CHAPTER 1. CHART OF LAWS APPLICABLE TO CONSUMER TRANSACTIONS		
	TER 2. CONSUMER SALES PRACTICES	
	GENERAL	
\$ 2:1 \$ 2:2 \$ 2:3 \$ 2:4 \$ 2:5 \$ 2:6 \$ 2:7 \$ 2:8 \$ 2:9 \$ 2:10 \$ 2:11	Introduction Constitutionality and liberal construction Sources of law Definition—"Consumer transaction" —"Supplier" —"Consumer" Exclusions Coverage—Residential mortgages —Banks and finance companies —Corporate officers and employees —Debt collection	
\$ 2:11 \$ 2:12 \$ 2:13 \$ 2:14 \$ 2:15 \$ 2:16 \$ 2:17 \$ 2:18	 —Wholesalers and manufacturers —Solicitation without sale —Out-of-state transactions —Home improvement contracts —Test shop or "sting" transactions —Hospitals and nursing homes —Proprietary schools 	
§ 2:19 § 2:20 § 2:21 § 2:22 § 2:23 § 2:24	 Government Nonprofit corporations Campgrounds and resorts Propane suppliers Miscellaneous Substantive prohibitions 	
\$ 2:25 \$ 2:26 \$ 2:27 \$ 2:28 \$ 2:29 \$ 2:30 \$ 2:21	Unfair and deceptive acts and practices —Characteristics of product —Standard of product —Used for new —Phony special offers —Failure to perform as promised	
\$ 2:31 \$ 2:32 \$ 2:33 \$ 2:34 \$ 2:35 \$ 2:36 \$ 2:37	 —Quantity —Need for repairs —Price advantage —Sponsorship or approval —False information regarding warranties, rights, etc —Residential mortgages —Pyramid plans 	

```
§ 2:38
         —Slamming
§ 2:39
         -Failure to maintain license
§ 2:40
         Unconscionable acts and practices
§ 2:41
         —Taking advantage of the consumer
§ 2:42
         —Excessive price
§ 2:43
         —Inability of consumer to benefit from transaction
§ 2:44
         —Overloading the consumer with debt
§ 2:45
         —One-sided terms
§ 2:46
         —Misleading statements of opinion
§ 2:47
         —Unposted no-refund policy
§ 2:48
         —Used tire installation
         —Other grounds for finding unconscionability
§ 2:49
§ 2:50
         —Residential mortgages
§ 2:51
         Substantive rules
§ 2:52
         —Definitions
§ 2:53
         —Advertisements
§ 2:54
         —Bait and switch tactics
§ 2:55
         -Misuse of the word "free"
§ 2:56
         —Repairs and services
§ 2:57
         —Prizes
§ 2:58
         —Deposits
§ 2:59
         -New for used
§ 2:60
         —Failure to deliver
§ 2:61
         —Unsubstantiated advertising claims
§ 2:62
         —Direct solicitations
§ 2:63
         —Price comparisons
§ 2:64
         —Motor vehicle repairs
§ 2:65
         —Home insulation sales
§ 2:66
         —Automobile rustproofing
§ 2:67
         —Advertisement and sale of motor vehicles
§ 2:68
         —Distress sales
§ 2:69
         —Gasohol
         -Residential mortgages
§ 2:70
§ 2:71
         ——Ability to repay
§ 2:72
         ——Refinancing low rate mortgage
§ 2:73
         ——Instructing consumer to ignore information
§ 2:74
         — Recommending default
§ 2:75
         --- Required disclosure at closing
§ 2:76
         ——Improperly influencing appraiser
§ 2:77
         — — Debt collection agreements
§ 2:78
         ——Reasonable, tangible net benefit
§ 2:79
         — No reasonable probability of payment
§ 2:80
         — — Unconscionable terms
         — — Home mortgage loan informational document
§ 2:81
§ 2:82
         — Limitation on advance payments
§ 2:83
         Incorporation of other statutes into CSPA
§ 2:84
         —Home Solicitation Sales Act
§ 2:85
         —Prepaid Entertainment Contract Act
§ 2:86
         —Lemon law
§ 2:87
         —Credit Services Organization Act
```

§ 2:88	—Check-cashing businesses and payday lenders
§ 2:89	—Telephone solicitation
§ 2:90	—Hearing aids and assistive devices
§ 2:91	—Motor vehicle accident repairs
§ 2:92	—Federal Trade Commission (FTC) orders, rules, and
, 2.02	guides
§ 2:93	—Magnuson-Moss Warranty Act
§ 2:94	—Truth in Lending Act (TILA)
§ 2:95	—Fair Debt Collection Practices Act (FDCPA)
§ 2:96	—Odometer violations
§ 2:97	—Rent-to-own statute
§ 2:98	—Credit Card Truncation Statute
§ 2:99	—Title Insurance Law
§ 2:100	—Retail Installment Sales Act (RISA)
§ 2:100	—False disclosures and representations of rights
§ 2:101	—Business regulation, licensing and registration
§ 2:102	—Certificate of title
§ 2:103	—Commercial solicitation of public records
§ 2:104	Other applications of CSPA standards
§ 2:106	—Pattern of inefficiency and incompetence
§ 2:100	—Stalling and evasion of legal duties
§ 2:107	—Refunds and restocking fees
§ 2:100	—Untimeliness
§ 2:110	—Failure to perform in a workmanlike manner
§ 2.110 § 2:111	—Knowing breach of contract
§ 2.111 § 2:112	—Failure to include all material statements in the written
§ Z:11Z	contract
§ 2:113	—Breach of fiduciary duty
§ 2:113	—High pressure sales tactics
§ 2:114 § 2:115	—Refusal to honor notice of rescission
§ 2:116	—Suit in a distant forum
§ 2.110 § 2:117	—Failure to inform consumer of dealer's precarious
8 2.111	financial condition
§ 2:118	—Failure to pay judgment
§ 2:110	—Fire chasing
§ 2:113	—Failure to give consumer a copy of the contract
§ 2.120 § 2:121	—Blank spaces in documents
§ 2.121 § 2:122	—Liquidated damage clauses
§ 2.122 § 2:123	—Failure to include anti-holder-in-due-course statement
§ 2.123 § 2:124	
0	—Demanding advance payments
§ 2:125	—Misrepresentation of business location
§ 2:126	—Failure to disclose corporate connection
§ 2:127	—Retaining mechanic's lien after violating CSPA
§ 2:128	—Storage fees
§ 2:129	Remedies
§ 2:130	—Rescission
§ 2:131	—Electing rescission or damages
§ 2:132	—Actual damages
§ 2:133	—Statutory and treble damages
§ 2:134	—Stacking statutory damages
§ 2:135	—Declaratory judgments, injunctions, and other relief

§ 2:136	
§ 2:137	—Effect of availability of other remedies
§ 2:138	Attorney fees
§ 2:139	—Determining the amount
§ 2:140	—Denial
§ 2:141	—Award to supplier
§ 2:142	Enforcement powers of the Attorney General
§ 2:143	Suppliers' "cure offer" remedy
§ 2:144	Suppliers' defenses—Bona fide error
§ 2:145	—Acts required or specifically permitted by other laws
§ 2:146	—Other
§ 2:147	Jurisdiction
§ 2:148	Statute of limitations
§ 2:149	Class actions
§ 2:150	
§ 2:151	
§ 2:152	
§ 2:152	
§ 2:154	· · · · · · · · · · · · · · · · · · ·
§ 2:155	—Attorney fees
§ 2:156	—Jury trial
5 2.100	oury mai
II. F	ORMS
§ 2:157	Complaint for statutory damages of \$200 or treble actual
	damages; CSPA; form
§ 2:158	Complaint for actual damages; CSPA; form
§ 2:159	Complaint for rescission; CSPA; form
§ 2:160	Allegation against supplier's assignee or holder; form
§ 2:161	Allegation against purchase money lender; form
§ 2:162	Request for production of documents—Home improvement
_	company; form
§ 2:163	—Bank or finance company; form
§ 2:164	Proposed jury instructions; form
CITAI	PTER 3. HOME SOLICITATION SALES
	S HOME SOLICITATION SALES
§ 3:1	Purpose and legislative history
§ 3:2	Coverage—General definition
§ 3:3	—Consumer goods or services
§ 3:4	——Sources of interpretation
§ 3.4 § 3:5	——Exceptions to the definition of "consumer goods or
8 9.9	services"
§ 3:6	— —Home improvement contracts
§ 3:7	——————————————————————————————————————
5 0.1	improvement contracts
§ 3:8	—Exclusions from definition of "consumer transaction"
§ 3.8 § 3:9	— Transactions under \$25
§ 3.9 § 3:10	——Sales concluded at seller's fixed permanent retail place
2 0.10	of business
§ 3:11	——Some buyer-initiated sales; generally
9 0.11	Some sajer minaca saies, generany

§ 3:12	——Buyer-initiated telephone or mail sales	
\$ 3:13	——Buyer-initiated sales where seller has fixed location in	
	the state where goods are displayed	
§ 3:14	— —Buyer-initiated sales in bona fide immediate personal	
	emergencies	
§ 3:15	——Buyer-initiated at-home personal property repair calls	
§ 3:16	——Truth in Lending Act right of rescission	
§ 3:17	Content of home solicitation sales contracts—Requirements of R.C. 1345.23(A)	
§ 3:18	—Enforcing the requirements of R.C. 1345.23(A)	
§ 3:19	—Prohibitions of R.C. 1345.23(D)	
§ 3:20	Buyer's right to cancel—Written notice	
3:21	—Oral notice	
§ 3:22	—Duration of right to cancel	
§ 3:23	—How to cancel—Formal requirements	
$\S 3:24$	——Manner of delivery	
§ 3:25	— —When notice of cancellation is effective	
\$ 3:26	—Rights and duties after cancellation—Seller's duties	
§ 3:27	——Buyer's duties	
\$ 3:28	—Effect on seller's assignees	
\$ 3:29	—Other statutory cancellation rights	
§ 3:30	Statute of limitations	
§ 3:31	Practice and procedure—Consumer's claims for relief—Suit for cancellation	
§ 3:32	——Suit under the CSPA	
§ 3:33	———Violation of regulations as basis for treble or statutory damages	
§ 3:34	———Court decisions as basis for treble or statutory	
	damages	
§ 3:35	 —Suit based on other grounds for cancellation 	
§ 3:36	— — Other claims	
§ 3:37	—Class actions	
§ 3:38	—Attorney General enforcement	
§ 3:39	—Arbitration	
§ 3:40	Complaint for declaratory relief, money damages, and cancellation; form	
3:41	Letter of cancellation; form	
~		
	PTER 4. PREPAID ENTERTAINMENT	
CON	TRACT ACT (PECA)	185
I. IN	NTRODUCTION	
§ 4:1	Legislative history of Prepaid Entertainment Contract Act (PECA)	
II. S	SCOPE OF ACT	
§ 4:2	Coverage and definitions	
§ 4.2 § 4:3	—Exclusions	
§ 4.5 § 4:4	Contract requirements	
_	Prohibited contract terms	

