

**As Passed by the Senate**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Sub. H. B. No. 279**

**REPRESENTATIVES Faber, Cates, Schaffer, Seitz, G. Smith, Kearns,  
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Key, Seaver, Hughes, Reidelbach, Woodard, Barrett, Britton  
SENATORS Austria, Jacobson, Fingerhut, Randy Gardner, Oelslager**

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**A B I L L**

To amend sections 317.113, 323.43, 1337.01, 1337.06, 1  
1337.091, 1337.10, 5301.01, 5301.04, 5301.08, 2  
5301.251, 5301.255, 5301.28, 5301.31, 5301.32, 3  
5301.33, 5301.331, 5301.34, 5301.35, 5302.05, 4  
5302.07, 5302.09, 5302.11, 5302.12, 5302.17, 5  
5302.22, 5309.05, 5309.10, 5309.30, 5309.51, 6  
5309.75, and 5311.05 and to repeal section 5301.234 7  
of the Revised Code to eliminate the requirement 8  
that deeds, mortgages, land contracts, leases and 9  
memoranda of leases of real property, memoranda of 10  
trust, certain powers of attorney, and other 11  
recordable instruments and transactions pertaining 12  
to real property be signed and attested to in the 13  
presence of witnesses. 14

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 317.113, 323.43, 1337.01, 1337.06, 15  
1337.091, 1337.10, 5301.01, 5301.04, 5301.08, 5301.251, 5301.255, 16

5301.28, 5301.31, 5301.32, 5301.33, 5301.331, 5301.34, 5301.35, 17  
5302.05, 5302.07, 5302.09, 5302.11, 5302.12, 5302.17, 5302.22, 18  
5309.05, 5309.10, 5309.30, 5309.51, 5309.75, and 5311.05 of the 19  
Revised Code be amended to read as follows: 20

**Sec. 317.113.** The county recorder shall not accept for 21  
recording a deed or other instrument in writing that is executed 22  
or certified in whole or in part in a language other than the 23  
English language unless it complies with the requirements of 24  
sections 317.11, 317.111, and 317.112 of the Revised Code and is 25  
accompanied by a complete English translation certified as 26  
provided in this section. The translator of the deed or other 27  
instrument in writing shall certify that the translation is 28  
accurate and that the translator is competent to perform the 29  
translation. The translator shall sign and acknowledge the 30  
translation of the deed or other instrument in writing ~~in the~~ 31  
~~presence of two witnesses, who shall attest the translator's~~ 32  
~~signature and subscribe their names to the attestation. The~~ 33  
~~translator shall sign and acknowledge the translation~~ before a 34  
judge of a court of record in this state, a clerk of a court of 35  
record in this state, a county auditor, a county engineer, or a 36  
notary public. 37

A certificate of the translator that is substantially in the 38  
following form satisfies the requirements of this section: 39

"CERTIFICATE OF TRANSLATOR 40

The undersigned, ....., hereby certifies 41  
that the document attached to this certificate and made a part of 42  
this certificate has been translated into English by the 43  
undersigned; that the translation is accurate; and that the 44  
undersigned is competent to perform the translation. 45

~~Signed and Acknowledged in the Presence of:~~ 46

..... 47

.....	48
.....	49
(Signature of Translator)	50
SSN: .....	51
State of .....	52
County of .....	53
The foregoing certificate of translator has been acknowledged	54
before me this ..... day of ....., .....	55
.....	56
(Signature of Judge or Officer	57
Taking the Acknowledgment)"	
This section does not apply to a deed or other instrument in	58
writing executed or certified prior to August 20, 1996.	59
<b>Sec. 323.43.</b> Each person owning lands may authorize or	60
consent to the payment by another of the taxes levied upon <del>such</del>	61
<u>those</u> lands or the surface owner of lands may pay the taxes levied	62
upon coal under <del>said the</del> land if <del>said the</del> taxes are delinquent,	63
without consent of the owner of the coal. A person paying <del>such</del>	64
<u>those</u> taxes shall first obtain from the owner of <del>such the</del> lands,	65
except in the case of coal, a certificate of authority to pay	66
them, <del>that is signed in the presence of two witnesses,</del> and	67
acknowledged before an officer authorized to administer oaths.	68
<del>Such</del> <u>The</u> certificate shall contain an accurate description of the	69
property as shown by the tax duplicate, the amount of the taxes	70
levied <del>thereon</del> <u>on the property</u> , the year for which they were	71
levied, the name of the person authorized to pay them, and the	72
date of the payment <del>thereof</del> <u>of the taxes</u> .	73
<del>Where</del> <u>If</u> the tax on coal has been paid by the surface owner,	74
the certificate shall contain an accurate description of the	75
property as shown by the tax duplicate, the amount of the taxes	76
levied <del>thereon</del> <u>on the coal</u> , the year for which they were levied,	77

and the date of the payment ~~thereof~~ of the taxes. 78

The person paying ~~such~~ those taxes shall file ~~such~~ the 79  
certificate in the office of the county recorder for record within 80  
ten days from the date of the payment ~~thereof~~ of the taxes. When 81  
the certificate has been filed, the amount ~~thereof~~ of the tax, 82  
with interest at eight per cent per annum from the date of the 83  
payment of ~~such~~ the tax, shall become a lien upon such real estate 84  
in preference to all liens thereafter attaching to the property, 85  
and in preference to all pre-existing liens the holders of which 86  
have executed and acknowledged ~~such~~ that certificate of authority. 87  
The money paid, with the interest thereon, may be recovered from 88  
the person legally liable for the payment of the tax. ~~Such~~ An 89  
action may be brought by the person paying the tax at any time 90  
after the expiration of one year from the date of the payment 91  
~~thereof~~. ~~When~~ If the surface owner has paid taxes on coal under 92  
this section ~~he~~, the surface owner may bring an action in 93  
foreclosure in the same manner provided by law for the foreclosure 94  
of mortgages on land. ~~Such~~ The surface owner shall have the option 95  
after judgment in the foreclosure action to purchase the coal at 96  
the appraised amount or to have the coal sold at public sale in 97  
accordance with law. The certificate filed with the recorder shall 98  
be recorded and canceled in the same manner as mortgages on real 99  
estate in a book separately kept and indexed by ~~him~~ the recorder 100  
for that purpose, and the recorder shall receive the fees 101  
prescribed by law for recording real estate mortgages. 102

