107	8,943	8.0	5
Sandusky	60,997	478	7.8	6
Ashtabula	101,141	743	7.4	7
Marion	65,248	461	7.1	8
Preble	41,739	294	7.0	9
Summit	543,487	3,822	7.0	10
<b>Ohio**</b>	<b>10,588,534**</b>	<b>68,974**</b>	<b>6.51**</b>	

\*\*Calculated using only the 75 counties that responded to our survey.  
Sources: See Appendix B.

Whereas the highest ranking counties by percent change in sheriff sales per year changes each year, some of the counties with the highest rates of sales per population in 2007 also had high rates in 2005. Montgomery County, listed as having the highest rate of sheriff sales per population in 2005, ranks third in 2007 with 9.5 sales per 1,000 people, up from 7.9 sales per 1,000 in 2005. Marion County, Franklin County and Preble County all had rates among the top ten in both 2005 and 2007, and all saw increases over this period.

### Most populous counties

Ohio’s ten most populous counties make up 57 percent of the population of the 75 Ohio counties that responded to the survey, yet they accounted for almost 70 percent of Ohio’s sheriff sales in 2007. However, only four of Ohio’s ten most populous counties are within the top ten counties with the highest rates of sheriff sales per population: Cuyahoga, Montgomery, Franklin, and Summit. Though larger counties often have larger numbers of sheriff sales, the lower rates of growth among these top ten most populous counties in Ohio suggest that growth in sheriff sales is not happening only in more populated urban counties, but that, like foreclosures, different counties in Ohio see high rates of increase of sheriff sales at different times.

<sup>6</sup> Personal communication, Sophia Bauders, Sandusky County Sheriff’s Office, August 2008. Personal communication, Marion Wyntucky, Cuyahoga County Sheriff’s Office, September 2008.



Table 3

<b>Sheriff Sales of Top 10 Most Populous Counties</b>				
<b>County</b>	<b>Population, 2007</b>	<b>Sheriff Sales, 2007</b>	<b>Sheriff Sales Percent Change, 2005-2007</b>	<b>Sales per 1,000 Population 2007</b>
Cuyahoga	1,295,958	14,011	176.1%	10.8
Franklin	1,118,107	8,943	50.8%	8.0
Hamilton	842,369	5,405	31.0%	6.4
Summit	543,487	3,822	27.1%	7.0
Montgomery	538,104	5,131	14.6%	9.5
Lucas	441,910	2,859	43.6%	6.5
Stark	378,664	2,195	31.8%	5.8
Butler	357,888	2,455	57.0%	6.9
Lorain	302,260	1,992	35.1%	6.6
Mahoning	240,420	1,010	-13.3%	4.2
<b>Ohio</b>	<b>10,588,534**</b>	<b>68,974**</b>	<b>51.0%**</b>	<b>6.5**</b>

\*\*Calculated using only the 75 counties that responded to our survey.  
In Lucas and Mahoning Counties, the number of sheriff sales reported for 2005 differed substantially from the number for that year reported in our 2006 survey. Sources: See appendices A and B.

With the exception of Cuyahoga and Butler counties, the growth rate of sheriff sales in Ohio as a whole exceeds the rate of growth in Ohio's ten most populous counties (though the growth rate in Franklin County is about the same as that in the top ten as a whole).

### Survey / Qualitative Section

Our biennial survey included multiple choice and open-ended questions about what sheriffs see in their work. Of the responses that we received, sheriffs' offices reported predatory lending as the top factor contributing to

foreclosure in their county, with 20 out of 36 responding sheriff's departments ranking this as the number one factor. Sheriff's departments ranked job loss and/or a weak economy as the second top factor contributing to foreclosure, with 11 out of 36 counties seeing this as the number one factor, and another 10 counties seeing this as a secondary factor. Divorce was also highly rated as a secondary factor contributing to foreclosure, with 10 out of 36 counties seeing it as a number two factor.

When asked where families go when their houses are foreclosed upon, of the 20 departments who responded, 15 stated that they saw families living in rental properties after foreclosure. Seven departments said they saw families moving in with family, and usually listed this as a possibility along with moving into rental properties.