§ 4:6 Presale and pre-opening obligations and restrictions
III. CANCELATION OF PREPAID ENTERTAINMENT CONTRACTS
 § 4:7 Buyer's right to cancel § 4:8 Duration of the right to cancel § 4:9 Methods for cancellation by buyer § 4:10 Buyer's termination rights § 4:11 Post-cancellation duties § 4:12 Pro rata refund calculation
IV. CLAIMS FOR RELIEF FOR VIOLATIONS
 § 4:13 Statutory claims for relief § 4:14 —Violations of the Consumer Sales Practices Act (CSPA) § 4:15 — Substantive rules § 4:16 Violations of Federal Trade Commission (FTC) guides § 4:17 Other statutory claims for relief § 4:18 Common law claims for relief
V. PLEADINGS FOR RELIEF
 § 4:19 Considerations for drafting complaints § 4:20 Class action claims § 4:21 Pleading damages § 4:22 Enforcement actions by attorney general
VI. FORMS FOR RELIEF
 § 4:23 Letter giving notice of termination—Disability § 4:24 —Relocation move of buyer § 4:25 Complaint form—Prepaid Entertainment Contract Act
CHAPTER 5. FAIR DEBT COLLECTION PRACTICES ACT 213
I. INTRODUCTION
 § 5:1 Purposes of the Act § 5:2 Continuing abuses and enforcement efforts § 5:3 Key decisions affecting Ohio § 5:4 Jurisdiction, liability, and remedies in general § 5:5 FTC official staff commentary
II. SCOPE OF FEDERAL DEBT COLLECTION PRACTICES ACT (FDCPA)
 § 5:6 Coverage and definitions—Debt § 5:7 Coverage and activities of a "debt collector" § 5:8 Coverage and definitions—Creditor

§ 5:9

—Communication

§ 5:10 —Consumer

III. VIOLATIONS \$ 5.11 Loggt gaphisticated

8 9:11	Least sophisticated consumer standard for analysis of
	alleged violations
§ 5:12	Requirement for validation or verification notice
e = 10	A 1 - 1 D 1 - 4: D

—Amended Regulation F § 5:13

Requirement for debt collection warning § 5:14

§ 5:15 Threats of unintended, unauthorized, or illegal action

False representation that communication is from an § 5:16

§ 5:17 Other false or misleading representations

Unfair practices § 5:18

Harassment or abuse § 5:19

Inconvenient or improper communications with the § 5:20 consumer and others

§ 5:21 —Amended Regulation F

§ 5:22 Acquisition of location information

§ 5:23 Legal action by debt collectors

§ 5:24 Furnishing deceptive forms

IV. REMEDIES

§ 5:25	Jurisdiction and limitation of actions
§ 5:26	Article III standing
§ 5:27	Actual damages; Rooker-Feldman doctrine
§ 5:28	Additional or statutory damages
§ 5:29	Attorney's fees
§ 5:30	Class actions
§ 5:31	Bona fide error defense
§ 5:32	Defendant's counterclaims
§ 5:33	Actions brought in bad faith and for the purpose of
	harassment

V. FORMS

§ 5:34

§ 5:35	Complaint under Fair Debt Collection Practices Act; federal
	court; form
8 5.26	Validation nation model form (12 C FP Dt 1006 App P)

Validation notice model form (12 C.F.R. Pt. 1006, App. B)

CHAPTER 6. ODOMETER FRAUD..... 341

I. IN GENERAL

§ 6:1	Nature of odometer fraud
8 6.9	Motor Vohiala Information

Offers of Judgment

- Motor Vehicle Information and Cost Savings Act—Legisla-8 6:2 tive history
- § 6:3 —Coverage
- -Enforcement § 6:4
- -Remedies and sanctions § 6:5
- § 6:6 —Statute of limitations
- § 6:7 Ohio's Odometer Rollback and Disclosure Act—Legislative history

§ 6:8	—Coverage
§ 6:9	—Disclosures
§ 6:10	—Enforcement
§ 6:11	—Remedies and sanctions
§ 6:12	—Statute of limitations
§ 6:13	Investigating suspected odometer fraud cases—Obtaining a complete description of the subject motor vehicle
§ 6:14	—Obtaining a certified "title chain" from the Ohio Bureau of Motor Vehicles
§ 6:15	—Obtaining certified copies of motor vehicle titles
§ 6:16	—Obtaining auto auction sales receipts
§ 6:17	—Obtaining copies of federal and/or state mileage disclosure statements from dealers
§ 6:18	—Contacting the previous owner(s) for a mileage (and accident) history of the vehicle
§ 6:19	—Obtaining copies of service and parts purchase records
§ 6:20	—Obtaining copies of warranty service records from manufacturer
§ 6:21	—Obtaining copies of financier or acceptance company records
§ 6:22	—Obtaining insurance company records
§ 6:23	—Contacting the Ohio Department of Highway Safety for accident reports
§ 6:24	—Contacting the secretary of state's commission clerk for notary records
§ 6:25	—Checking court records
§ 6:26	—Examining the vehicle's odometer assembly
§ 6:27	Practice and procedure
§ 6:28	—Identifying claims for relief—Claims under Ohio's Odometer Rollback and Disclosure Act and the Motor Vehicle Information and Cost Savings Act (federal odometer law)
§ 6:29	— — Claims under Ohio's Consumer Sales Practices Act
§ 6:30	——Claims for breach of express warranty
§ 6:31	——Claims for fraud
§ 6:32	——Claims for negligence
§ 6:33	— — Claims under Ohio's Deceptive Trade Practices Act
§ 6:34	— — Claims under state or federal RICO statutes
§ 6:35	—Discovery—Interrogatories and requests for production
§ 6:36	——Subpoenas to nonparties
§ 6:37	——Deposition of defendant-seller and seller's employee(s)
§ 6:38	——Request for admissions
§ 6:39	—Typical evidence introduced at trial
§ 6:40	— — Certified copies of motor vehicle titles and documents submitted in application for title
§ 6:41	— Vehicle repair and service records
§ 6:42	——Non-expert witness testimony
§ 6:43	——Expert witness testimony
_	± •

II. FORMS

§ 6:44 Complaint; odometer fraud; form

CHA	PTER 7. LEMON LAW	381
I. IN	GENERAL	
§ 7:1	Introduction	
§ 7:2	Remedies under the Uniform Commercial Code	
§ 7:3	Emergence of "lemon laws"	
§ 7:4	Coverage of the Ohio Lemon Law—"Consumer"	
§ 7:5	"Motor vehicle"	
§ 7:6	—"New" motor vehicle	
§ 7:7	—Leases	
§ 7:8	—Express warranties	
§ 7:9	Substantive provisions—Overview	
§ 7:10	—Elements of action and burden of proof	
§ 7:11	Nonconformity; defect substantially impairs the use, safety, or value of vehicle	
§ 7:12	Presumption of recovery	
§ 7:13	Informal dispute resolution mechanism	
§ 7:14	Statute of limitations	
§ 7:15	Remedies—Replacement	
§ 7:16	—Refund	
§ 7:17	—Prejudgment interest	
§ 7:18	—Noneconomic damages	
§ 7:19	—Effect of negative equity on calculation of full purchase	
8 7 00	price	
§ 7:20	Other damages	
§ 7:21	—Attorney's fees	
§ 7:22	—Litigation expenses	
§ 7:23	—Lienholder and lessor	
§ 7:24	Defenses—Statutory affirmative defenses	
§ 7:25	Existence and nature of nonconformity	
§ 7:26	—Failed defenses	
§ 7:27	Manufacturer counterclaim for mileage set-off	
§ 7:28	Resale and lease of nonconforming or buyback vehicle	
§ 7:29	Practice and procedure—Initial client interview	
§ 7:30	—Vehicle inspections	
§ 7:31	—Negotiation and IDR arbitration	
	—Binding arbitration	
8 1:33	Constitutionality of the Ohio Lemon Law	
II. F	ORMS	
§ 7:34	Complaint; Ohio Lemon Law; form	
CHA	PTER 8. BUSINESS OPPORTUNITY	
PUR	CHASERS PROTECTION ACT	427
I. IN	GENERAL	
\$ Q.1	Introduction	
§ 8:1		
§ 8:2	Development of Ohio law	

	Ohio Consumer Law
§ 8:3	Definition and application
§ 8:4	Disclosures
§ 8:5	Prohibitions
§ 8:6	Contract and notice of cancellation
§ 8.0 § 8:7	Exclusions and exemptions—Partial exemptions
§ 8.7 § 8:8	—Complete exemptions
§ 8.9	Case law
-	Choice of law
§ 8:10	
§ 8:11	Investigative and enforcement powers of the Ohio Attorney General
§ 8:12	Private remedies
§ 8:13	Statute of limitations
§ 8:14	Criminal penalty
§ 8:15	Limited defense
§ 8:16	Conclusion
II. F	ORMS
§ 8:17	Complaint for declaratory judgment and damages; form
СНА	PTER 9. MANUFACTURED/MOBILE HOME
§ 9:1	Mobile homes and manufactured homes, generally
§ 9:2	Applicability of federal standards
§ 9:3	Consumer laws applicable to manufactured/mobile homes
§ 9:4	Sales of manufactured/mobile homes—Uniform Commercial Code
§ 9:5	—Retail Installment Sales Act
§ 9:6	—Consumer Sales Practices Act
§ 9:7	—Motor vehicle laws
§ 9:8	—Lease purchase laws
§ 9:9	—Truth in Lending
§ 9:10	Credit terms; limits on finance charges and other credit
3 0.10	terms
§ 9:11	Sales of manufactured/mobile homes—Transfer taxes
§ 9:12	—Lemon law
§ 9:13	Warranties—Uniform Commercial Code
§ 9:14	—Consumer Sales Practices Act
§ 9:15	—Magnuson-Moss Warranty Act
§ 9:16	—Sources of warranty standards
§ 9:17	Financing the purchase of a manufactured home park
§ 9:18	Financing the purchase of a manufactured/mobile home
§ 9:19	Repossession—State law
§ 9:20	—Federal Regulations
§ 9:21	Manner of repossession
§ 9:22	Consumer remedies
§ 9:23	Dispute resolution system
	-

§ 9:25 —Installation of manufactured homes § 9:26 —Licensing of manufactured home installers

§ 9:27 —Taxation

§ 9:28	—Utilities	
§ 9:29	—Zoning	
§ 9:30	Manufactured homes as real property	
§ 9:31	Government regulation; transporting manufactured/mobile homes	
§ 9:32	Landlord-tenant law	
§ 9:33	Rental agreements for manufactured home lots	
§ 9:34	Rental agreement—Length	
§ 9:35	—Disclosures	
§ 9:36	—Prohibited terms	
§ 9:37	Resident remedies; unenforceability due to	
	unconscionability	
§ 9:38	Security deposits	
§ 9:39	Park operator's obligations—Generally	
§ 9:40	—Safety and sanitation	
§ 9:41	—Respect for resident's privacy	
§ 9:42	Resident remedies—Injunction	
§ 9:43	—Damages	
§ 9:44	—Tort liability of a park operator	
§ 9:45	—Termination of lot rental agreement	
§ 9:46	—Rent deposit	
§ 9:47	Other statutory remedies	
§ 9:48	Resident obligations	
§ 9:49	Park operator remedies—Damages and injunctive relief	
§ 9:50	—Termination of rental agreement	
§ 9:51	—Eviction	
§ 9:52	—Abandoned mobile homes	
§ 9:53	Illegal remedies by park operator	
§ 9:54	Retaliation	
§ 9:55 § 9:56	Utility shutoffs, lockouts, and seizure of property	
§ 9.50 § 9:57	Fair housing laws Antitrust law—General application to manufactured/mobile	
	homes	
§ 9:58	—Federal law	
§ 9:59	—State law and monopolies	
§ 9:60	—Landlord-tenant law	
§ 9:61	—Consumer Sales Practices Act	
§ 9:62	Arbitration	
§ 9:63	Attorney fees	
§ 9:64	Closing of manufactured home parks	
§ 9:65	Resources	
CHA	PTER 10. OHIO'S CONDOMINIUM AND	
	NNED COMMUNITY ACTS/CONSUMER	
PRO'	TECTION PROVISIONS	499
§ 10:1	Introduction to consumer protection provisions of Ohio's Condominium Act	100
§ 10:2	Provisions that protect the unit owners association	
§ 10:3	—Association control of condominium administration	
§ 10:4	—Association protection from sweetheart contracts	
-	•	