**Sec. 1337.01.** A power of attorney for the conveyance, 103  
mortgage, or lease of any interest in real property ~~must~~ shall be 104  
signed, ~~attested~~, acknowledged, and certified as provided in 105  
section 5301.01 of the Revised Code. 106

**Sec. 1337.06.** A power of attorney for the transfer of 107  
personal property or the transaction of business relating ~~thereto~~ 108

to the transfer of personal property, in order to be admitted to 109  
record as provided in section 1337.07 of the Revised Code, ~~must~~ 110  
shall be signed, ~~witnessed~~, and acknowledged in the same manner as 111  
deeds and mortgages under section 5301.01 of the Revised Code. 112  
When so executed, acknowledged, and recorded, a copy of the record 113  
~~thereof~~, certified by the county recorder, with ~~his~~ the recorder's 114  
official seal affixed ~~thereto~~ to it, shall be received in all 115  
courts and places within this state as prima-facie evidence of the 116  
existence of ~~such~~ that instrument and as conclusive evidence of 117  
the existence of ~~such~~ that record. 118

**Sec. 1337.091.** (A) The death or adjudged incompetency of any 119  
principal who has executed a power of attorney in writing does not 120  
revoke the power and authority of the attorney in fact who, 121  
without actual knowledge of the death or adjudged incompetency of 122  
the principal, acts in good faith under the power of attorney. Any 123  
action so taken, unless otherwise invalid or unenforceable, inures 124  
to the benefit of and binds the principal and ~~his~~ the principal's 125  
heirs, devisees, and personal representatives. 126

(B) An affidavit, executed by the attorney in fact stating 127  
that ~~he~~ the attorney in fact did not have, at the time of doing an 128  
act pursuant to the power of attorney, actual knowledge of the 129  
revocation of the power of attorney by the principal, or the 130  
revocation of the power of attorney by death or adjudged 131  
incompetency of the principal is, in the absence of fraud, 132  
conclusive proof of the nonrevocation of the power at that time. 133  
If the exercise of the power requires the execution and delivery 134  
of any instrument that is recordable, the affidavit when ~~witnessed~~ 135  
~~and~~ acknowledged before a notary public in the same manner as a 136  
deed, is likewise recordable. 137

(C) This section shall not be construed to alter or affect 138  
any provision for revocation contained in any power of attorney. 139  
This section shall not be construed to affect any provision of a 140

power of attorney that indicates, consistent with section 1337.09  
of the Revised Code, that the authority of the attorney in fact is  
exercisable by ~~him~~ the attorney in fact as provided in the power  
of attorney notwithstanding the later disability, incapacity, or  
adjudged incompetency of the principal.

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**Sec. 1337.10.** The county recorder shall charge the same fee  
for the recording of a power of attorney authorizing the transfer  
of personal property or the transaction of business relating  
~~thereto to the transfer of personal property,~~ the indexing ~~thereof~~  
~~of that instrument,~~ and for making a certified copy of the record  
of ~~such the~~ instrument, ~~as he~~ that the recorder is allowed by  
section 317.32 of the Revised Code to charge for ~~like~~ similar  
services in regard to other instruments.

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In a county in which the county recorder has determined to  
use the microfilm process as provided by section 9.01 of the  
Revised Code, the recorder may require that all cancellations,  
releases, or other actions affecting recorded powers of attorney  
be by separate instrument, signed, ~~witnessed,~~ and acknowledged as  
provided by section 5301.01 of the Revised Code. The original  
instrument bearing the proper endorsement may be used as ~~such that~~  
separate instrument. Any ~~such~~ cancellations, releases, or other  
actions described in this section shall be recorded in the books  
in which the powers of attorney were recorded. The fee for ~~such~~  
recordation shall be as set forth in this section.

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**Sec. 5301.01.** (A) A deed, mortgage, land contract as referred  
to in division (B)(2) of section 317.08 of the Revised Code, or  
lease of any interest in real property and a memorandum of trust  
as described in division (A) of section 5301.255 of the Revised  
Code shall be signed by the grantor, mortgagor, vendor, or lessor  
in the case of a deed, mortgage, land contract, or lease or shall  
be signed by the settlor and trustee in the case of a memorandum

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of trust. ~~The signing shall be acknowledged by the grantor,~~ 172  
~~mortgagor, vendor, or lessor, or by the settlor and trustee, in~~ 173  
~~the presence of two witnesses, who shall attest the signing and~~ 174  
~~subscribe their names to the attestation.~~ The signing shall be 175  
acknowledged by the grantor, mortgagor, vendor, or lessor, or by 176  
the settlor and trustee, before a judge or clerk of a court of 177  
record in this state, or a county auditor, county engineer, notary 178  
public, or mayor, who shall certify the acknowledgement and 179  
subscribe ~~his~~ the official's name to the certificate of the 180  
acknowledgement. 181

(B)(1) If a deed, mortgage, land contract as referred to in 182  
division (B)(2) of section 317.08 of the Revised Code, lease of 183  
any interest in real property, or a memorandum of trust as 184  
described in division (A) of section 5301.255 of the Revised Code 185  
was executed prior to the effective date of this amendment and was 186  
not acknowledged in the presence of, or was not attested by, two 187  
witnesses as required by this section prior to that effective 188  
date, both of the following apply: 189

(a) The instrument is deemed properly executed and is 190  
presumed to be valid unless the signature of the grantor, 191  
mortgagor, vendor, or lessor in the case of a deed, mortgage, land 192  
contract, or lease or of the settlor and trustee in the case of a 193  
memorandum of trust was obtained by fraud. 194

(b) The recording of the instrument in the office of the 195  
county recorder of the county in which the subject property is 196  
situated is constructive notice of the instrument to all persons, 197  
including without limitation, a subsequent purchaser in good faith 198  
or any other subsequent holder of an interest in the property, 199  
regardless of whether the instrument was recorded prior to, on, or 200  
after the effective date of this amendment. 201

(2) Division (B)(1) of this section does not affect any 202  
accrued substantive rights or vested rights that came into 203

existence prior to the effective date of this amendment.

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**Sec. 5301.04.** A deed, mortgage, or lease of any interest of a married person in real property ~~must~~ shall be signed, ~~attested,~~ acknowledged, and certified as provided in section 5301.01 of the Revised Code.