### Recommendations

Six months have passed since the release of Policy Matters Ohio's report on Ohio foreclosure filings in 2007, which should be read in conjunction with this report.<sup>7</sup> Despite action by Congress and unprecedented U.S. actions and spending to stabilize the financial system, most borrowers who are in trouble still have not seen truly significant measures to restructure their mortgages. The housing market continues to slide, while the costs of the mortgage meltdown afflict communities across Ohio and the nation.

<sup>7</sup> See Schiller, Z. (2008). Foreclosure growth in Ohio 2008. Policy Matters Ohio. Cleveland; OH. Available at <http://www.policymattersohio.org/publications.htm>

While some states and cities have taken steps to freeze foreclosure proceedings, Ohio has not. Recently, for instance, a coalition of community groups, housing counseling agencies and others got no response when they asked judges in Cuyahoga County to freeze foreclosures on owner-occupied properties, allow the Cleveland Tenants Organization to counsel affected renters before foreclosures could proceed, and divert all foreclosures on owner-occupied properties to community counseling programs affiliated with the county's foreclosure prevention system.

More dramatic action should be taken to allow wide-scale modification of the terms of mortgages in owner-occupied properties, starting at a minimum with the program employed by the Federal Deposit Insurance Corp. at the failed IndyMac.<sup>8</sup> Under that program, borrowers who are behind on their payments may be offered lower interest rates, extended loan terms and sometimes, forbearance on some of the principal. The program is only available to those whose mortgage payments are greater than 38 percent of their income, and can only be used when the cost to the FDIC is less than that of foreclosing. While a broader program is needed that provides greater relief to more borrowers and is not constrained by contractual terms that limit the program's scope, government officials should start by expanding this program and making it available to more borrowers.

Meanwhile, renters who are affected by foreclosures of their homes also need protection. The Ohio Renter Protection Act (House Bill 626) that has been introduced in the state House of Representatives would require 30 days' notice from a property owner to a renter before a sheriff sale.<sup>9</sup> It would also require that the lease does not terminate upon court approval of a sheriff sale, but rather is turned into a month-to-month lease, allowing renters adequate time to find new housing and continue to have protection under renter laws. A federal bill, HR 5963, would offer tenants affected by foreclosure 90 days' notice to vacate.

While many advocates are working on decreasing the number of foreclosures and displaced homeowners, it is also important to consider the many properties throughout Ohio that have been through foreclosure and sheriff sale, and the process by which they are returned to productive use. Cuyahoga County Treasurer Jim Rokakis has proposed the creation of county land banks that would reclaim and reutilize tax-foreclosed properties as well as others, such as mortgage-foreclosed properties donated by financial institutions. Critically, such land banks would generate revenue from owners of tax-delinquent properties and other sources, giving them funds that could be used for rehabilitation or demolition. Bills now pending in the General Assembly would authorize their creation.<sup>10</sup>

Strong steps need to be taken now to stanch the foreclosure crisis and begin rebuilding Ohio's communities that have been devastated by it.

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<sup>8</sup> For a description, see Phillips, Michael M. and Ruth Simon, "FDIC Plan Tests Limits of Leniency," *The Wall Street Journal*, Nov. 1, 2008. The FDIC's IndyMac solution also was described at the 18<sup>th</sup> annual fair lending conference in Cleveland, Oct. 31, 2008, by Suzy Gardner, senior examination specialist, FDIC Policy and Program Development Section.

<sup>9</sup> See [http://www.legislature.state.oh.us/bills.cfm?ID=127\\_HB\\_626](http://www.legislature.state.oh.us/bills.cfm?ID=127_HB_626), accessed Nov. 10, 2008

<sup>10</sup> See House Bill 602 or Senate Bill 353, [http://www.legislature.state.oh.us/bills.cfm?ID=127\\_HB\\_602](http://www.legislature.state.oh.us/bills.cfm?ID=127_HB_602)

## Data and methodology<sup>11</sup>

There is no accurate measure of the number of Ohio families that lose their homes each year through foreclosure of property they rent or own. This report uses the number of properties put up for sheriff sale (sometimes referred to simply as ‘sheriff sales’) as another way to measure the status of foreclosures in Ohio. It is important to understand parts of the foreclosure process in order to understand what figures representing the numbers of foreclosures in Ohio represent.