§ 10:5	—Prohibition of developer retention of condominium property interest
§ 10:6	—Duty to provide records and information
§ 10.0 § 10:7	—Electronic notices for meetings and enforcement
§ 10.7 § 10:8	—Obligation to pay assessments
§ 10.8 § 10:9	—Fidelity insurance requirements
§ 10:10	Provisions that protect the individual purchaser
§ 10:10 § 10:11	—Disclosure statements
§ 10:11	—Warranties
§ 10:12 § 10:13	—Projection of expenses
§ 10:13 § 10:14	—Establishment of a reserve fund
§ 10:14 § 10:15	—Protection of purchasers' deposits
§ 10:16	—Purchasers' rights in conversion condominiums—
§ 10.10	Tenants' rights
§ 10:17	——Disclosure
§ 10:18	—Removal of discriminatory language
§ 10:19	Right to install solar energy collection devices
§ 10:20	Remedies for failure to comply with the consumer
3 20.20	protection provisions
§ 10:21	—Purchasers' right to void the contract
§ 10:22	—Money damages
§ 10:23	—Actions brought by the unit owners association
§ 10:24	—Actions brought by individual unit owners
§ 10:25	—Arbitration
§ 10:26	—Attorney General enforcement
	·
	PTER 11. RETAIL INSTALLMENT SALES 529
ACT	TER 11. RETAIL INSTALLMENT SALES
ACT	PTER 11. RETAIL INSTALLMENT SALES 529
ACT	PTER 11. RETAIL INSTALLMENT SALES 529 GENERAL
ACT I. IN § 11:1	PTER 11. RETAIL INSTALLMENT SALES 529 GENERAL Introduction
ACT I. IN \$ 11:1 \$ 11:2	PTER 11. RETAIL INSTALLMENT SALES 529 GENERAL Introduction Coverage—Generally—Retail installment sales
ACT I. IN \$ 11:1 \$ 11:2 \$ 11:3	PTER 11. RETAIL INSTALLMENT SALES 529 GENERAL Introduction Coverage—Generally—Retail installment sales ——Consumer transactions —Leases and other rental agreements —Revolving accounts
ACT IN § 11:1 § 11:2 § 11:3 § 11:4	PTER 11. RETAIL INSTALLMENT SALES 529 GENERAL Introduction Coverage—Generally—Retail installment sales — —Consumer transactions —Leases and other rental agreements —Revolving accounts —Refinanced agreements
ACT § 11:1 § 11:2 § 11:3 § 11:4 § 11:5 § 11:6 § 11:7	PTER 11. RETAIL INSTALLMENT SALES 529 GENERAL Introduction Coverage—Generally—Retail installment sales ——Consumer transactions —Leases and other rental agreements —Revolving accounts —Refinanced agreements —Bank and finance company loans—Generally
ACT I. IN § 11:1 § 11:2 § 11:3 § 11:4 § 11:5 § 11:6	TER 11. RETAIL INSTALLMENT SALES GENERAL Introduction Coverage—Generally—Retail installment sales ——Consumer transactions —Leases and other rental agreements —Revolving accounts —Refinanced agreements —Bank and finance company loans—Generally ——Lender as "seller"
ACT I. IN \$ 11:1 \$ 11:2 \$ 11:3 \$ 11:4 \$ 11:5 \$ 11:6 \$ 11:7 \$ 11:8 \$ 11:9	TER 11. RETAIL INSTALLMENT SALES GENERAL Introduction Coverage—Generally—Retail installment sales ——Consumer transactions —Leases and other rental agreements —Revolving accounts —Refinanced agreements —Bank and finance company loans—Generally ——Lender as "seller" ——Assigned loans
ACT I. IN \$ 11:1 \$ 11:2 \$ 11:3 \$ 11:4 \$ 11:5 \$ 11:6 \$ 11:7 \$ 11:8 \$ 11:9 \$ 11:10	TER 11. RETAIL INSTALLMENT SALES GENERAL Introduction Coverage—Generally—Retail installment sales ——Consumer transactions —Leases and other rental agreements —Revolving accounts —Refinanced agreements —Bank and finance company loans—Generally ——Lender as "seller" ——Assigned loans ——Purchase money loans
ACT I. IN § 11:1 § 11:2 § 11:3 § 11:4 § 11:5 § 11:6 § 11:7 § 11:8 § 11:9 § 11:10 § 11:11	TER 11. RETAIL INSTALLMENT SALES GENERAL Introduction Coverage—Generally—Retail installment sales ——Consumer transactions —Leases and other rental agreements —Revolving accounts —Refinanced agreements —Bank and finance company loans—Generally ——Lender as "seller" ——Assigned loans ——Purchase money loans ——Layaway arrangements—Generally
ACT I. IN § 11:1 § 11:2 § 11:3 § 11:4 § 11:5 § 11:6 § 11:7 § 11:8 § 11:9 § 11:10 § 11:11 § 11:12	PTER 11. RETAIL INSTALLMENT SALES GENERAL Introduction Coverage—Generally—Retail installment sales — —Consumer transactions —Leases and other rental agreements —Revolving accounts —Refinanced agreements —Bank and finance company loans—Generally — —Lender as "seller" — —Assigned loans — —Purchase money loans —Layaway arrangements—Generally — —Price of \$500 or less
ACT I. IN § 11:1 § 11:2 § 11:3 § 11:4 § 11:5 § 11:6 § 11:7 § 11:8 § 11:9 § 11:10 § 11:11 § 11:12 § 11:13	PTER 11. RETAIL INSTALLMENT SALES GENERAL Introduction Coverage—Generally—Retail installment sales ——Consumer transactions —Leases and other rental agreements —Revolving accounts —Refinanced agreements —Bank and finance company loans—Generally ——Lender as "seller" ——Assigned loans ——Purchase money loans —Layaway arrangements—Generally ——Price of \$500 or less ——Price of \$100 or less
ACT I. IN § 11:1 § 11:2 § 11:3 § 11:4 § 11:5 § 11:6 § 11:7 § 11:8 § 11:9 § 11:10 § 11:11 § 11:12 § 11:13 § 11:14	PTER 11. RETAIL INSTALLMENT SALES GENERAL Introduction Coverage—Generally—Retail installment sales ——Consumer transactions —Leases and other rental agreements —Revolving accounts —Refinanced agreements —Bank and finance company loans—Generally ——Lender as "seller" ——Assigned loans ——Purchase money loans —Layaway arrangements—Generally ——Price of \$500 or less ——Price of \$100 or less ——Price over \$500
ACT I. IN \$ 11:1 \$ 11:2 \$ 11:3 \$ 11:4 \$ 11:5 \$ 11:6 \$ 11:7 \$ 11:8 \$ 11:9 \$ 11:10 \$ 11:11 \$ 11:12 \$ 11:13 \$ 11:14 \$ 11:15	PTER 11. RETAIL INSTALLMENT SALES GENERAL Introduction Coverage—Generally—Retail installment sales ——Consumer transactions —Leases and other rental agreements —Revolving accounts —Refinanced agreements —Bank and finance company loans—Generally ——Lender as "seller" ——Assigned loans ——Purchase money loans —Layaway arrangements—Generally ——Price of \$500 or less ——Price of \$100 or less ——Price over \$500 ——Refunds
ACT I. IN \$ 11:1 \$ 11:2 \$ 11:3 \$ 11:4 \$ 11:5 \$ 11:6 \$ 11:7 \$ 11:8 \$ 11:9 \$ 11:10 \$ 11:11 \$ 11:12 \$ 11:13 \$ 11:14 \$ 11:15 \$ 11:16	PTER 11. RETAIL INSTALLMENT SALES GENERAL Introduction Coverage—Generally—Retail installment sales ——Consumer transactions —Leases and other rental agreements —Revolving accounts —Refinanced agreements —Bank and finance company loans—Generally ——Lender as "seller" ——Assigned loans ——Purchase money loans —Layaway arrangements—Generally ——Price of \$500 or less ——Price of \$100 or less ——Price over \$500 ——Refunds ——Effect of violation
**ACT IN \$ 11:1 \$ 11:2 \$ 11:3 \$ 11:4 \$ 11:5 \$ 11:6 \$ 11:7 \$ 11:8 \$ 11:10 \$ 11:11 \$ 11:12 \$ 11:13 \$ 11:14 \$ 11:15 \$ 11:16 \$ 11:17	PTER 11. RETAIL INSTALLMENT SALES GENERAL Introduction Coverage—Generally—Retail installment sales ——Consumer transactions —Leases and other rental agreements —Revolving accounts —Refinanced agreements —Bank and finance company loans—Generally ——Lender as "seller" ——Assigned loans ——Purchase money loans —Layaway arrangements—Generally ——Price of \$500 or less ——Price over \$500 ——Refunds ——Effect of violation Exclusions—Generally
**ACT IN § 11:1 § 11:2 § 11:3 § 11:4 § 11:5 § 11:6 § 11:7 § 11:8 § 11:10 § 11:11 § 11:12 § 11:13 § 11:14 § 11:15 § 11:16 § 11:17 § 11:18	PTER 11. RETAIL INSTALLMENT SALES GENERAL Introduction Coverage—Generally—Retail installment sales ——Consumer transactions —Leases and other rental agreements —Revolving accounts —Refinanced agreements —Bank and finance company loans—Generally ——Lender as "seller" ——Assigned loans ——Purchase money loans —Layaway arrangements—Generally ——Price of \$500 or less ——Price over \$500 ——Refunds ——Effect of violation Exclusions—Generally —Finance charges up to \$15
**ACT IN \$ 11:1 \$ 11:2 \$ 11:3 \$ 11:4 \$ 11:5 \$ 11:6 \$ 11:7 \$ 11:8 \$ 11:10 \$ 11:11 \$ 11:12 \$ 11:13 \$ 11:14 \$ 11:15 \$ 11:16 \$ 11:17	PTER 11. RETAIL INSTALLMENT SALES GENERAL Introduction Coverage—Generally—Retail installment sales ——Consumer transactions —Leases and other rental agreements —Revolving accounts —Refinanced agreements —Bank and finance company loans—Generally ——Lender as "seller" ——Assigned loans ——Purchase money loans —Layaway arrangements—Generally ——Price of \$500 or less ——Price over \$500 ——Refunds ——Effect of violation Exclusions—Generally

§ 11:21	Substantive provisions—Finance charges—Generally	
§ 11:22	——Rates applicable on different dates	
§ 11:23	——"Add-on" rate; service charge	
§ 11:24	—Delinquent charges; check collection charges; interest on	
	late payments; deferred charges	
§ 11:25	—Attorney fees	
§ 11:26	—Fees from assignees	
§ 11:27	—Other permissible charges	
§ 11:28	—Written instrument required; contents	
§ 11:29	—Disclosure of terms—Generally	
§ 11:30	——Cash price	
§ 11:31	—Insurance matters	
§ 11:32	—Payment before maturity; rebates	
§ 11:33	—Substantially equal installments	
§ 11:34	—Waiver of defenses prohibited	
§ 11:35	—Acceleration	
§ 11:36	—Security interests	
§ 11:37	—Repossession and disposition of collateral; generally	
§ 11:38	—Repossession	
§ 11:39	—Disposition	
§ 11:40	Remedies—Generally	
§ 11:41	—For excessive charges or excessive security interest	
§ 11:42	—For other violations	
§ 11:43	Practice and procedure—Statute of limitations	
§ 11:44	—Discovery	
§ 11:45	—Expert testimony	
§ 11:46	—Seller's bankruptcy	
§ 11:47	Retail installment sales act cases—Checklist	
II. FO	ORMS	
§ 11:48	Complaint; as to an excessive or prohibited charge; form	
§ 11:49	Answer and counterclaim—As to an excessive or	
3	prohibited charge; form	
§ 11:50	—As to an excessive security interest; form	
§ 11:51	—As to a purchase money loan; form	
§ 11:52	—In connection with repossession; form	
3 11.02	in compositon with republication, form	
CHAI	PTER 12. RENT-TO-OWN	
TRAN	NSACTIONS	573
I. IN	GENERAL	
§ 12:1	Nature of rent-to-own transactions	
§ 12:2	Ohio rent-to-own statute	
§ 12:3	—Coverage and terminology	
§ 12:4	—Disclosures by the dealer	
§ 12:5	—Limits on charges	
§ 12:6	—Late charges	
§ 12:7	—Reinstatement	
§ 12:8	—Criminal prosecution for failure to return goods	
0	original broscomion for families to femali goods	

