

**OPINION NO. 79-005****Syllabus:**

1. A complaint filed pursuant to R.C. 5721.18(B) may be indexed and docketed in a book regularly kept by the clerk of courts for the purpose of indexing and docketing other civil actions filed with such clerk.
2. The "indexing and docketing" requirements of R.C. 5721.18(B) are satisfied where the clerk indexes and docketes complaints filed pursuant to that section in the appearance docket which the clerk is required to maintain under R.C. 2303.13. However, the clerk may provide a separate system for indexing and docketing such complaints.

**To: Thomas E. Ray, Morrow County Pros. Atty., Mount Gilead, Ohio**  
**By: William J. Brown, Attorney General, March 12, 1979**

I am in receipt of your request for my opinion which reads as follows:

I request of you an opinion on the interpretation of the language in Section

5721.18(B) of the Ohio Revised Code. This provision became effective September 27, 1976. The specific language of concern in the statute is ". . . each separate parcel included in a Complaint shall be given a serial number and shall be separately indexed and docketed by the Clerk of Court in a book kept by the Clerk for such purpose." The question is whether or not this language is to be interpreted as requiring the Clerk of Courts to retain a separate docket for foreclosure proceedings on lien of the State. Our Clerk of Courts does maintain an appearance docket which could be considered as a book kept by the Clerk for indexing and docketing purposes.

R.C. 5721.18(B) established an in rem procedure for foreclosure upon real property for which property taxes have been delinquent for three or more years. Joinder of more than one of such delinquent properties in a single action is permitted. However, as noted in your letter, each separate parcel is required to be separately listed and docketed ". . . in a book kept by the clerk for such purpose." Your question essentially concerns whether this language requires a docket to be kept solely for the purpose of indexing actions filed pursuant to R.C. 5721.18(B). A reasonable construction of this language does not mandate such a result. The "purpose" referred to in R.C. 5721.18(B) is indexing and docketing. Accordingly, a complaint filed pursuant to that section need only be indexed and docketed in a book regularly kept for the purpose of indexing and docketing other civil actions filed with the clerk.

Your letter also raises the question of whether an appearance docket is an appropriate book for indexing and docketing under R.C. 5721.18(B). R.C. 2303.12 requires a clerk of the Court of Common Pleas to maintain, inter alia, an appearance docket. R.C. 2303.13 sets forth the clerk's duty with respect to such a docket, as follows:

The clerk of the court of common pleas shall enter upon the appearance docket at the time of the commencement of an action or proceeding, the names of the parties in full, with names of counsel, and forthwith index the case direct and reverse in the name of each plaintiff and defendant . . .

Because an appearance docket contains entries of the names of those persons who have an interest in the property subject to the action and is an index thereto, it is a book kept by the clerk for the purpose of indexing and docketing as contemplated in R.C. 5721.18(B). It, therefore, satisfies the requirements respecting docketing contained in that section.

Therefore, it is my opinion, and you are so advised, that:

1. A complaint filed pursuant to R.C. 5721.18(B) may be indexed and docketed in a book regularly kept by

the clerk of courts for the purpose of indexing and docketing other civil actions filed with such clerk.

2. The "indexing and docketing" requirements of R.C. 5721.18(B) are satisfied where the clerk indexes and docketed complaints filed pursuant to that section in the appearance docket which the clerk is required to maintain under R.C. 2303.13. However, the clerk may provide a separate system for indexing and docketing such complaints.