The foreclosure process begins after a homeowner defaults on the payment of their mortgage and the mortgage holder files a complaint with the court. This complaint is referred to as a ‘foreclosure filing’ or a ‘foreclosure start.’ After the filing the homeowner must be notified of the foreclosure proceeding and be given the option to explain why they believe their property should not be foreclosed on or raise a counterclaim. There will then be a hearing, where a judge determines if the mortgage is valid, and if the homeowner has breached the contract. If the judgment is for the plaintiff (the mortgage holder), the court issues an judgment for the amount due on the loan and declares that the borrower’s right to redeem the mortgage is foreclosed. To collect the judgment debt the mortgage holder asks the court to issue an ‘order of sale’ to the sheriff, and the property is put up for sheriff sale. These ‘orders of sale’ are what we refer to as ‘properties put up for sheriff sale.’ If the property is sold at sheriff sale, and the buyer fulfills the payment requirements of his or her new property, a sheriff’s deed is given to the new owner, clearing all debts on the property. The mortgage holder may use the unpaid balance due on the mortgage debt to purchase the property at the sheriff’s sale. Where the housing market is in distress, as it is now, mortgage holders buy most of the houses at sheriff’s sales.

Policy Matters Ohio produces an annual report examining the number of foreclosure filings by county in Ohio. The foreclosure filings represent the number of foreclosures that were started in a given year, and while they are a good measure of the number of families having difficulty with their mortgages, they are not necessarily the best measure of the number of families that are actually displaced or removed from their homes because of foreclosure, as some cases are resolved in other ways. The mortgage holder and the homeowner may work out an agreement, reinstating the mortgage. Foreclosure cases also can be dismissed for a variety of reasons. These include that the mortgage holder can’t prove it has the right to the debt or if it fails to fulfill all the legal obligations required to proceed with the case; because the mortgage holder asks to have the case dismissed after the borrower makes good on the loan; or because a judgment is issued in the favor of the borrower. In these cases, the property will not be put up for sheriff sale, and may not represent a displaced family.

Because of these possibilities and other data issues, Policy Matters collects data on the number of properties put up for sheriff sale as another measure of the number of families displaced due to foreclosure. There are also some issues with this data. The following is a limited list of reasons why the number of sheriff sale is not a perfect approximation of the number of families who’ve lost their homes due to foreclosure:

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<sup>11</sup> The information about the legal process of foreclosure and sheriff sale comes from personal communication with Professor Kermit Lind, Clinical Law Professor and Director of the Community Advocacy Clinic, Cleveland State University, Wednesday August 6<sup>th</sup>, 2008.

- There are no standard requirements outlining how sheriff's departments across Ohio should keep track of sheriff sales. One sheriff's department may keep count of all properties put up for sale, withdrawn, refiled, never sold, and sold, while another may only keep track of properties put up for sale and properties that are sold (and not track the number of properties withdrawn, refiled, or never sold).
- Properties can be put up for sheriff sale and withdrawn (excluded) from sheriff sale for a variety of reasons including:
  - The homeowner files for bankruptcy.
  - The homeowner and the lender work out an agreement about the mortgage. This can happen at any point within the foreclosure process up until the court issues a 'confirmation of sale' after sheriff sale.
  - Some parts of the process of putting a property up for sheriff sale have not been sufficiently met. There can be errors in paperwork, errors in meeting requirements about publicly announcing the property's sale, or other reasons why a property can be withdrawn from sheriff sale.
- Properties are put up for sale again after they are withdrawn. In cases where properties are withdrawn from sale, and the reasons for the property being withdrawn do not end the foreclosure process on the property, another 'order of sale' can be issued for the property, and it can go back up for sheriff sale. This could cause a property to be counted twice in our figures, depending on the way a sheriff's department keeps records of these properties.