§ 12:9	—Lease versus security interest	
§ 12:10	-Miscellaneous consumer protections	
§ 12:11	—Remedies	
§ 12:12	Other consumer protections	
§ 12:13	—Consumer Sales Practices Act	
§ 12:14	—UCC warranty claims	
§ 12:15	—Magnuson-Moss Warranty Act	
§ 12:16	—Truth in Lending Act	
§ 12:17	Checklist for rent-to-own cases—Look for unfair and deceptive acts and practices that violate R.C. Ch. 1351; lease purchase agreements	
§ 12:18	Checklist for RTO cases—Look for deceptive acts and practices that may violate the Consumer Sales Practices Act	
§ 12:19	—Look for deceptive acts and practices that may violate the Magnuson-Moss Warranty Act	
§ 12:20	—Look for deceptive acts and practices that may violate the Truth in Lending Act	
II. FO	ORMS .	
§ 12:21	Answer and counterclaim; replevin action; form	
CHAP	PTER 13. LEASING	595
§ 13:1	Ohio's adoption of Uniform Commercial Code Article 2A	
§ 13:2	Ohio Article 2A format	
§ 13:3	Principles of Article 2A; interpretation and construction	
§ 13:4	Definition—Lease; leasing; sublease	
§ 13:5	—Lease or security interest	
§ 13:6	—Lessor; lessee; lessee in the ordinary course of business; merchant lessee	
§ 13:7	—Lease agreement	
§ 13:8	—Lease contract; installment lease contract	
§ 13:9	—Leasehold interest; lessor's residual interest; lien	
§ 13:10	—Consumer lease; consumer goods	
§ 13:11	—Finance lease	
§ 13:12	General Article 2A provisions	
§ 13:13	Formation and construction of lease contract	
§ 13:14	—Warranties	
§ 13:15	—Express warranties	
§ 13:16	—Implied warranties; disclaimers	
§ 13:17	—Statute of frauds	
§ 13:18	—Parol evidence	
§ 13:19	Effect of lease contract—Applicability and enforceability	
§ 13:20	—Transfer of rights and interests	
§ 13:21	—Lessor's subsequent lease of goods	
§ 13:22	—Lessee's sale or sublease of goods	
§ 13:23	—Liens	
§ 13:24	Performance of lease contract—Assurance of performance; acceleration	
§ 13:25	—Anticipatory repudiation	

§ 13:26	—Impracticability of performance
§ 13:27	—Lessee's irrevocable and independent promise
§ 13:28	Default under a lease contract
§ 13:29	-Effect of cancellation, termination, rescission, or fraud
ŭ	on rights and remedies
§ 13:30	—Liquidated damages
§ 13:31	—Statute of limitations
§ 13:32	Lessee's remedies—Lessor default
§ 13:33	—Acceptance and the effect of acceptance of goods
§ 13:34	—Rejection of goods
§ 13:35	—Disposition of rejected goods
§ 13:36	—Revocation of acceptance of goods
§ 13:37	—Cancellation of the lease contract
§ 13:38	—Recover rent and security
§ 13:39	—Cover and damages
§ 13:40	—Incidental and consequential damages
§ 13:41	—Recovery of goods on lessor's insolvency
§ 13:42	—Specific performance; replevin
§ 13:43	—Lease contract remedies
§ 13:44	—Lessor breach of warranties
§ 13:45	—Cure, substitution, and waiver of lessee's right
§ 13:46	—Unconscionability
§ 13:47	—Substantive unconscionability
§ 13:48	—Procedural unconscionability
§ 13:49	—Consumer lease provisions
§ 13:50	—Home Solicitation Sales Act
§ 13:51	—Consumer Sales Practices Act
§ 13:52	—Ohio lemon law
§ 13:53	—Consumer Leasing Act
§ 13:54	— — Definitions
§ 13:55	——Disclosure requirements
§ 13:56	
§ 13:57	· · · · · · · · · · · · · · · · · · ·
§ 13:58	——Advertising
§ 13:59 § 13:60	— Other disclosure requirements— Civil liability of lessors
§ 13.60	—Misrepresentation and fraud
§ 13.61	Lessor's remedies—Lessee default
§ 13:63	—Cancellation of the lease contract
§ 13:64	—Identification and disposal of goods
_	—Withholding delivery of and taking possession of goods
	—Stopping delivery of goods
	—Disposal of goods and recovery of damages
§ 13:68	—Retention of goods and recovery of damages
§ 13:69	—Recovery of rent
§ 13:70	—Lease contract remedies
§ 13.70 § 13:71	—Residual damages
2 10.11	iwalaan aamagos
CLIAD	TED 14 [Decembed]
	PTER 14. [Reserved]
[Reserv	ved]

663

CHAI	PTER 15. CREDIT CARD LAW	665
I. IN	GENERAL	
§ 15:1	Introduction—Scope	
§ 15:2	—Definitions	
§ 15:3	Credit card agreements—Two-party cards	
§ 15:4	—Three-party cards	
§ 15:5	Debit cards	
§ 15:6	Prepaid or stored value cards	
§ 15:7	E-Wallet type credit accounts	
§ 15:8	Credit cards—Consumer rights and responsibilities	
§ 15:9	— Offsets against deposited funds	
§ 15:10	——Solicitation issues	
§ 15:11	— —Interest rates and fees	
§ 15:12	— — Cardholder liability—Billing disputes	
§ 15:13	— — —Merchant-cardholder disputes	
§ 15:14	— — —Unauthorized use	
§ 15:15	— — —Authorized use	
§ 15:16	——Card user liability	
§ 15:17	Practice and procedure; pleadings, defenses, and discovery	
§ 15:18	Identity theft; protection of private information	
§ 15:19	Enforcement through mandatory arbitration	
II. FO	ORMS	
§ 15:20	Motion for definite statement; form	
§ 15:21	Answer—Unauthorized use, cardholder sued; form	
§ 15:22	—Authorized user sued for cardholder's debt; form	
§ 15:23	Counterclaim—Defective merchandise or services; form	
CHAI	PTER 16. TRUTH IN LENDING LAW	705
I. IN	GENERAL	
§ 16:1	Nature of the Truth in Lending Act	
§ 16:1	Disclosure requirements	
§ 16:3	—Closed-end credit	
§ 16:4	—Open-end credit plans	
§ 16:5	—Early disclosures for certain transactions secured by the	
3 10.0	dwellings of consumers	
§ 16:6	Substantive provisions	
§ 16:7	Remedies—Statutory damages	
§ 16:8	—Actual damages	
§ 16:9	—Punitive damages	
§ 16:10	—Rescission	
§ 16:11	—Caution: tolerances for inaccuracies	
§ 16:12	—Costs and attorney fees	
§ 16:13	—Class actions	
§ 16:14	—Federal jurisdiction	
§ 16:15	Statute of limitations	
§ 16:16	Effect of Simplification Act	
	-	

211111111111111111111111111111111111111	
§ 16:17	Case summaries
§ 16:18	—Interpretation of TILA—TILA as strict liability statute
§ 16:19	——Liberal construction
§ 16:20	——Relationship to legal obligation
§ 16:21	——Consumer as private attorney general
§ 16:22	— — Weight accorded to Consumer Financial Protection
3 10.22	Bureau (formerly Federal Reserve Board) opinions and
	regulations
§ 16:23	——Relation to state laws
§ 16:24	——Effect of Simplification Act
§ 16:25	—Coverage and definitions—Consumer credit transaction
§ 16:26	——"Arranger of credit"
§ 16:27	——Exempted transactions
§ 16:28	—Disclosure requirements—Time and manner of
0	disclosure
§ 16:29	— —Effect of subsequent occurrence on disclosures
§ 16:30	——Acceleration clauses
§ 16:31	——Credit and other insurance
§ 16:32	— —Downpayment
§ 16:33	——Finance charge
§ 16:34	——Amount financed itemization
§ 16:35	——Identity of creditor
§ 16:36	——Late charges
§ 16:37	——Number, amount, and due dates of payments
§ 16:38	——Open-end credit disclosures
§ 16:39	——Rebate method
§ 16:40	——Refinancings
§ 16:41	——Payoff balance
§ 16:42	——Security interests
§ 16:43	———Security interest in unearned insurance premiums
§ 16:44	— — Mechanics' liens
§ 16:45	— — — After-acquired property clauses and other liens
	that exceed state law limits
§ 16:46	— — — Unclear disclosures and other violations
§ 16:47	— — Variable rate loans
§ 16:48	— — Other disclosures
§ 16:49	—Right of rescission
§ 16:50	—Remedies—Statutory damages
§ 16:51	— —Actual damages
§ 16:52	——Punitive damages
§ 16:53	— —Attorney's fees
§ 16:54	——Court costs
§ 16:55	— Liability of assignees, servicing agents, and multiple
	creditors
§ 16:56	—Defenses—Bona fide error
§ 16:57	——Correction of error
§ 16:58	— —Knowledge of TILA rights by consumer
§ 16:59	— —Conformity with regulation or interpretation
§ 16:60	—Pleading and practice—Pleading
§ 16:61	— — Who may bring suit
§ 16:62	
-	

§ 16:63	——Subsequent proceedings, collateral attacks, and res	
\$ 16.64	judicata — —Statute of limitations	
§ 16:64		
§ 16:65	— Recoupment— Certification of class action	
§ 16:66 § 16:67	— — Certification of class action — — Effect of prior judgment in class action	
§ 16:68	——Proof	
§ 16.68 § 16:69	— — Frooi — — Discovery	
§ 16.09 § 16:70	— — — — — — — — — — — — — — — — — — —	
-		
II. FO	DRMS	
§ 16:71	Complaint for rescission; TILA; form	
§ 16:72	Complaint for actual damages under TILA; closed-end credit; form	
§ 16:73	Complaint for statutory damages under TILA; closed-end credit; form	
§ 16:74	Counterclaim for statutory damages under TILA; closed- end credit; form	
§ 16:75	Complaint for adjustable rate mortgage violations; form	
CHAP	PTER 17. CREDIT INSURANCE	803
§ 17:1	Credit insurance—Description	
§ 17:2	—Manner of sale	
§ 17:3	—Regulatory framework	
§ 17:4	Debt protection products distinguished from credit insurance	
§ 17:5	Abuses in credit insurance—Excessive rates	
§ 17:6	—Reverse competition	
§ 17:7	Fiduciary duty of creditor	
§ 17:8	Restrictions on coverage	
§ 17:9	—Age	
§ 17:10	—Exclusion of certain illnesses	
§ 17:11	—"Actively at work" requirement	
§ 17:12	—Cancellation due to default	
§ 17:13	Claims and claim denials; potential coverage	
§ 17:14	Problems in claim payments—Unfair or deceptive practices by insurers	
§ 17:15	—Denial of coverage where creditor sold the insurance while knowing that consumer was ineligible	
§ 17:16	—Failure to obtain requested insurance	
§ 17:17	—Change in policy terms	
§ 17:17	—Creditor's failure to cooperate in making a claim	
§ 17:19	—Dispute as to consumer's disability	
§ 17:13 § 17:20	—Creditor's negligent mishandling of benefit payments	
§ 17:20 § 17:21	Refunds of premiums	
§ 17.21 § 17:22	Computation of maximum credit insurance premiums—	
8 11.22	Setting maximum premium rates	
§ 17:23	—Credit life insurance—Where the full premium is paid at the outset of the transaction—Regular transactions	
§ 17:24	———Irregular transactions	