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**Sec. 5301.08.** Sections 5301.01 to 5301.45, ~~inclusive,~~ of the Revised Code do not affect the validity of any lease of lands appropriated by congress for the support of schools or for ministerial purposes for any term not exceeding ten years or of any other lands for any term not exceeding three years or require ~~such that~~ lease to be ~~attested,~~ acknowledged, or recorded.

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**Sec. 5301.251.** In lieu of the recording of a lease, there may be recorded a memorandum of ~~such that~~ lease, executed, ~~attested,~~ and acknowledged in accordance with section 5301.01 of the Revised Code ~~which.~~ The memorandum of lease shall contain the names of the lessor and the lessee and their addresses as set forth in ~~said the~~ lease, a reference to ~~such the~~ lease with its date of execution, a description of the leased premises with such certainty as to identify the property, including the reference provided for in section 5301.011 of the Revised Code, ~~and~~ the term of the lease, together with any rights of renewal or extension ~~thereof of the~~ lease, and the date of commencement of the term or the manner of determining the ~~same~~ commencement of the term as set forth in ~~such the~~ lease.

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A memorandum of lease ~~thus~~ that is entitled to be so recorded ~~may~~ also may set forth any other provisions contained in the lease, or the substance ~~thereof~~ of those provisions, and shall be constructive notice of only that information contained in ~~such the~~ memorandum.

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Sections 317.08, 5301.251, and 5301.33 of the Revised Code 233  
shall not be construed to affect the ~~enforcibility~~ enforceability, 234  
validity, or legal effect of instruments recorded in ~~said~~ those 235  
lease records prior to August 9, 1963. 236

**Sec. 5301.255.** (A) A memorandum of trust that satisfies both 237  
of the following may be presented for recordation in the office of 238  
the county recorder of any county in which real property that is 239  
subject to the trust is located: 240

(1) The memorandum shall be executed by the settlor and 241  
trustee of the trust, ~~attested by witnesses~~, and acknowledged by 242  
the settlor and trustee of the trust in accordance with section 243  
5301.01 of the Revised Code. 244

(2) The memorandum shall state all of the following: 245

(a) The names and addresses of the settlor and trustee of the 246  
trust; 247

(b) The date of execution of the trust; 248

(c) The powers specified in the trust relative to the 249  
acquisition, sale, or encumbering of real property by the trustee 250  
or the conveyance of real property by the trustee, and any 251  
restrictions upon those powers. 252

(B) A memorandum of trust that satisfies divisions (A)(1) and 253  
(2) of this section also may set forth the substance or actual 254  
text of provisions of the trust that are not described in those 255  
divisions. 256

(C) A memorandum of trust that satisfies divisions (A)(1) and 257  
(2) of this section shall constitute notice only of the 258  
information contained in it. 259

(D) Upon the presentation for recordation of a memorandum of 260  
trust that satisfies divisions (A)(1) and (2) of this section and 261

the payment of the requisite fee prescribed in section 317.32 of  
the Revised Code, a county recorder shall record the memorandum of  
trust as follows:

(1) Unless division (D)(2) of this section applies, in the  
record of deeds described in division (A) of section 317.08 of the  
Revised Code, if the memorandum of trust describes specific real  
property, or in the record of powers of attorney described in  
division (C) of that section, if the memorandum of trust does not  
describe specific real property;

(2) If the county recorder records instruments in accordance  
with division (F) of section 317.08 of the Revised Code, in the  
official records described in that division.

**Sec. 5301.28.** When the mortgagee of property within this  
state, or the party to whom the mortgage has been assigned, either  
by a separate instrument, or in writing on ~~such that~~ mortgage, or  
on the margin of the record ~~thereof of the mortgage~~, which  
assignment, if in writing on ~~such the~~ mortgage or on the margin of  
the record ~~thereof of the mortgage~~, need not be ~~witnessed or~~  
acknowledged, receives payment of any part of the money due the  
holder of ~~such the~~ mortgage, and secured by the mortgage, and  
enters satisfaction or a receipt ~~therefor for the payment~~, either  
on the mortgage or its record, ~~such that~~ satisfaction or receipt,  
when entered on ~~such the~~ record, or copied ~~thereon on the record~~  
from the original mortgage by the county recorder, will release  
the mortgage to the extent of ~~such the~~ receipt. In all cases when  
a mortgage has been assigned in writing on ~~such that~~ mortgage, the  
recorder ~~must shall~~ copy the assignment from the original mortgage  
upon the margin of the record of the mortgage before ~~such the~~  
satisfaction or receipt is entered upon the record ~~thereof of the~~  
mortgage.

In a county in which the county recorder has determined to

use the microfilm process as provided by section 9.01 of the  
Revised Code, the recorder may require that all satisfactions of  
mortgages be made by separate instrument. The original instrument  
bearing the proper endorsement may be used as such separate  
instrument. ~~Such~~ That separate instrument shall be recorded in the  
book provided by section 5301.34 of the Revised Code for the  
satisfactions of mortgages. The recorder shall charge the fee for  
~~such~~ the recording as provided by section 317.32 of the Revised  
Code for recording mortgages.

**Sec. 5301.31.** Except in counties in which a separate  
instrument is required to assign or partially release a mortgage  
as described in section 5301.32 of the Revised Code, a mortgage  
may be assigned or partially released by the holder of the  
mortgage, by writing the assignment or partial release on the  
original mortgage or upon the margin of the record of the original  
mortgage and signing it. The assignment or partial release need  
not be acknowledged ~~or witnessed~~, but, if it is written upon the  
margin of the record of the original mortgage, the signing shall  
be attested by the county recorder. The assignment, whether it is  
upon the original mortgage, upon the margin of the record of the  
original mortgage, or by separate instrument, shall transfer not  
only the lien of the mortgage but also all interest in the land  
described in the mortgage. An assignment of a mortgage shall  
contain the then current mailing address of the assignee. The  
signature of a person on the assignment or partial release may be  
a facsimile of that person's signature. A facsimile of a signature  
on an assignment or partial release is equivalent to and  
constitutes the written signature of the person for all  
requirements regarding mortgage assignments or partial releases.