Properties that are not sold for lack of bids can be offered for sale in a later sale. If a property is put up for sheriff sale and no one bids on the property, the mortgage holder must ask the court for another 'order of sale,' or to put the property up for sheriff sale again. This can result in one property that is put up for sale, not sold, and put up for sale again being counted twice. This could also result in one property being put up for sale, not sold, and not refiled. In Cuyahoga County in 2007, there were 739 properties that received no bid at sheriff sale. These properties may or may not have been put up for sale multiple times.

There are also instances where a family could be displaced due to foreclosure, but the property may not go to sheriff sale. A family could give their rights of the property to the mortgage holder with a 'deed in lieu of foreclosure,' or could sell their home to a new owner in a 'short sale.' In both these instances, a family would be leaving their home, but their property would not be going to sheriff sale. As a result, our figures would not capture this scenario, and could be an underestimate of the number of families displaced by foreclosure.

The data is further complicated by large backlogs of cases that built up in some counties, most notably Cuyahoga, as foreclosure filings increased. This is documented, for example, by reports

for the Cuyahoga County Commissioners, cited below.<sup>12</sup> Other counties have also seen a backlog. Sandusky County, one of the smaller counties with the highest percent change in number of sheriff sales between 2005 and 2007, reported experiencing a backlog, and working towards reducing that backlog in 2007, while Hardin and Knox counties, other small counties with high rates of sheriff sale per 1,000 population, said they had no backlog.<sup>13</sup> A backlog can distort figures measuring change over time, as well as comparisons among counties in a given year. Hardin County representatives did report seeing many properties being put up for sale, withdrawn, and put up again, in explaining their unusually high numbers of properties put up for sale.

To obtain the number of sheriff sales put up by sheriffs' departments across Ohio, Policy Matters Ohio conducts a biennial survey of the sheriffs in each county, requesting the numbers of houses put up for sheriff sale and sold through sheriff sale, for the previous three years. Some other issues of interpretation may affect the data. Counties may interpret our survey to include tax-foreclosed properties, as well as properties that have been put up for sheriff's sale more than once. However, while reports may differ somewhat between counties, most counties are consistent in how they report. Thus, the survey provides an excellent sense of growth in sheriff sales over time.

This year, 75 out of 88 sheriff departments responded to the survey, representing 92 percent of Ohio's population. Eight counties reported numbers for 2005 during our 2006 and 2008 surveys that had a margin of difference greater than 20 percent; these counties are italicized in applicable tables. Not every county responds to each biennial survey, and each biennial survey covers three years. Information missing from current surveys is filled in with past surveys, when possible. In each case where a year is reported for two different surveys, the latest survey information was used where available. When aggregated data comparing totals of counties across years is shown in tables, the aggregate represents only counties where we have information for both years being compared. For example, if Cuyahoga, Lucas, and Trumbull counties provided us with information about their numbers of sheriff sales in 2006, and Cuyahoga, Lucas, Trumbull, and Sandusky counties provided us with information about sales in 2007, when comparing change between 2006 and 2007, we would use only information from Cuyahoga, Lucas, and Trumbull counties. There is one exception to this; the first graph represents a set of counties for which we have information across years, along with all data available across years to give the reader a closer approximation of the number of sheriff sales in Ohio each year.

Despite these limitations, sheriff sales data provides a useful complement to the more widely available data on foreclosure filings, and another way to measure the number of families who have been displaced from their homes due to foreclosure.

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<sup>12</sup> For more detailed information, see: Weinstein, A.C., Hexter, K.W., & Schnoke, M. (2006). Responding to foreclosures in Cuyahoga County: An assessment of progress. Cleveland, OH: Prepared for the Cuyahoga County Board of County Commissioners; and

Weinstein, A.C., Hexter, K.W., & Schnoke, M. (2008). Responding to foreclosures in Cuyahoga County: A pilot initiative, interim report. Cleveland, OH: Prepared for the Cuyahoga County Board of County Commissioners. Both available online at [http://urban.csuohio.edu/civic\\_education/publications/](http://urban.csuohio.edu/civic_education/publications/)

<sup>13</sup> Personal communication, Sophia Bowers, Sandusky County Sheriff's Department; personal communication, Keith Everhart, Hardin County Sheriff's Department; and personal communication, Representative of Knox County Sheriff's Department.