§ 17:25	— —Where the premium on the outstanding balance is paid monthly	
§ 17:26	—Credit life insurance coverage for two people	
§ 17:27	Possible claims and remedies if premiums have exceeded the maximums approved by the Department of Insurance—Claim for relief based on R.C. Ch. 3918	
§ 17:28	—Small Loan Act	
§ 17:29	—Retail Installment Sales Act	
§ 17:30	—Mortgage Loan Act	
§ 17:31	Claims and remedies where premiums are excessive but within legal limits	
§ 17:32	—Fiduciary duty	
§ 17:33	—Consumer Sales Practices Act	
§ 17:34	Duty to give the consumer a certificate of insurance	
§ 17:35	Consumer's right to cancel credit insurance	
§ 17:36	Credit property insurance	
§ 17:37	Unemployment insurance	
§ 17:38	Truth in Lending requirements—In general	
§ 17:39	—Inclusion of insurance premiums in "amount financed" or "finance charge"	
§ 17:40	—Security interest in insurance premiums	
§ 17:41	—Financing credit insurance in transactions secured by a dwelling	
§ 17:42	—Credit insurance in high-cost mortgage transactions	
§ 17:43	Noncredit insurance sold in consumer transactions	
§ 17:44	Checklist for credit insurance cases	
CITAT	OWED 10 HOLDED IN DUE COUDGE	
	PTER 18. HOLDER-IN-DUE-COURSE	
	US AND ASSERTION OF CONSUMER	
CLAL	MS AGAINST CREDITORS	837
§ 18:1	Historical background	
§ 18:2	FTC Holder Rule	
§ 18:3	—Coverage	
§ 18:4	—The FTC Holder Notice requirement	
§ 18:5	—Enforcement by a consumer	
§ 18:6	—Failure to include required notice in contract or note	
§ 18:7	RISA provisions	
§ 18:8	—Coverage	
§ 18:9	-Restrictions on avoidance of claims and defenses	
§ 18:10	—Application of RISA in relation to banks and financial institutions	
§ 18:11	Other attacks on avoidance of defenses	
§ 18:12	—Student loans	
§ 18:13	FTC informal staff opinion letter—Holder rule (September 25, 1999)	
§ 18:14	FTC Advisory Opinion—Holder rule (May 3, 2012)	
§ 18:15	—Holder rule and attorneys' fees and costs (January 18, 2022)	

867

REPO	DSSESSION AND SALE
I. IN	GENERAL
§ 19:1	Introduction
§ 19:2	UCC and RISA coverage—Scope of the UCC repossession
	and sale protections
§ 19:3	— Retention of title by seller
§ 19:4	——Leases
§ 19:5	—Scope of RISA coverage—General coverage
§ 19:6	——Leases
§ 19:7	 —Exclusion of transaction with financial institutions and exceptions to the exclusion
§ 19:8	Limitations on security interests—Blanket security interest and after-acquired property clauses
§ 19:9	—RISA's 75% rule
§ 19:10	—Security interests in household property
§ 19:11	Remedies for secured creditors—General considerations
§ 19:12	Secured creditor's right to repossess—Introduction
§ 19:13	—Has a security interest been created?
§ 19:14	—Has the debtor defaulted by violating a term of the security agreement that provides for default?
§ 19:15	—Does the creditor's declaration of default violate the UCC or RISA?
§ 19:16	—Has the creditor declared default prematurely?
§ 19:17	—Has the creditor waived the right to declare a default?
§ 19:18	Voluntarily surrendered collateral
§ 19:19	Self-help repossessions—Overview
§ 19:20	—Breach of the peace
§ 19:21	Notices required after repossession—In general
§ 19:22	—Persons entitled to notice under the UCC and RISA
§ 19:23	—UCC notice of sale—General considerations
§ 19:24	— —Written notice
§ 19:25	——Time of notice
§ 19:26	—UCC notice of intention to accept collateral in full satisfaction of obligation—R.C. 1309.620
§ 19:27	—RISA notice of default and right to cure
§ 19:28	—RISA notice of sale
§ 19:29	Defects in UCC and RISA notices—In general
§ 19:30	—Untimely notice
§ 19:31	—Complete failure to give notice
§ 19:32	—Inability to prove notice was sent
§ 19:33	—Incomplete identification of place of sale
§ 19:34	—Incorrect or omitted date and time of sale; public and
	private sales
§ 19:35	—UCC notice defects—Public versus private sale
§ 19:36	— — Mailing notice to wrong address
§ 19:37	— —Omission of notice to guarantors
§ 19:38	—RISA notice defects—Failure to publish notice of sale
§ 19:39	——Omission of R.C. 1317.12 or R.C. 1317.16 notice

CHAPTER 19. SECURITY INTERESTS;

§ 19:40	— —Failure to itemize amount needed to cure default
§ 19:41	——Failure to specify circumstances constituting default
§ 19:42	Consumer rights after repossession—Waiver of rights by
Ü	consumer
§ 19:43	—Right to redeem collateral under the UCC
§ 19:44	—Right to cure under RISA; right to inspect under RISA
§ 19:45	Disposition and sale—Disposition of collateral under RISA
§ 19:46	—Disposition of collateral under the UCC and strict
0	foreclosure
§ 19:47	—Time lapse before disposition; 60% rule
§ 19:48	—Commercial reasonableness—Generally
§ 19:49	— — What is a reasonable price
§ 19:50	— Failing to notice properly the method of sale; public
5	offer with private sale
§ 19:51	— —Failing to properly provide notice of sale
§ 19:52	——Sale by creditor to itself or to an alter ego at a low
5	price
§ 19:53	——Failure to choose the proper method for disposition of
Ü	the collateral (public vs. private sale)
§ 19:54	——Advertisement of sale
§ 19:55	——Failure to sell collateral in conformity with dealer
	practices
§ 19:56	— —Burden of production
§ 19:57	—Explanation of calculation of surplus or deficiency
§ 19:58	Remedies—UCC—R.C. 1309.625 damages; actual, statu-
	tory, and injunctive relief
§ 19:59	 —Limiting liability of secured party
§ 19:60	——R.C. 1309.626 rebuttable presumption for defeating
	deficiency judgment; deficiency or surplus in issue
§ 19:61	—RISA damages—R.C. 1317.12 violations
§ 19:62	— —R.C. 1317.16 violations—Notice
§ 19:63	———Commercially reasonable sale
§ 19:64	— — Public sale
§ 19:65	— — —Advertisement of sale
§ 19:66	— — Violations of R.C. 1317.07 and R.C. 1317.08
	(prohibited charges in RISA contracts)
§ 19:67	—Multiple recoveries; R.C. 1309.625(B) and R.C.
	1309.625(C) damages; RISA damages and R.C.
	1309.625(B) and R.C. 1309.625(C) damages
§ 19:68	—Conversion theory
§ 19:69	——Unsecured personal property
§ 19:70	—Liability theories for breach of peace during
	repossession—UCC remedies
§ 19:71	——Conversion
§ 19:72	——Fair Debt Collection Practices Act
§ 19:73	——Intentional or negligent infliction of emotional
	distress
§ 19:74	——Criminal penalties and defenses to criminal actions
§ 19:75	——Analogous breach of peace claims
§ 19:76	—Liability theory for breach of duty to use due care in
0 40 ==	dealings with debtors
§ 19:77	—Injunction under the UCC