For entering an assignment or partial release of a mortgage  
upon the margin of the record of the original mortgage or for  
attesting it, the recorder shall be entitled to the fee provided

by section 317.32 of the Revised Code for recording the assignment  
and satisfaction of mortgages.

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**Sec. 5301.32.** A mortgage may be assigned or partially  
released by a separate instrument of assignment or partial  
release, acknowledged ~~and witnessed~~ as provided by section 5301.01  
of the Revised Code. The separate instrument of assignment or  
partial release shall be recorded in the book provided by section  
5301.34 of the Revised Code for the recording of satisfactions of  
mortgages, ~~and the~~. The county recorder shall be entitled to  
charge the fee for that recording as provided by section 317.32 of  
the Revised Code for recording deeds. The signature of a person on  
the assignment or partial release may be a facsimile of that  
person's signature. A facsimile of a signature on an assignment or  
partial release is equivalent to and constitutes the written  
signature of the person for all requirements regarding mortgage  
assignments or partial releases.

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In a county in which the recorder has determined to use the  
microfilm process as provided by section 9.01 of the Revised Code,  
the recorder may require that all assignments and partial releases  
of mortgages be by separate instruments. The original instrument  
bearing the proper endorsement may be used as the separate  
instrument.

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An assignment of a mortgage shall contain the then current  
mailing address of the assignee.

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**Sec. 5301.33.** Except in counties where deeds or other  
separate instruments are required as provided in this section, a  
lease, whether or not renewable forever, ~~which~~ that is recorded in  
any county recorder's office, may be canceled or partially  
released by the lessor and lessee, or assigned by either of them,  
by writing ~~such~~ the cancellation, partial release, or assignment

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on the original lease, or upon the margin of the record ~~thereof of~~ 355  
the original lease, and by signing it. ~~Such That~~ cancellation, 356  
partial release, or assignment need not be ~~witnessed or~~ 357  
acknowledged, but if written on the margin of the record, the 358  
signing ~~thereof must~~ shall be attested to by the recorder. ~~Such~~ 359  
The assignment by the lessee, whether it is upon the lease, or 360  
upon the margin of the record ~~thereof of the lease~~, or by separate 361  
instrument, shall transfer all interest held by the lessee under 362  
the lease in the premises described ~~therein in the lease~~, unless 363  
otherwise stated in the lease or in the assignment. For copying 364  
~~such the~~ cancellation, partial release, or assignment upon the 365  
margin of the record, if written upon the original instrument, or 366  
for attesting it, if written upon the margin of the record, the 367  
recorder shall charge the fee provided by section 317.32 of the 368  
Revised Code for recording the assignment and satisfaction of 369  
mortgages. 370

A lease, whether or not renewable forever, ~~which that~~ is 371  
recorded in any county recorder's office, ~~may~~ also may be 372  
canceled, partially released, or assigned by deed or by other 373  
separate instrument acknowledged ~~and witnessed~~ as provided in 374  
section 5301.01 of the Revised Code. Unless in the form of a deed, 375  
a separate instrument of cancellation, partial release, or 376  
assignment shall be recorded in the record of leases provided for 377  
by section 317.08 of the Revised Code ~~and the~~. The recorder shall 378  
charge the fee for ~~such that~~ recording as provided in section 379  
317.32 of the Revised Code for recording deeds. 380

~~When~~ If a lease has been canceled, partially released, or 381  
assigned by deed or by other separate instrument and ~~such that~~ 382  
deed or other separate instrument recites the recorder's file 383  
number of the original lease or the volume and page of the record 384  
~~wherein in which~~ the original lease is recorded, the recorder 385  
shall note on the margin of the record of the original lease the 386

recorder's file number of ~~such the~~ deed or other separate 387  
instrument or the volume and page of the record ~~wherein in which~~ 388  
the same is recorded. 389

"Lessor" and "lessee" as used in this section include an 390  
assignee of the interest of either. "Lease" as used in this 391  
section includes a memorandum of lease provided for by section 392  
5301.251 of the Revised Code. This section does not permit the 393  
assignment of any lease ~~whose~~ if the assignment is prohibited by 394  
the terms ~~thereof of the lease.~~ 395

In a county in which the county recorder has determined to 396  
use the microfilm process as provided by section 9.01 of the 397  
Revised Code, the recorder may require that all cancellations, 398  
partial releases, and assignments of leases be by deed or other 399  
separate instrument. The original instrument bearing the proper 400  
endorsement may be used as such separate instrument. 401

**Sec. 5301.331.** Except in counties where deeds or other 402  
instruments are required as provided in this section, a land 403  
contract ~~which that~~ is recorded in the office of the county 404  
recorder may be cancelled, partially released by the vendor and 405  
vendee, or assigned by either of them by writing ~~such the~~ 406  
cancellation, partial release, or assignment on the original land 407  
contract or upon the margin of the record ~~thereof of the original~~ 408  
land contract, and by signing it. ~~Such That~~ cancellation, partial 409  
release, or assignment need not be ~~witnessed or~~ acknowledged, but 410  
if written on the margin of the record, the signing ~~thereof must~~ 411  
shall be attested to by the county recorder. ~~Such The~~ assignment 412  
by the vendee, whether it is on the land contract or upon the 413  
margin of the record ~~thereof of that contract,~~ or by separate 414  
instrument, shall transfer the right held by the vendee under the 415  
land contract in the premises described ~~therein in the contract~~ 416  
unless otherwise stated in the land contract or in the assignment. 417  
For copying ~~such the~~ cancellation, partial release, or assignment 418

upon the margin of the record, or for attesting it, if written 419  
upon the margin of the record, the recorder shall charge the fee 420  
provided by section 317.32 of the Revised Code for recording the 421  
assignment and satisfaction of mortgages. 422

A land contract ~~which~~ that is recorded in the office of the 423  
county recorder may also be cancelled, partially released, or 424  
assigned by deed or by other separate instrument, acknowledged ~~and~~ 425  
~~witnessed~~ as provided in section 5301.01 of the Revised Code. 426  
Unless in the form of a deed, a separate instrument of 427  
cancellation, partial release, or assignment shall be recorded in 428  
the book provided by section 5301.34 of the Revised Code for 429  
recording satisfactions of mortgages, ~~and the~~. The recorder shall 430  
charge the fee for ~~such~~ that record as provided for in section 431  
317.32 of the Revised Code for record fees. 432