Number of Properties Put Up For Sheriff Sale by County and Rank By Percent Change, Ohio, 2005-2007							
County	Sales			Percent Change in Sales			Rank in Growth 2005-2007
	2005	2006	2007	2005-2006	2006-2007	2005-2007	
Adams	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Allen	433	639	690	47.6%	8.0%	59.4%	14
Ashland	165	208	197	26.1%	-5.3%	19.4%	54
Ashtabula	384	556	743	44.8%	33.6%	93.5%	5
Athens	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Auglaize*	146	N/A	168	N/A	N/A	15.1%	56
Belmont	123	165	170	34.1%	3.0%	38.2%	29
Brown	168	187	206	11.3%	10.2%	22.6%	49
Butler	1564	1758	2455	12.4%	39.6%	57.0%	15
Carroll	100	97	119	-3.0%	22.7%	19.0%	55
Champaign	158	138	207	-12.7%	50.0%	31.0%	37
Clark	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Clermont	746	849	1031	13.8%	21.4%	38.2%	30
Clinton	196	158	176	-19.4%	11.4%	-10.2%	71
Columbiana	319	404	613	26.6%	51.7%	92.2%	7
Coshocton	174	164	195	-5.7%	18.9%	12.1%	62
Crawford	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cuyahoga	5074	10267	14011	102.3%	36.5%	176.1%	2
Darke	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Defiance	97	120	137	23.7%	14.2%	41.2%	25
Delaware	364	501	639	37.6%	27.5%	75.5%	10
Erie	337	308	429	-8.6%	39.3%	27.3%	45
Fairfield	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Fayette	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Franklin	5931	7181	8943	21.1%	24.5%	50.8%	17
Fulton	95	148	162	55.8%	9.5%	70.5%	12
Gallia*	52	N/A	68	N/A	N/A	30.8%	39
Geauga	185	190	197	2.7%	3.7%	6.5%	65
Greene	536	584	602	9.0%	3.1%	12.3%	61
Guernsey	109	134	134	22.9%	0.0%	22.9%	48
Hamilton	4127	4658	5405	12.9%	16.0%	31.0%	38
Hancock	257	315	385	22.6%	22.2%	49.8%	18
Hardin	246	301	383	22.4%	27.2%	55.7%	16
Harrison	48	52	68	8.3%	30.8%	41.7%	24
Henry	72	71	88	-1.4%	23.9%	22.2%	50
Highland	245	289	278	18.0%	-3.8%	13.5%	58
Hocking	98	85	111	-13.3%	30.6%	13.3%	59
Holmes	33	50	64	51.5%	28.0%	93.9%	4
Huron	200	220	259	10.0%	17.7%	29.5%	42
Jackson	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Jefferson	166	227	202	36.7%	-11.0%	21.7%	52
Knox	271	393	486	45.0%	23.7%	79.3%	9
Lake	742	881	1111	18.7%	26.1%	49.7%	19
Lawrence	111	122	122	9.9%	0.0%	9.9%	63
Licking	781	1081	1088	38.4%	0.6%	39.3%	26
Logan	239	256	240	7.1%	-6.3%	0.4%	67
Lorain	1474	1647	1992	11.7%	20.9%	35.1%	34
Lucas	1991	2219	2859	11.5%	28.8%	43.6%	22