§ 19:78	—Consumer Sales Practices Act (CSPA) violations	
§ 19:79	—Fair Debt Collection Practices Act (FDCPA) violations	
§ 19:80	—Attorney fees; debtors and creditors	
§ 19:81	Federal preemption of RISA and R.C. Ch. 1309 claims	
§ 19:82	Replevin—Judicial action to gain possession of personal property—Overview	
§ 19:83	—What kind of property can be recovered?	
§ 19:84	—What complainant can expect to recover	
§ 19:85	—How replevin works—Requirement for existing lawsuit	
§ 19:86	——R.C. 2737.06 prejudgment order of possession	
§ 19:87	——R.C. 2737.19(A) emergency prejudgment order of	
0	possession	
§ 19:88	——Complainant's bond to effectuate order of possession	
§ 19:89	——Respondent's bond to recover property	
§ 19:90	— —Final judgment	
§ 19:91	—Debtor's defenses to replevin	
§ 19:92	—When debtor should challenge a replevin action	
§ 19:93	—Statute of limitations	
§ 19:94	Practice and strategy—Pleadings	
§ 19:95	—Discovery	
§ 19:96	—Motor vehicle titles	
§ 19:97	—Bankruptcy as an alternative	
§ 19:98	—Affirmative suits	
§ 19:99	Checklist of issues	
\$ 10.00	Officerist of issues	
II. FO	ORMS	
§ 19:100	Interrogatories to repossessing creditor; automobile repossession; form	
	repussession, form	
8 10.101		
§ 19:101	Request for production of documents; automobile	
	Request for production of documents; automobile repossession; form	
§ 19:102	Request for production of documents; automobile repossession; form Answer and counterclaims; automobile repossession; form	
§ 19:102 § 19:103	Request for production of documents; automobile repossession; form Answer and counterclaims; automobile repossession; form Complaint to enjoin resale of repossessed automobile; form	
§ 19:102	Request for production of documents; automobile repossession; form Answer and counterclaims; automobile repossession; form Complaint to enjoin resale of repossessed automobile; form Motion for TRO to enjoin resale of repossessed	
\$ 19:102 \$ 19:103 \$ 19:104	Request for production of documents; automobile repossession; form Answer and counterclaims; automobile repossession; form Complaint to enjoin resale of repossessed automobile; form Motion for TRO to enjoin resale of repossessed automobile; form	
\$ 19:102 \$ 19:103 \$ 19:104 \$ 19:105	Request for production of documents; automobile repossession; form Answer and counterclaims; automobile repossession; form Complaint to enjoin resale of repossessed automobile; form Motion for TRO to enjoin resale of repossessed automobile; form Memorandum in support of motion for TRO; form	
\$ 19:102 \$ 19:103 \$ 19:104 \$ 19:105 \$ 19:106	Request for production of documents; automobile repossession; form Answer and counterclaims; automobile repossession; form Complaint to enjoin resale of repossessed automobile; form Motion for TRO to enjoin resale of repossessed automobile; form Memorandum in support of motion for TRO; form Complaint in replevin; personal property; form	
\$ 19:102 \$ 19:103 \$ 19:104 \$ 19:105 \$ 19:106 \$ 19:107	Request for production of documents; automobile repossession; form Answer and counterclaims; automobile repossession; form Complaint to enjoin resale of repossessed automobile; form Motion for TRO to enjoin resale of repossessed automobile; form Memorandum in support of motion for TRO; form Complaint in replevin; personal property; form Motion for order of possession and waiver of bond; form	
\$ 19:102 \$ 19:103 \$ 19:104 \$ 19:105 \$ 19:106	Request for production of documents; automobile repossession; form Answer and counterclaims; automobile repossession; form Complaint to enjoin resale of repossessed automobile; form Motion for TRO to enjoin resale of repossessed automobile; form Memorandum in support of motion for TRO; form Complaint in replevin; personal property; form	
\$ 19:102 \$ 19:103 \$ 19:104 \$ 19:105 \$ 19:106 \$ 19:107 \$ 19:108	Request for production of documents; automobile repossession; form Answer and counterclaims; automobile repossession; form Complaint to enjoin resale of repossessed automobile; form Motion for TRO to enjoin resale of repossessed automobile; form Memorandum in support of motion for TRO; form Complaint in replevin; personal property; form Motion for order of possession and waiver of bond; form Affidavit in support of motion for order of possession; form	
\$ 19:102 \$ 19:103 \$ 19:104 \$ 19:105 \$ 19:106 \$ 19:107 \$ 19:108 \$ 19:109	Request for production of documents; automobile repossession; form Answer and counterclaims; automobile repossession; form Complaint to enjoin resale of repossessed automobile; form Motion for TRO to enjoin resale of repossessed automobile; form Memorandum in support of motion for TRO; form Complaint in replevin; personal property; form Motion for order of possession and waiver of bond; form Affidavit in support of motion for order of possession; form Praecipe; form	
\$ 19:102 \$ 19:103 \$ 19:104 \$ 19:105 \$ 19:106 \$ 19:107 \$ 19:108	Request for production of documents; automobile repossession; form Answer and counterclaims; automobile repossession; form Complaint to enjoin resale of repossessed automobile; form Motion for TRO to enjoin resale of repossessed automobile; form Memorandum in support of motion for TRO; form Complaint in replevin; personal property; form Motion for order of possession and waiver of bond; form Affidavit in support of motion for order of possession; form	
\$ 19:102 \$ 19:103 \$ 19:104 \$ 19:105 \$ 19:106 \$ 19:107 \$ 19:108 \$ 19:109 \$ 19:110 \$ 19:111	Request for production of documents; automobile repossession; form Answer and counterclaims; automobile repossession; form Complaint to enjoin resale of repossessed automobile; form Motion for TRO to enjoin resale of repossessed automobile; form Memorandum in support of motion for TRO; form Complaint in replevin; personal property; form Motion for order of possession and waiver of bond; form Affidavit in support of motion for order of possession; form Praecipe; form Notice to defendant; replevin; form Request for hearing; replevin; form	
\$ 19:102 \$ 19:103 \$ 19:104 \$ 19:105 \$ 19:106 \$ 19:107 \$ 19:108 \$ 19:109 \$ 19:110 \$ 19:111	Request for production of documents; automobile repossession; form Answer and counterclaims; automobile repossession; form Complaint to enjoin resale of repossessed automobile; form Motion for TRO to enjoin resale of repossessed automobile; form Memorandum in support of motion for TRO; form Complaint in replevin; personal property; form Motion for order of possession and waiver of bond; form Affidavit in support of motion for order of possession; form Praecipe; form Notice to defendant; replevin; form Request for hearing; replevin; form HART OF FREQUENTLY CITED SECTIONS	
\$ 19:102 \$ 19:103 \$ 19:104 \$ 19:105 \$ 19:106 \$ 19:107 \$ 19:108 \$ 19:109 \$ 19:110 \$ 19:111	Request for production of documents; automobile repossession; form Answer and counterclaims; automobile repossession; form Complaint to enjoin resale of repossessed automobile; form Motion for TRO to enjoin resale of repossessed automobile; form Memorandum in support of motion for TRO; form Complaint in replevin; personal property; form Motion for order of possession and waiver of bond; form Affidavit in support of motion for order of possession; form Praecipe; form Notice to defendant; replevin; form Request for hearing; replevin; form	
\$ 19:102 \$ 19:103 \$ 19:104 \$ 19:105 \$ 19:106 \$ 19:107 \$ 19:108 \$ 19:109 \$ 19:110 \$ 19:111 III. CI \$ 19:112	Request for production of documents; automobile repossession; form Answer and counterclaims; automobile repossession; form Complaint to enjoin resale of repossessed automobile; form Motion for TRO to enjoin resale of repossessed automobile; form Memorandum in support of motion for TRO; form Complaint in replevin; personal property; form Motion for order of possession and waiver of bond; form Affidavit in support of motion for order of possession; form Praecipe; form Notice to defendant; replevin; form Request for hearing; replevin; form HART OF FREQUENTLY CITED SECTIONS Chart: Chapter 1309, Part 6	
\$ 19:102 \$ 19:103 \$ 19:104 \$ 19:105 \$ 19:106 \$ 19:107 \$ 19:108 \$ 19:109 \$ 19:110 \$ 19:111 III. CI \$ 19:112	Request for production of documents; automobile repossession; form Answer and counterclaims; automobile repossession; form Complaint to enjoin resale of repossessed automobile; form Motion for TRO to enjoin resale of repossessed automobile; form Memorandum in support of motion for TRO; form Complaint in replevin; personal property; form Motion for order of possession and waiver of bond; form Affidavit in support of motion for order of possession; form Praecipe; form Notice to defendant; replevin; form Request for hearing; replevin; form HART OF FREQUENTLY CITED SECTIONS Chart: Chapter 1309, Part 6	0.07
\$ 19:102 \$ 19:103 \$ 19:104 \$ 19:105 \$ 19:106 \$ 19:107 \$ 19:108 \$ 19:109 \$ 19:110 \$ 19:111 III. CI \$ 19:112	Request for production of documents; automobile repossession; form Answer and counterclaims; automobile repossession; form Complaint to enjoin resale of repossessed automobile; form Motion for TRO to enjoin resale of repossessed automobile; form Memorandum in support of motion for TRO; form Complaint in replevin; personal property; form Motion for order of possession and waiver of bond; form Affidavit in support of motion for order of possession; form Praecipe; form Notice to defendant; replevin; form Request for hearing; replevin; form HART OF FREQUENTLY CITED SECTIONS Chart: Chapter 1309, Part 6	987

§ 20:2	Pre-judgment attachment and garnishment—Overview	
§ 20:3	—Due process features	
§ 20:4	—Ex parte orders	
§ 20:5	Post-judgment garnishment—Overview	
§ 20:6	—Wage garnishments—Pre-garnishment notice	
§ 20:7	——Garnishment procedure	
§ 20:8	——Hearing issues	
§ 20:9	——Burden of proof	
§ 20:10	——Operation of garnishment order	
§ 20:11	——Calculating the garnishment amount	
§ 20:12	——Protection against discharge for wage garnishments	
§ 20:13	—Nonwage garnishments: Bank accounts—No pregarnishment notice	
§ 20:14	——Garnishment procedure	
§ 20:15	——Hearing issues	
§ 20:16	——Burden of proof	
§ 20:17	Exemptions—Ohio statutory	
§ 20:18	—Complete	
§ 20:19	—Partial	
§ 20:20	—Federal statutory	
§ 20:21	—Case law—Construction of exemption statutes	
§ 20:22	——Retention of exemption in bank account	
§ 20:23	——Common-law setoff of exempt deposits by bank	
§ 20:24	Post-judgment execution sales and exemption claims— Overview	
§ 20:25	—Ohio's execution statutes	
§ 20:26	—Procedure on writ of execution	
§ 20:27	—Hearing issues	
§ 20:28	—Burden of proof	
§ 20:29	—Claims of exemption	
§ 20:30	—Certain claims not exempted	
§ 20:31	—Execution upon the wrong property	
§ 20:32	Post-judgment execution sale of goods and real property; notice; duties of levying officer	
CHAD	TER 21. ARBITRATION	
		1029
-	Introduction	
§ 21:2	Federal Arbitration Act; applicability	
§ 21:3	Ohio Arbitration Act; applicability	
§ 21:4	Arbitrability	
§ 21:5	—Statutory limitations and exceptions to arbitration	
§ 21:6	—Unconscionability	
§ 21:7	—Fraud	
§ 21:8	—Waiver of arbitration	
§ 21:9	—Consumer Sales Practices Act	
§ 21:10	—Truth in Lending Act	
§ 21:11	—Magnuson-Moss Warranty Act	
§ 21:12	—Arbitration administrators; Consumer fairness protocols	
§ 21:13	—Failure of mutuality	
§ 21:14	—Arbitrable claims	

	—Mandatory and final-and-binding arbitration—Arbitration forum unavailability	
CHAI	PTER 22. STUDENT LOANS	1091
I. ST	UDENTS LOADS OVERVIEW	
\$ 22:1 \$ 22:2 \$ 22:3 \$ 22:4 \$ 22:5	Introduction to higher education loans Sources of law—Federal law —State law —Agency interpretation Regulatory agencies	
II. Bo	ORROWING	
\$ 22:6 \$ 22:7 \$ 22:8 \$ 22:9 \$ 22:10	Federal Family Education Loan program William D. Ford Federal Direct Loan program Federal Perkins Loan program Private student loans Obtaining a student loan	
III. R	REPAYMENT	
\$ 22:11 \$ 22:12 \$ 22:13 \$ 22:14 \$ 22:15 \$ 22:16 \$ 22:17 \$ 22:18 \$ 22:19	Grace periods and balance-based repayment plan options Repayment plans based on the borrower's income Consolidation Deferment Forbearance Default Loan rehabilitation and reasonable and affordable payment plans Renewing eligibility for additional educational assistance Coronavirus Pandemic Response for Student Loans	
	OLLECTION	
\$ 22:20 \$ 22:21 \$ 22:22 \$ 22:23 \$ 22:24 \$ 22:25 \$ 22:26 \$ 22:27 \$ 22:28 \$ 22:29 \$ 22:30 \$ 22:31 \$ 22:32	General information and sources of law Costs and penalties Garnishment—Legal background —Notice —Hearing —Objections —Amount Offset—Legal background —Procedures —Avoiding offset Tax refund offset—Legal background —Procedures —Objections —Avoiding offset	
§ 22:34 § 22:35	—Non-debtor spouse Compromise and write-off	

§ 22:36	Lawsuits by the Department of Justice
§ 22:37	The Fair Debt Collection Practices Act and student loan collection
§ 22:38	Defenses to collection—Statute of limitations
§ 22:39	—Discharge and cancellation
§ 22:40	—School-related defenses
v. di	SCHARGE AND CANCELLATION
§ 22:41	Legal background
§ 22:42	Cancellation and loan forgiveness—FFEL and Direct Loans
§ 22:43	—Perkins
§ 22:44	Discharge—Death
§ 22:45	—Disability
§ 22:46	—Closed school
§ 22:47	—False certification—Ability to benefit—Legal background
§ 22:48	— — No diploma or GED
§ 22:49	———Proof and strategies
§ 22:50	— — — Disqualifying status
§ 22:51	————Criminal record
§ 22:52	————Physical or mental capacity
§ 22:53	— —Forgery/unauthorized signature and identity theft
§ 22:54	—Unpaid refunds
§ 22:55	Borrower defense to repayment discharge
§ 22:56	Submitting discharge applications
§ 22:57	Challenging discharge denials administratively
§ 22:58	Appealing discharge denials
§ 22:59	Effects of discharge
VI. D	ISCHARGE IN BANKRUPTCY
§ 22:60	Discharge—Bankruptcy—Source of law; bankruptcy statute; 11 U.S.C.A. § 523(a)(8)
§ 22:61	— —Loans covered
§ 22:62	——Student loan cosigners
§ 22:63	——Student loans; non-student maker and PLUS loans
§ 22:64	— — Undue hardship—Avoiding the exception to discharge
§ 22:65	——Brunner Test (first prong); minimal standard of
3 22.00	living for debtor and debtor's dependents
§ 22:66	——Brunner Test (second prong); additional
3	circumstances exist indicating that this state of affairs is
	likely to persist for a significant portion of the repayment
	period of the student loan(s)
§ 22:67	———Brunner Test (third prong); good faith effort to
	repay the educational loan
§ 22:68	———Income Contingent Repayment Plan and Income-
_	Based Repayment Plan
§ 22:69	———Collection costs and attorney fees; penalties
§ 22:70	— Court's equitable powers under 11 U.S.C.A. § 105(a);
	partial discharge and other remedies
§ 22:71	- Student loan discharge-Adversary action and burden
	of proof