~~When~~ If a land contract has been cancelled, partially 433  
released, or assigned by deed or other separate instrument, and 434  
~~such~~ that deed or other separate instrument recites the recorder's 435  
file number of the original land contract or the volume and page 436  
of the record ~~wherein~~ in which the original land contract is 437  
recorded, the recorder shall note on the margin of the original 438  
land contract the recorder's file number of ~~such~~ the deed or other 439  
separate instrument or the volume and page of the record ~~wherein~~ 440  
in which the same is recorded. 441

"Vendor" and "~~Vendee~~ vendee" as used in this section include 442  
an assignee of the interest of either. This section does not 443  
permit the assignment of any land contract ~~whose~~ if the assignment 444  
is prohibited by the terms ~~thereof~~ of the land contract. 445

In a county where the county recorder has determined to use 446  
the microfilm process as provided by section 9.01 of the Revised 447  
Code, the recorder may require that all cancellations, partial 448  
releases, and assignments of land contracts be by deed or other 449  
separate instrument. The original instrument bearing the proper 450

endorsement may be used as such separate instrument.

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**Sec. 5301.34.** A mortgage ~~must~~ shall be discharged upon the record ~~thereof~~ of the mortgage by the county recorder when there is presented to ~~him~~ the county recorder a certificate executed by the mortgagee or ~~his~~ the mortgagee's assigns, acknowledged ~~and witnessed~~ as provided in section 5301.01 of the Revised Code, or when there is presented to ~~him~~ the recorder a deed of release executed by the governor as provided in section 5301.19 of the Revised Code, certifying that the mortgage has been fully paid and satisfied. In addition to the discharge on the records by the recorder, such certificate shall be recorded in a book kept for that purpose by the recorder. ~~Such~~ The recorder is entitled to the fees for such recording as provided by section 317.32 of the Revised Code for recording deeds.

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**Sec. 5301.35.** The priority of the lien of a mortgage may be waived to the extent specified by the holder ~~thereof~~ of the lien in favor of any lien, mortgage, lease, easement, or other interest in the property covered by the mortgage, by writing ~~such~~ the waiver of priority on the original mortgage and signing it, by writing ~~such~~ the waiver of priority upon the margin of the record of ~~said~~ that mortgage and signing it, or by a separate instrument acknowledged ~~and witnessed~~ as provided by section 5301.01 of the Revised Code. ~~Such~~ That waiver, when recorded upon the margin of the record of ~~such~~ the mortgage, or when recorded as a separate instrument, is constructive notice to all persons dealing with either the property described in ~~said~~ that mortgage or the mortgage itself from the date of filing ~~said~~ the waiver for record. ~~Such~~ The waiver, if written upon ~~said~~ the mortgage or upon the margin of the record ~~thereof~~ of the mortgage, need not be acknowledged ~~or witnessed~~, but if written upon the margin of the record, the signing ~~must~~ shall be attested by the county recorder.

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If ~~said~~ the waiver of priority is by separate instrument, it 482  
shall be recorded in the book provided by section 5301.34 of the 483  
Revised Code for the recording of satisfactions of mortgages. For 484  
~~such~~ the recording, the county recorder may charge the fee as 485  
provided by section 317.32 of the Revised Code for recording 486  
deeds. For entering any ~~such~~ waiver of priority upon the margin of 487  
the record of ~~said~~ the mortgage, or for attesting it, the recorder 488  
is entitled to the fees for recording ~~such~~ those waivers of 489  
priority ~~as~~ that are charged for assignments or satisfactions of 490  
mortgages under section 317.32 of the Revised Code. 491

In a county in which the county recorder has determined to 492  
use the microfilm process as provided by section 9.01 of the 493  
Revised Code, the recorder may require that all waivers of 494  
priority of mortgages be made by separate instrument. The original 495  
instrument bearing the proper ~~indorsement~~ endorsement may be used 496  
as such separate instrument. 497

**Sec. 5302.05.** A deed in substance following the form set 498  
forth in this section, when duly executed in accordance with 499  
Chapter 5301. of the Revised Code, has the force and effect of a 500  
deed in fee simple to the grantee, ~~his~~ the grantee's heirs, 501  
assigns, and successors, to ~~his~~ the grantee's and ~~their~~ the 502  
grantee's heirs', assigns', and successors' own use, with 503  
covenants on the part of the grantor with the grantee, ~~his~~ the 504  
grantee's heirs, assigns, and successors, that, at the time of the 505  
delivery of ~~such~~ that deed ~~he~~ the grantor was lawfully seized in 506  
fee simple of the granted premises, that the granted premises were 507  
free from all encumbrances, that ~~he~~ the grantor had good right to 508  
sell and convey the same to the grantee and ~~his~~ the grantee's 509  
heirs, assigns, and successors, and that ~~he~~ the grantor does 510  
warrant and will defend the same to the grantee and ~~his~~ the 511  
grantee's heirs, assigns, and successors, forever, against the 512  
lawful claims and demands of all persons. 513

"GENERAL WARRANTY DEED

..... (marital status), of ..... County, 514  
..... for valuable consideration paid, grant(s), with 515  
general warranty covenants, to ....., whose tax-mailing 516  
address is ....., the following real property: 517

(description of land or interest therein and encumbrances, 519  
reservations, and exceptions, if any) 520

Prior Instrument Reference: Volume ....., Page ..... 521  
....., wife (husband) of the grantor, releases all 522  
rights of dower therein. 523

~~Witness ..... hand this ..... 524  
day of ..... 525~~

Executed before me on ..... day of ..... 526  
by ....., who, under penalty of perjury in 527  
violation of section 2921.11 of the Revised Code, represented to 528  
me to be said person. 529

..... 530  
(Signature of Judge or Officer 531  
Taking the Acknowledgment) 532

(Execution in accordance with Chapter 5301. of the Revised 533  
Code)" 534

**Sec. 5302.07.** A deed in substance following the form set 535  
forth in this section, when duly executed in accordance with 536  
Chapter 5301. of the Revised Code, has the force and effect of a 537  
deed in fee simple to the grantee, ~~his~~ the grantee's heirs, 538  
assigns, and successors, to ~~his~~ the grantee's and ~~their~~ the 539  
grantee's heirs', assigns', and successors' own use, with 540  
covenants on the part of the grantor with the grantee, ~~his~~ the 541  
grantee's heirs, assigns, and successors, that, at the time of the 542  
delivery of ~~such~~ that deed the premises were free from all 543

encumbrances made by ~~him~~ the grantor, and that ~~he~~ the grantor does 544  
warrant and will defend the same to the grantee and ~~his~~ the 545  
grantee's heirs, assigns, and successors, forever, against the 546  
lawful claims and demands of all persons claiming by, through, or 547  
under the grantor, but against none other. 548