Number of Properties Put Up For Sheriff Sale by County and Rank By Percent Change, Ohio, 2005-2007							
County	Sales			Percent Change in Sales			Rank in Growth 2005-2007
	2005	2006	2007	2005-2006	2006-2007	2005-2007	
Madison	171	172	206	0.6%	19.8%	20.5%	53
<i>Mahoning</i>	1165	1610	1010	38.2%	-37.3%	-13.3%	72
Marion	360	452	461	25.6%	2.0%	28.1%	44
Medina	429	555	608	29.4%	9.5%	41.7%	23
Meigs	76	58	53	-23.7%	-8.6%	-30.3%	75
Mercer	53	110	105	107.5%	-4.5%	98.1%	3
Miami	400	431	553	7.8%	28.3%	38.3%	28
Monroe	38	28	27	-26.3%	-3.6%	-28.9%	74
Montgomery	4476	4912	5131	9.7%	4.5%	14.6%	57
<i>Morgan</i>	16	24	20	50.0%	-16.7%	25.0%	47
Morrow*	172	105	163	-39.0%	55.2%	-5.2%	70
Muskingum	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Noble	18	19	14	5.6%	-26.3%	-22.2%	73
Ottawa	113	161	181	42.5%	12.4%	60.2%	13
<i>Paulding</i>	63	94	92	49.2%	-2.1%	46.0%	20
Perry	179	188	194	5.0%	3.2%	8.4%	64
<i>Pickaway</i>	137	227	239	65.7%	5.3%	74.5%	11
Pike	104	102	105	-1.9%	2.9%	1.0%	66
Portage	400	818	769	104.5%	-6.0%	92.3%	6
Preble	220	233	294	5.9%	26.2%	33.6%	35
Putnam	68	73	65	7.4%	-11.0%	-4.4%	69
Richland	600	732	816	22.0%	11.5%	36.0%	32
Ross	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Sandusky*	169	N/A	478	N/A	N/A	182.8%	1
Scioto	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Seneca	269	259	350	-3.7%	35.1%	30.1%	41
Shelby	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Stark	1666	2274	2195	36.5%	-3.5%	31.8%	36
Summit	3006	3010	3822	0.1%	27.0%	27.1%	46
Trumbull	806	1096	982	36.0%	-10.4%	21.8%	51
Tuscarawas	265	335	359	26.4%	7.2%	35.5%	33
Union	170	188	192	10.6%	2.1%	12.9%	60
Van Wert	114	115	149	0.9%	29.6%	30.7%	40
<i>Vinton</i>	25	36	24	44.0%	-33.3%	-4.0%	68
Warren	796	861	1028	8.2%	19.4%	29.1%	43
Washington	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Wayne	255	293	371	14.9%	26.6%	45.5%	21
Williams	100	141	139	41.0%	-1.4%	39.0%	27
Wood	190	247	261	30.0%	5.7%	37.4%	31
Wyandot	46	85	85	84.8%	0.0%	84.8%	8
<b>Ohio</b>	<b>45,692</b>	<b>57,667</b>	<b>68,974</b>	<b>27.2%**</b>	<b>18.4%**</b>	<b>51.0%**</b>	

\*2005 data from previous sheriff's survey was used.

\*\* Calculated using only counties where data for both years is available.

Italicized counties represent instances where the difference between a county's reporting of the number of sheriff sales for 2005 in a previous survey and this current survey is greater than 20%.

Sources: Information from 2008 and 2006 surveys conducted by Policy Matters Ohio, and additional conversations with county sheriff's office representatives.