§ 22:72	— — —Appellate review	
§ 22:73	· · · · · · · · · · · · · · · · · · ·	
8 00 54	proceedings for student loan discharges	
§ 22:74	— Effect of discharging a student loan in bankruptcy	
§ 22:75	 — Effect of filing new complaint for a student loan discharge with a new bankruptcy filing 	
	discharge with a new bankruptcy ming	
VII.	LITIGATION	
§ 22:76	Lawsuits against schools	
§ 22:77	HEA enforcement; private right of action	
§ 22:78	State law	
§ 22:79	Preemption of state law	
§ 22:80	School-related claims and defenses	
§ 22:81	—FTC Holder Rule	
§ 22:82	—Origination relationship	
VIII.	FORMS & LETTERS	
§ 22:83	Student loan questionnaire	
§ 22:84	Loan information	
§ 22:85	Affidavit	
§ 22:86	Student Loan Hardship Discharge Assessment Form	
§ 22:87	Chapter 7 Hardship Discharge; adversary complaint	
§ 22:88	Plaintiff/debtor's trial statement	
§ 22:89	ED decision letter—Cambridge Technical Center	
§ 22:90	—PSI Institute	
§ 22:91	Request to ED for waiver of independent evidence of ability to benefit	
СНАІ	PTER 23. PAYDAY LOANS AND OTHER	
	RT TERM, HIGH COST LOANS	1237
§ 23:1		1201
§ 23:2	Controversy over small, high-cost loans such as payday loans	
§ 23:3	Payday loans in Ohio—History	
§ 23:4	—The Short-Term Loan Act	
§ 23:5	—The Short-Term loan act—Fees, interest and charges	
§ 23:6	—The Small Loan and Mortgage Loan Acts	
§ 23:7	—Validity of the Small Loan Act and Mortgage Loan Act as vehicles for payday lending	
§ 23:8	—The Ohio Consumer Installment Loan Act and Ohio Residential Mortgage Lending Act	
§ 23:9	Payday loans and the Consumer Financial Protection Act	
§ 23:10	Consumer Financial Protection Bureau Rule; Scope of coverage	
§ 23:11	Consumer Financial Protection Bureau Rule; Exclusions and exemptions	
§ 23:12	Consumer Financial Protection Bureau Rule: Repeal of the Ability-to-Repay Determination and Limitations on Repeat Transactions	

§ 23:13	Consumer Financial Protection Bureau Rule; Limitations	
¢ 00.14	on repeat debits of accounts for payment transfers	
§ 23:14	Payday lending by or with national banks, thrifts, and state chartered banks	
§ 23:15	Payday loans over the Internet	
§ 23:16	Auto title loans	
§ 23:17	Credit Services Organization model of lending	
§ 23:18	Loans to military service members and dependents	
§ 23:19	Refund anticipation loans and checks	
§ 23:20	Bounce protection and overdraft lines of credit	
§ 23:21	Advertising regulations—Truth in Lending	
§ 23:22	Remedies—Enforcement powers and duties of the superintendent of financial institutions	
§ 23:23	—Applicability of the Consumer Sales Practices Act to payday loans	
§ 23:24	Collection remedies for the lender	
§ 23:25	—Electronic fund transfers and collection issues	
§ 23:26	Collection abuse—Postdated checks; Bad check law	
§ 23:27	—Lender's suits for civil penalties for victims of theft offenses—R.C. 2307.61	
§ 23:28	—Defenses against lender's suits for civil penalties for victims of theft offenses—R.C. 2307.61	
§ 23:29	—Fair Debt Collection Practices Act as a remedy against attorneys who file lender's suits for civil penalties for victims of theft offenses—R.C. 2307.61	
§ 23:30	—Fair Debt Collection Practices Act as a remedy against debt collectors who threaten criminal prosecutions	
§ 23:31	—Fair Debt Collection Practices Act	
§ 23:32	—Consumer Sales Practices Act	
§ 23:33	—Common law theories of collection abuse as remedies against payday lenders	
§ 23:34	Predispute mandatory arbitration contracts	
§ 23:35	Payday loans and bankruptcy—Discharge of payday loans	
	in bankruptcy	
§ 23:36	—Attempts to collect payday loans after bankruptcy	
	PTER 24. RESIDENTIAL MORTGAGE	
BRO	KERS AND SERVICERS	1287
I. IN	GENERAL	
§ 24:1	Residential Mortgage Lending Act (Mortgage Broker Act); generally	
§ 24:2	Overview of statutes and regulations protecting mortgage borrowers	
§ 24:3	Definitions	
§ 24:5 § 24:4	—Buyer	
§ 24:4 § 24:5	—Loan officer and loan originator	
§ 24:5 § 24:6	—Loan officer and foan originator —Mortgage broker	
§ 24:6 § 24:7	—Mortgage broker —Operations manager	
§ 24.7 § 24:8	Character, general fitness, and financial responsibility	
§ 24:8 § 24:9	Exclusions	

§ 24:10	Bond requirements	
§ 24:11	Prior registrant and licensee requirements	
§ 24:12	—Loan payment elements disclosure	
§ 24:13	—Prohibitions; fees	
§ 24:14	Prior prohibitions on change of loan terms or fees	
§ 24:15	Prior prohibited acts provisions	
§ 24:16	Disclosures in advertising	
§ 24:17	Prohibited conduct by registrants, licensees or persons required to be registered or licensed	
§ 24:18	Prohibitions on other problematic behaviors pertaining to examinations and investigations, ownership, appraisals, and settlement	
§ 24:19	Fiduciary duties of mortgage brokers and loan officers	
§ 24:20	Damages and injunctive relief	
§ 24:21	Attorney's fees and costs	
§ 24:22	Statute of limitations	
§ 24:23	Criminal penalties	
§ 24:24	Gathering information	
§ 24:25	Broker and loan officer's liability under other laws	
§ 24:26	—Breach of fiduciary duty	
§ 24:27	—Consumer Sales Practices Act	
§ 24:28	—Breach of contract	
§ 24:29	—Truth in Lending Act and Real Estate Settlement	
Ü	Procedures Act	
§ 24:30	—Fraud	
9		
§ 24:31	—Fair Housing Laws	
-	—Fair Housing Laws Piercing the corporate veil	
§ 24:31 § 24:32	•	
§ 24:31 § 24:32 II. FO	Piercing the corporate veil ORMS	
§ 24:31 § 24:32 II. FO § 24:33	Piercing the corporate veil ORMS	
\$ 24:31 \$ 24:32 II. FO \$ 24:33 \$ 24:34 CHAF	Piercing the corporate veil ORMS Forms—Complaint —Correspondence: Records request PTER 25. ASSISTIVE DEVICE LEMON	
\$ 24:31 \$ 24:32 II. FO \$ 24:33 \$ 24:34 CHAF LAW .	Piercing the corporate veil ORMS Forms—Complaint —Correspondence: Records request PTER 25. ASSISTIVE DEVICE LEMON	1339
\$ 24:31 \$ 24:32 II. FO \$ 24:33 \$ 24:34 CHAF LAW . \$ 25:1	Piercing the corporate veil ORMS Forms—Complaint —Correspondence: Records request OTER 25. ASSISTIVE DEVICE LEMON Introduction	1339
\$ 24:31 \$ 24:32 II. FO \$ 24:33 \$ 24:34 CHAF LAW .	Piercing the corporate veil ORMS Forms—Complaint —Correspondence: Records request PTER 25. ASSISTIVE DEVICE LEMON Introduction Remedies under the Uniform Commercial Code	1339
\$ 24:31 \$ 24:32 II. FO \$ 24:33 \$ 24:34 CHAP LAW . \$ 25:1 \$ 25:2 \$ 25:3	Piercing the corporate veil ORMS Forms—Complaint —Correspondence: Records request PTER 25. ASSISTIVE DEVICE LEMON Introduction Remedies under the Uniform Commercial Code Emergence of "assistive device lemon laws"	1339
\$ 24:31 \$ 24:32 II. FO \$ 24:33 \$ 24:34 CHAP LAW . \$ 25:1 \$ 25:2 \$ 25:3 \$ 25:4	Piercing the corporate veil ORMS Forms—Complaint —Correspondence: Records request PTER 25. ASSISTIVE DEVICE LEMON Introduction Remedies under the Uniform Commercial Code	1339
\$ 24:31 \$ 24:32 II. FO \$ 24:33 \$ 24:34 CHAF LAW . \$ 25:1 \$ 25:2 \$ 25:3 \$ 25:4 \$ 25:5	Piercing the corporate veil ORMS Forms—Complaint —Correspondence: Records request PTER 25. ASSISTIVE DEVICE LEMON Introduction Remedies under the Uniform Commercial Code Emergence of "assistive device lemon laws" Coverage of Ohio's Assistive Device Lemon Law—	1339
\$ 24:31 \$ 24:32 II. FO \$ 24:33 \$ 24:34 CHAF LAW . \$ 25:1 \$ 25:2 \$ 25:3 \$ 25:4 \$ 25:5 \$ 25:6	Piercing the corporate veil ORMS Forms—Complaint —Correspondence: Records request OTER 25. ASSISTIVE DEVICE LEMON Introduction Remedies under the Uniform Commercial Code Emergence of "assistive device lemon laws" Coverage of Ohio's Assistive Device Lemon Law— "Assistive devices"	1339
\$ 24:31 \$ 24:32 II. FO \$ 24:33 \$ 24:34 CHAF LAW . \$ 25:1 \$ 25:2 \$ 25:3 \$ 25:4 \$ 25:5	Piercing the corporate veil ORMS Forms—Complaint —Correspondence: Records request OTER 25. ASSISTIVE DEVICE LEMON Introduction Remedies under the Uniform Commercial Code Emergence of "assistive device lemon laws" Coverage of Ohio's Assistive Device Lemon Law— "Assistive devices" —New, used, leases	1339
\$ 24:31 \$ 24:32 II. FO \$ 24:33 \$ 24:34 CHAF LAW . \$ 25:1 \$ 25:2 \$ 25:3 \$ 25:4 \$ 25:5 \$ 25:6	Piercing the corporate veil ORMS Forms—Complaint —Correspondence: Records request OTER 25. ASSISTIVE DEVICE LEMON Introduction Remedies under the Uniform Commercial Code Emergence of "assistive device lemon laws" Coverage of Ohio's Assistive Device Lemon Law— "Assistive devices" —New, used, leases —Persons covered	1339
\$ 24:31 \$ 24:32 II. FO \$ 24:33 \$ 24:34 CHAF LAW . \$ 25:1 \$ 25:2 \$ 25:3 \$ 25:4 \$ 25:5 \$ 25:6 \$ 25:7	Piercing the corporate veil ORMS Forms—Complaint —Correspondence: Records request PTER 25. ASSISTIVE DEVICE LEMON Introduction Remedies under the Uniform Commercial Code Emergence of "assistive device lemon laws" Coverage of Ohio's Assistive Device Lemon Law— "Assistive devices" —New, used, leases —Persons covered —Period covered	1339
\$ 24:31 \$ 24:32 II. FO \$ 24:33 \$ 24:34 CHAP LAW . \$ 25:1 \$ 25:2 \$ 25:3 \$ 25:4 \$ 25:5 \$ 25:6 \$ 25:7 \$ 25:8	Piercing the corporate veil ORMS Forms—Complaint —Correspondence: Records request PTER 25. ASSISTIVE DEVICE LEMON Introduction Remedies under the Uniform Commercial Code Emergence of "assistive device lemon laws" Coverage of Ohio's Assistive Device Lemon Law— "Assistive devices" —New, used, leases —Persons covered —Period covered —Express and implied warranties	1339
\$ 24:31 \$ 24:32 II. FO \$ 24:33 \$ 24:34 CHAF LAW . \$ 25:1 \$ 25:2 \$ 25:3 \$ 25:4 \$ 25:5 \$ 25:6 \$ 25:7 \$ 25:8 \$ 25:9	Piercing the corporate veil ORMS Forms—Complaint —Correspondence: Records request PTER 25. ASSISTIVE DEVICE LEMON Introduction Remedies under the Uniform Commercial Code Emergence of "assistive device lemon laws" Coverage of Ohio's Assistive Device Lemon Law— "Assistive devices" —New, used, leases —Persons covered —Period covered —Express and implied warranties —Date of sale disclosure requirements	1339
\$ 24:31 \$ 24:32 II. FO \$ 24:33 \$ 24:34 CHAF LAW . \$ 25:1 \$ 25:2 \$ 25:3 \$ 25:4 \$ 25:5 \$ 25:6 \$ 25:7 \$ 25:8 \$ 25:9 \$ 25:10	Piercing the corporate veil ORMS Forms—Complaint —Correspondence: Records request OTER 25. ASSISTIVE DEVICE LEMON Introduction Remedies under the Uniform Commercial Code Emergence of "assistive device lemon laws" Coverage of Ohio's Assistive Device Lemon Law— "Assistive devices" —New, used, leases —Persons covered —Period covered —Express and implied warranties —Date of sale disclosure requirements —Required consumer notice to manufacturer	1339
\$ 24:31 \$ 24:32 II. FO \$ 24:33 \$ 24:34 CHAF LAW . \$ 25:1 \$ 25:2 \$ 25:3 \$ 25:4 \$ 25:5 \$ 25:6 \$ 25:7 \$ 25:8 \$ 25:9 \$ 25:10 \$ 25:11	Piercing the corporate veil ORMS Forms—Complaint —Correspondence: Records request OTER 25. ASSISTIVE DEVICE LEMON Introduction Remedies under the Uniform Commercial Code Emergence of "assistive device lemon laws" Coverage of Ohio's Assistive Device Lemon Law— "Assistive devices" —New, used, leases —Persons covered —Period covered —Express and implied warranties —Date of sale disclosure requirements —Required consumer notice to manufacturer —Repair requirements —Affirmative defenses	1339
\$ 24:31 \$ 24:32 II. FO \$ 24:33 \$ 24:34 CHAF LAW . \$ 25:1 \$ 25:2 \$ 25:3 \$ 25:4 \$ 25:5 \$ 25:6 \$ 25:7 \$ 25:8 \$ 25:9 \$ 25:10 \$ 25:11 \$ 25:12	Piercing the corporate veil ORMS Forms—Complaint —Correspondence: Records request OTER 25. ASSISTIVE DEVICE LEMON Introduction Remedies under the Uniform Commercial Code Emergence of "assistive device lemon laws" Coverage of Ohio's Assistive Device Lemon Law— "Assistive devices" —New, used, leases —Persons covered —Period covered —Express and implied warranties —Date of sale disclosure requirements —Required consumer notice to manufacturer —Repair requirements	1339
\$ 24:31 \$ 24:32 II. FO \$ 24:33 \$ 24:34 CHAF LAW . \$ 25:1 \$ 25:2 \$ 25:3 \$ 25:4 \$ 25:5 \$ 25:6 \$ 25:7 \$ 25:8 \$ 25:7 \$ 25:8 \$ 25:10 \$ 25:11 \$ 25:12 \$ 25:13	Piercing the corporate veil ORMS Forms—Complaint —Correspondence: Records request OTER 25. ASSISTIVE DEVICE LEMON Introduction Remedies under the Uniform Commercial Code Emergence of "assistive device lemon laws" Coverage of Ohio's Assistive Device Lemon Law— "Assistive devices" —New, used, leases —Persons covered —Period covered —Express and implied warranties —Date of sale disclosure requirements —Required consumer notice to manufacturer —Repair requirements —Affirmative defenses —Replacement or refund	1339