"LIMITED WARRANTY DEED 549

..... (marital status), of ..... County, 550  
..... for valuable consideration paid, grant(s), with 551  
limited warranty covenants, to ....., whose tax-mailing 552  
address is ....., the following real property: 553

(description of land or interest therein and encumbrances, 554  
reservations, and exceptions, if any) 555

Prior Instrument Reference: Volume ....., Page ..... 556

....., wife (husband) of said grantor, releases to said 557  
grantee all rights of dower therein. 558

Witness ..... hand this ..... day of ..... 559

Executed before me on ..... day of ..... 560  
by ....., who, under penalty of perjury in 561  
violation of section 2921.11 of the Revised Code, represented to 562  
me to be said person. 563

..... 564

(Signature of Judge or Officer 565

Taking the Acknowledgment) 566

(Execution in accordance with Chapter 5301. of the Revised 567  
Code)" 568

**Sec. 5302.09.** A deed in substance following the form set 569  
forth in this section, when duly executed in accordance with 570  
Chapter 5301. of the Revised Code, has the force and effect of a 571  
deed in fee simple to the grantee, ~~his~~ the grantee's heirs, 572  
assigns, and successors, to ~~his~~ the grantee's and ~~their~~ the 573

grantee's heirs', assigns', and successors' own use, with 574  
covenants on the part of the grantor with the grantee, ~~his~~ the 575  
grantee's heirs, assigns, and successors, that, at the time of the 576  
delivery of ~~such that~~ deed, ~~he~~ the grantor was duly appointed, 577  
qualified, and acting in the fiduciary capacity described in ~~such~~ 578  
that deed, and was duly authorized to make the sale and conveyance 579  
of the premises; that in all of ~~his~~ the grantor's proceedings in 580  
the sale ~~thereof~~ he of the premises the grantor has complied with 581  
the requirements of the statutes in such case provided. 582

"DEED OF EXECUTOR, ADMINISTRATOR, TRUSTEE, 583  
GUARDIAN, RECEIVER, OR COMMISSIONER 584

....., executor of the will of ....., 585  
(administrator of the estate of .....) (trustee under ..... ) 586  
(guardian of ..... ) (receiver of ..... ) (commissioner), by 587  
the power conferred by ....., and every other power, for 588  
..... dollars paid, grants, with fiduciary covenants, to 589  
....., whose tax-mailing address is ....., the following 590  
real property: 591

(description of land or interest therein and encumbrances, 592  
reservations, and exceptions, if any) 593

Prior Instrument Reference: Volume ....., Page ..... 594

Witness ..... hand this ..... day of ..... 595

Executed before me on ..... day of ..... 596  
by ....., who, under penalty of perjury in 597  
violation of section 2921.11 of the Revised Code, represented to 598  
me to be said person. 599

..... 600  
(Signature of Judge or Officer 601  
Taking the Acknowledgment) 602

(Execution in accordance with Chapter 5301. of the Revised 603  
Code)" 604

Sec. 5302.11. A deed in substance following the form set forth in this section, when duly executed in accordance with Chapter 5301. of the Revised Code, has the force and effect of a deed in fee simple to the grantee, ~~his~~ the grantee's heirs, assigns, and successors, and to ~~his~~ the grantee's and ~~their~~ the grantee's heirs', assigns', and successors' own use, but without covenants of any kind on the part of the grantor.

"QUIT-CLAIM DEED

..... (marital status), of ..... County, ..... for valuable consideration paid, grant(s) to ....., whose tax-mailing address is ....., the following real property:

(description of land or interest therein and encumbrances, reservations, and exceptions, if any)

Prior Instrument Reference: Volume ....., Page .....

....., wife (husband) of the grantor, releases all rights of dower therein.

Witness ..... hand this ..... day of

.....

Executed before me on ..... day of ..... by ....., who, under penalty of perjury in violation of section 2921.11 of the Revised Code, represented to me to be said person.

.....

(Signature of Judge or Officer

Taking the Acknowledgment)

(Execution in accordance with Chapter 5301. of the Revised Code)"

Sec. 5302.12. A mortgage in substance following the form set

forth in this section, when duly executed in accordance with 634  
Chapter 5301. of the Revised Code, has the force and effect of a 635  
mortgage to the use of the mortgagee and ~~his~~ the mortgagee's 636  
heirs, assigns, and successors, with mortgage covenants and upon 637  
the statutory condition, as defined in sections 5302.13 and 638  
5302.14 of the Revised Code, to secure the payment of the money or 639  
the performance of any obligation specified in the mortgage. The 640  
parties may insert in the mortgage any other lawful agreement or 641  
condition. 642

"MORTGAGE 643

....., ..... (marital status), 644  
of ..... (current mailing address), for ..... 645  
Dollars paid, grant(s), with mortgage covenants, to ....., 646  
of ..... (current mailing address), the following 647  
real property: 648

(Description of land or interest in land and encumbrances, 649  
reservations, and exceptions, if any.) 650

(A reference to the last recorded instrument through which 651  
the mortgagor claims title. The omission of the reference shall 652  
not affect the validity of the mortgage.) 653

This mortgage is given, upon the statutory condition, to 654  
secure the payment of ..... dollars with interest as 655  
provided in a note of the same date. 656

"Statutory condition" is defined in section 5302.14 of the 657  
Revised Code and provides generally that, if the mortgagor pays 658  
the principal and interest secured by this mortgage, performs the 659  
other obligations secured by this mortgage and the conditions of 660  
any prior mortgage, pays all the taxes and assessments, maintains 661  
insurance against fire and other hazards, and does not commit or 662  
suffer waste, then this mortgage shall be void. 663

....., wife (husband) of the mortgagor, 664

releases to the mortgagee all rights of dower in the described  
real property.

Witness ..... hand this .... day of .....