Rates of Properties Put Up For Sheriff Sale by County Population, 2007					
County	Population, 2007	Sheriff Sales, 2007	Sheriff Sales per 1,000 Population	Rank	
Adams	28,160	N/A	N/A	N/A	
Allen	105,233	690	6.6	14	
Ashland	54,902	197	3.6	56	
Ashtabula	101,141	743	7.3	7	
Athens	63,275	N/A	N/A	N/A	
Auglaize*	46,429	168	3.6	54	
Belmont	67,908	170	2.5	64	
Brown	43,956	206	4.7	37	
Butler	357,888	2,455	6.9	12	
Carroll	28,516	119	4.2	44	
Champaign	39,522	207	5.2	27	
Clark	140,477	N/A	N/A	N/A	
Clermont	193,490	1,031	5.3	26	
Clinton	43,071	176	4.1	45	
Columbiana	108,698	613	5.6	21	
Coshocton	36,341	195	5.4	25	
Crawford	44,227	N/A	N/A	N/A	
Cuyahoga	1,295,958	14,011	10.8	2	
Darke	52,205	N/A	N/A	N/A	
Defiance	38,543	137	3.6	58	
Delaware	160,865	639	4.0	47	
Erie	77,323	429	5.5	23	
Fairfield	141,318	N/A	N/A	N/A	
Fayette	28,308	N/A	N/A	N/A	
Franklin	1,118,107	8,943	8.0	5	
Fulton	42,562	162	3.8	51	
Gallia*	30,841	68	2.2	66	
Geauga	95,029	197	2.1	68	
Greene	154,656	602	3.9	49	
Guernsey	40,409	134	3.3	59	
Hamilton	842,369	5,405	6.4	18	
Hancock	74,204	385	5.2	28	
Hardin	31,650	383	12.1	1	
Harrison	15,506	68	4.4	41	
Henry	28,931	88	3.0	61	
Highland	42,653	278	6.5	15	
Hocking	28,959	111	3.8	50	
Holmes	41,369	64	1.5	73	
Huron	59,801	259	4.3	42	
Jackson	33,314	N/A	N/A	N/A	
Jefferson	68,730	202	2.9	62	
Knox	58,961	486	8.2	4	
Lake	233,392	1,111	4.8	35	
Lawrence	62,609	122	1.9	69	
Licking	156,985	1,088	6.9	11	
Logan	46,279	240	5.2	28	
Lorain	302,260	1,992	6.6	13	
Lucas	441,910	2,859	6.5	17	



Rates of Properties Put Up For Sheriff Sale by County Population, 2007				
County	Population, 2007	Sheriff Sales, 2007	Sheriff Sales per 1,000 Population	Rank
Madison	41,499	206	5.0	32
Mahoning	240,420	1,010	4.2	43
Marion	65,248	461	7.1	8
Medina	169,832	608	3.6	57
Meigs	22,895	53	2.3	65
Mercer	40,888	105	2.6	63
Miami	101,038	553	5.5	24
Monroe	14,258	27	1.9	70
Montgomery	538,104	5,131	9.5	3
Morgan	14,613	20	1.4	74
Morrow*	34,520	163	4.7	36
Muskingum	85,333	N/A	N/A	N/A
Noble	14,096	14	1.0	75
Ottawa	41,084	181	4.4	40
Paulding	19,182	92	4.8	34
Perry	34,839	194	5.6	22
Pickaway	53,809	239	4.4	39
Pike	27,918	105	3.8	53
Portage	155,869	769	4.9	33
Preble	41,739	294	7.0	9
Putnam	34,635	65	1.9	71
Richland	125,679	816	6.5	16
Ross	75,398	N/A	N/A	N/A
Sandusky*	60,997	478	7.8	6
Scioto	75,958	N/A	N/A	N/A
Seneca	56,705	350	6.2	19
Shelby	48,834	N/A	N/A	N/A
Stark	378,664	2,195	5.8	20
Summit	543,487	3,822	7.0	10
Trumbull	213,475	982	4.6	38
Tuscarawas	91,398	359	3.9	48
Union	47,234	192	4.1	46
Van Wert	28,889	149	5.2	30
Vinton	13,372	24	1.8	72
Warren	204,390	1,028	5.0	31
Washington	61,576	N/A	N/A	N/A
Wayne	113,554	371	3.3	60
Williams	38,378	139	3.6	54
Wood	125,399	261	2.1	67
Wyandot	22,471	85	3.8	52
<b>Ohio**</b>	<b>10,588,534</b>	<b>68,974</b>	<b>6.5</b>	

\* 2005 data from previous sheriff's survey was used.

\*\* Calculated using only counties that responded to our survey.

Sources: Sheriff sale figures from 2008 and 2006 surveys conducted by Policy Matters Ohio, and additional conversations with county sheriff's office representatives. Population information from the U.S. Census Bureau, 2007 Population Estimates.

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