25:16	—Resale of lemon	
25:17	Substantive provisions—Overview	
25:18	—Elements of action and burden of proof	
25:19	Defect; condition that substantially impairs the use, safety, or value of device	
25:20	Presumption of recovery	
25:21	Informal dispute resolution mechanism	
25:22	Statute of limitations	
25:23	Remedies—Replacement, refund, interest, other damages, attorney fees	
25:24	—Supplier's remedy	
25:25	Defenses—Statutory affirmative defenses	
25:26	—Existence and nature of a defect	
25:27	Manufacturer counterclaim for usage setoff	
25:28	Waiver of rights invalid	
25:29	Resale and lease of nonconforming or buyback device	
25:30	Practice and procedure; initial client interview	
25:31	Form complaint; Ohio Assistive Device Lemon Law	
CHAI	PTER 26. CREDIT SERVICES	
_	ANIZATION ACT	1957
JILOI		1357
. IN	GENERAL	
26:1	Legislative history	
26:2	Coverage—Definitions—Buyer	
26:3	——Credit services organization	
26:4	—Exclusions	
26:5	—Definitions—Obtaining an extension of credit by others for a buyer	
26:6	Requirements—Certificate of registration	
26:7	—Advertising	
26:8	Suspension, revocation or refusal of certificate of registration	
26:9	Buyer's written statement of rights	
26:10	Written contract required—Contents	
26:11	Surety bond	
26:12	Prohibited acts	
26:13	Remedies—Private right of action	
26:14	—Governmental regulation	
26:15	—Criminal penalty	
I. F(ORMS	
26:16	Forms—Written notice required by R.C. 4712.04	
26:17		
26:18	—Complaint against credit services organization	
26:19	—Public records request to Department of Commerce, Division of Financial Institutions	
∼цлі	PTER 27. DEBT ADJUSTER ACT	1050
27:1	Legislative history	1373
41.1	negisianive monty	

§ 27:2	Coverage—Definitions—Debt adjusting	
§ 27:3	—Exclusions	
§ 27:4	—Residency	
§ 27:5	Requirements—Disbursements	
§ 27:6	—Trust accounts	
§ 27:7	—Reasonable fees or contributions	
§ 27:8	—Insurance	
§ 27:9	Remedies—CSPA violations	
§ 27:10	—Attorney General enforcement action	
§ 27:11	—Mandatory fine	
§ 27:12	—Criminal penalties	
§ 27:13	Telemarketing Consumer Fraud and Abuse Prevention Act	
§ 27:14	—Prohibitions and requirements applicable to Debt Relief Services	
§ 27:15	—Violation of rule promulgated under Act as violation of Ohio Consumer Sales Practices Act	
	PTER 28. OHIO'S TELEPHONE	
SOLI	CITATION SALES ACT	1383
§ 28:1	Overview	
§ 28:2	Coverage—Solicitation	
§ 28:3	—Exemptions	
§ 28:4	Solicitor registration	
§ 28:5	Solicitor surety bond	
§ 28:6	Requirements for solicitors offering gifts, prizes, or awards	
§ 28:7	—Reporting odds of winning and providing no-purchase option to obtain prizes	
§ 28:8	—Reporting past prize winners to Attorney General	
§ 28:9	Major consumer rights—Solicitor prohibitions	
§ 28:10	——Disclosures to Consumers prior to sale	
§ 28:11	 — Disclosures to consumer, prior to accepting payment for goods 	
§ 28:12	——Disclosures must be "clear and conspicuous"	
§ 28:13	——Prizes offered must include a no-purchase option to obtain	
§ 28:14	— —Ascertaining which disclosures were transmitted to consumer	
§ 28:15	Written confirmation of sales—Solicitation void if consumer does not receive written confirmation	
§ 28:16	—Solicitor must unwind consummated sale when consumer did not receive written confirmation	
§ 28:17	—Solicitor may not attempt to obtain written confirmation sooner than seven days after sale	
§ 28:18	—Contents	
§ 28:19	—Warning to consumer enclosed	
§ 28:20	Exemptions to requirement of signed confirmation of sale, before obtaining payment	
§ 28:21	Prohibitions—Acts related to obtaining Solicitor's License	
§ 28:22	—Acts related to the sale	
§ 28:23	Waiver of consumers' rights invalid	
§ 28:24	Attorney General's powers under the TSSA	
3 40.44	According General's powers under the 155A	

§ 28:25	Consumer remedies	
§ 28:26	Consumers entitled to injunctive relief and attorney's fees	
§ 28:27	Consumer entitled to minimum of his money spent	
§ 28:28	Statutory damages structure hints at damages up to \$25,000	
§ 28:29	Alternative avenue of recovery—Solicitor's insurance policy	
§ 28:30	Punitive damages possible—Statute of Limitations for all TSSA claims	
§ 28:31	Federal Telephone Consumer Protection Act ("TCPA")—A short review	
§ 28:32	—Background of TCPA	
§ 28:33	—Telephone Solicitation—Defined	
§ 28:34	Federal Telephone Consumer Protection Act ("TCPA")— Scope of prohibitions	
§ 28:35	Federal Telephone Consumer Protection Act ("TCPA")— Ohio Attorney General has jurisdiction through Ohio's Do-Not-Call Act; deceptive acts enforcement	
Appendix	28A. Selected telemarketing practice amendments	
		1403
CHAD	TER 29. FORECLOSURES OF	
	RNMENT-INSURED LOANS	1415
§ 29:1	FHA-insured loans—Introduction	
§ 29:2	—FHA single family insurance program	
§ 29:3	—FHA loss mitigation	
§ 29:4	—Contractual requirements regarding default, acceleration, and foreclosure	
§ 29:5	—Regulations addressing general servicing policy and borrower notice	
§ 29:6	—Face-to-face meeting	
§ 29:7	— —200-mile exemption	
§ 29:8	— — Homeowners current on loss mitigation plans	
§ 29:9	— —Other exemptions	
§ 29:10	—Periodic evaluation of loss mitigation options and pre- foreclosure review	
§ 29:11	—Non-compliance as defense to foreclosure	
§ 29:12	—Affirmative cases	
§ 29:13	VA-guaranteed loans	
§ 29:14	USDA-guaranteed loans	
СНАР	TER 30. SHORT-TERM LOAN LAW	1445
§ 30:1	Introduction	1110
§ 30:2	The 2008 Ohio Short-Term Loan Act	
§ 30:3	The 2018 Amendments to the Short-Term Lending Law	
§ 30:4	Exemptions	
§ 30:5	Modifications of rights and responsibilities of existing	
3 50.0	licensees	
§ 30:6	Allowable Interest, Fees, and Charges	
§ 30:7	Ability to repay test	
§ 30:8	Right to cancel	
	-	

§ 30:9 § 30:10 § 30:11 § 30:12 § 30:13	Disclosures Prohibitions Reporting Penalties Conclusion
CHAP	TER 31. RECOVERING ATTORNEY
FEES.	
§ 31:1	Recovering attorney fees; Introduction
§ 31:2	The American Rule
§ 31:3	Exceptions to the American Rule
§ 31:4	How reasonable fees are determined
§ 31:5	Proving entitlement to recover fees
§ 31:6	Proving prevailing party status
§ 31:7	Prevailing with partial success and multiple parties
§ 31:8	Proving reasonableness of fees
§ 31:9	The Lodestar calculation explained
§ 31:10	Determining a reasonable hourly rate
§ 31:11	Determining a reasonable number of hours
§ 31:12	—Factors affecting the reasonable number of hours
§ 31:13	Modification of the Lodestar
§ 31:14	Proportionality of recovery and attorney fees
§ 31:15	Survey evidence supporting hourly rates
§ 31:16	Fees on fees-recovering fee motion fees
§ 31:17	The fee motion procedure
§ 31:18	Appellate review of fee decisions
Table of	Laws and Rules
Table of	Cases
Index	

Index