Executed before me on ..... day of .....

by ....., who, under penalty of perjury in  
violation of section 2921.11 of the Revised Code, represented to  
me to be said person.

.....

(Signature of Judge or Officer

Taking the Acknowledgment)

(Execution in accordance with Chapter 5301. of the Revised  
Code)"

**Sec. 5302.17.** A deed conveying any interest in real property  
to two or more persons, and in substance following the form set  
forth in this section, when duly executed in accordance with  
Chapter 5301. of the Revised Code, creates a survivorship tenancy  
in the grantees, and upon the death of any of the grantees, vests  
the interest of the decedent in the survivor, survivors, or ~~his~~  
the survivor's or their survivors' separate heirs and assigns.

"SURVIVORSHIP DEED

..... (marital status), of ..... County,  
..... for valuable consideration paid,  
grant(s), (covenants, if any), to .....  
(marital status) and ..... (marital status), for  
their joint lives, remainder to the survivor of them, whose  
tax-mailing addresses are ....., the following real  
property:

(description of land or interest therein and encumbrances,  
reservations, and exceptions, if any)

Prior Instrument Reference: .....7.

..... wife (husband) of the grantor, releases all 695  
rights of dower therein. 696

Witness ..... hand this ..... day of 697  
....." 698

Executed before me on ..... day of ..... 699  
by ....., who, under penalty of perjury in 700  
violation of section 2921.11 of the Revised Code, represented to 701  
me to be said person. 702

..... 703  
(Signature of Judge or Officer 704  
Taking the Acknowledgment) 705

(Execution in accordance with Chapter 5301. of the Revised 706  
Code)" 707

Any persons who are the sole owners of real property, prior 708  
to April 4, 1985, as tenants with a right of survivorship under 709  
the common or statutory law of this state or as tenants in common 710  
may create in themselves and in any other person or persons a 711  
survivorship tenancy in the real property by executing a deed as 712  
provided in this section conveying their entire, separate 713  
interests in the real property to themselves and to the other 714  
person or persons. 715

Except as otherwise provided in this section, when a person 716  
holding real property as a survivorship tenant dies, the transfer 717  
of the interest of the decedent may be recorded by presenting to 718  
the county auditor and filing with the county recorder either a 719  
certificate of transfer as provided in section 2113.61 of the 720  
Revised Code, or an affidavit accompanied by a certified copy of a 721  
death certificate. The affidavit shall recite the names of the 722  
other survivorship tenant or tenants, the address of the other 723  
survivorship tenant or tenants, the date of death of the decedent, 724  
and a description of the real property. The county recorder shall 725

make index reference to any certificate or affidavit so filed in 726  
the record of deeds. When a person holding real property as a 727  
survivorship tenant dies and the title to the property is 728  
registered pursuant to Chapter 5309. of the Revised Code, the 729  
procedure for the transfer of the interest of the decedent shall 730  
be pursuant to section 5309.081 of the Revised Code. 731

**Sec. 5302.22.** (A) A deed conveying any interest in real 732  
property, and in substance following the form set forth in this 733  
division, when duly executed in accordance with Chapter 5301. of 734  
the Revised Code and recorded in the office of the county 735  
recorder, creates a present interest as sole owner or as a tenant 736  
in common in the grantee and creates a transfer on death interest 737  
in the beneficiary or beneficiaries. Upon the death of the 738  
grantee, the deed vests the interest of the decedent in the 739  
beneficiary or beneficiaries. The deed described in this division 740  
shall in substance conform to the following form: 741

"Transfer on Death Deed 742

..... (marital status), of ..... County, 743  
..... (for valuable consideration paid, if any), 744  
grant(s) (with covenants, if any), to ..... whose 745  
tax mailing address is ....., transfer on death to 746  
....., beneficiary(s), the following real 747  
property: 748

(Description of land or interest in land and encumbrances, 749  
reservations, and exceptions, if any.) 750

Prior Instrument Reference: ..... 751  
....., wife (husband) of the grantor, releases all 752  
rights of dower therein. 753

~~Witness ..... hand this ..... 754  
day of ....."~~ 755

Executed before me on ..... day of ..... 756  
by ....., who, under penalty of perjury in 757  
violation of section 2921.11 of the Revised Code, represented to 758  
me to be said person. 759

..... 760  
(Signature of Judge or Officer 761  
Taking the Acknowledgment) 762

(Execution in accordance with Chapter 5301. of the Revised 763  
Code)" 764

(B) Any person who, under the Revised Code or the common law 765  
of this state, owns real property or any interest in real property 766  
as a sole owner or as a tenant in common may create an interest in 767  
the real property transferable on death by executing and recording 768  
a deed as provided in this section conveying the person's entire, 769  
separate interest in the real property to one or more individuals, 770  
including the grantor, and designating one or more other persons, 771  
identified in the deed by name, as transfer on death 772  
beneficiaries. 773

A deed conveying an interest in real property that includes a 774  
transfer on death beneficiary designation need not be supported by 775  
consideration and need not be delivered to the transfer on death 776  
beneficiary to be effective. 777

(C) Upon the death of any individual who owns real property 778  
or an interest in real property that is subject to a transfer on 779  
death beneficiary designation made under a transfer on death deed 780  
as provided in this section, the deceased owner's interest shall 781  
be transferred only to the transfer on death beneficiaries who are 782  
identified in the deed by name and who survive the deceased owner 783  
or that are in existence on the date of death of the deceased 784  
owner. The transfer of the deceased owner's interest shall be 785  
recorded by presenting to the county auditor and filing with the 786  
county recorder an affidavit, accompanied by a certified copy of a 787

death certificate for the deceased owner. The affidavit shall  
recite the name and address of each designated transfer on death  
beneficiary who survived the deceased owner or that is in  
existence on the date of the deceased owner's death, the date of  
the deceased owner's death, a description of the subject real  
property or interest in real property, and the names of each  
designated transfer on death beneficiary who has not survived the  
deceased owner or that is not in existence on the date of the  
deceased owner's death. The affidavit shall be accompanied by a  
certified copy of a death certificate for each designated transfer  
on death beneficiary who has not survived the deceased owner. The  
county recorder shall make an index reference to any affidavit so  
filed in the record of deeds.

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Upon the death of any individual holding real property or an  
interest in real property that is subject to a transfer on death  
beneficiary designation made under a transfer on death deed as  
provided in this section, if the title to the real property is  
registered pursuant to Chapter 5309. of the Revised Code, the  
procedure for the transfer of the interest of the deceased owner  
shall be pursuant to section 5309.081 of the Revised Code.

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**Sec. 5309.05.** The persons who, singly or collectively, claim  
to own and to be seized of, or to have the power of appointing or  
disposing of, the legal or equitable estate in fee in and to the  
whole of any parcel of land, may personally or through an attorney  
in fact, authorized by an instrument signed, ~~witnessed,~~  
acknowledged, and recorded as a deed, have their title to ~~said~~  
that estate in ~~said that~~ land, or the whole title to ~~said that~~  
land, registered in the county where the land is situated. A  
corporation may apply by its agent or attorney, authorized by vote  
of its board of directors, and any person under disability may  
apply by ~~his~~ the person's legal guardian or trustee. All persons  
in whose behalf the application is made shall be named as the

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applicants or plaintiffs, except in cases mentioned in section 820  
5309.66 of the Revised Code. 821

**Sec. 5309.10.** If the application to register the title to 822  
land or to any interest ~~therein~~ in land is made by a married 823  
person, the ~~husband or wife~~ spouse of ~~such that~~ person shall 824  
signify ~~his or her~~ the spouse's assent to the registration as 825  
prayed for by ~~indorsement~~ endorsement on the application ~~witnessed~~ 826  
~~and~~ acknowledged as a deed, or by a separate instrument so 827  
~~witnessed and~~ acknowledged and filed with the application. If the 828  
~~husband and wife~~ spouses are separated and living apart, or either 829  
one refuses to consent to the application of the other, the assent 830  
of the ~~husband or wife~~ nonapplicant spouse is not necessary, and 831  
in ~~such that~~ case the ~~husband or wife~~ nonapplicant spouse shall be 832  
treated and named as a party defendant to the application. 833

**Sec. 5309.30.** The county recorder shall take from the owner 834  
of any registered property, right, interest, lien, or charge, in 835  
every case ~~where~~ in which it is practicable to do so, ~~such the~~ 836  
owner's receipt or signature card, giving the residence and 837  
post-office address, for the certificate of title, or whatever 838  
paper is issued or delivered to or filed by ~~him~~ the owner, signed 839  
by ~~such the~~ owner in person and witnessed. ~~When such~~ If the 840  
receipt or signature card is signed in the recorder's office, it 841  
may be witnessed by the recorder or ~~some~~ a deputy. If signed 842  
elsewhere, ~~such the~~ receipt or signature card ~~must~~ shall be 843  
~~attested by two witnesses and~~ acknowledged before an officer 844  
authorized to take acknowledgment of deeds. When signed, witnessed 845  
~~and or~~ acknowledged, and filed with the recorder, ~~such the~~ receipt 846  
shall be regarded as containing the genuine signature of ~~such that~~ 847  
person. 848

**Sec. 5309.51.** The holder of any mortgage, encumbrance, lease, 849

charge, or lien upon registered land may execute to a transferee 850  
an assignment for the whole or any part ~~thereof of the mortgage,~~ 851  
~~encumbrance, lease, charge, or lien,~~ by ~~indorsement~~ endorsement of 852  
~~such~~ the assignment on the original instrument of encumbrance, the 853  
holder's duplicate, the mortgagee's certified copy of a mortgage, 854  
or by a separate instrument ~~witnessed and~~ acknowledged as required 855  
by section 5301.01 of the Revised Code. The assignment of only a 856  
part ~~only must~~ of the mortgage, encumbrance, lease, charge, or 857  
lien shall state whether the part transferred is to be given 858  
priority, be deferred, or rank equally with the remaining part. 859  
When ~~such~~ that assignment is filed with the county recorder and 860  
the assignor produces the instrument of encumbrance ~~which he~~ that 861  
the assignor holds, if ~~such~~ that instrument is the original 862  
instrument or one of the original duplicates ~~thereof of the~~ 863  
instrument, and in the case of a mortgage when the assignor 864  
produces the "mortgagee's certified copy," if ~~such~~ that copy was 865  
issued and delivered, the recorder, being satisfied that the 866  
assignment is properly made and should be registered, shall 867  
register ~~such~~ the assignment by entering a memorial of the part 868  
transferred, the date of transfer, the name, residence, and 869  
post-office address of the transferee, how ~~such~~ the part 870  
transferred is to rank with the remaining part, and the file 871  
number upon the register ~~where such~~ in which the instrument 872  
creating the charge is registered, and in case of assignment by 873  
separate instrument, upon the original instrument. ~~On the~~ 874  
~~instrument of assignment the~~ The recorder shall ~~indorse~~ endorse on 875  
the instrument of assignment the exact time of filing and the 876  
volume and folium of the register ~~where~~ in which the assignment is 877  
registered. If the original instrument of encumbrance, or one of 878  
the duplicates ~~thereof of the instrument,~~ is recorded, the 879  
assignee ~~may,~~ on payment of the recorder's fees ~~therefor,~~ may have 880  
~~such~~ that assignment copied on the margin of the record of the 881  
instrument assigned, or copied in a separate volume and noted on 882

the margin of the record of the instrument assigned, if the 883  
recorder keeps any such separate volume for the record of 884  
assignments and ~~transfer, the transfers.~~ The record of such that 885  
assignment to shall be noted on the indexes of the instrument 886  
assigned. If the original instrument of encumbrance or one of the 887  
original duplicates ~~thereof of the instrument, indorsed~~ endorsed 888  
by the recorder, or a mortgagee's certified copy of the mortgage, 889  
is outstanding in the hands of the encumbrancer, lessee, or their 890  
assigns, no entry or memorial of an assignment or transfer of ~~such~~ 891  
that instrument or security of any part ~~thereof of the instrument~~ 892  
shall be made by the recorder without the production of ~~such the~~ 893  
original instrument, or the ~~indorsed~~ endorsed original duplicate 894  
~~thereof of the instrument,~~ or the mortgagee's certified copy. 895

Waivers of the priority of lien of mortgages may be 896  
registered subject to the requirements of this section as to 897  
assignments. 898

**Sec. 5309.75.** The deed or instrument constituting a person an 899  
attorney in fact shall contain: 900

(A) The full name of the party appointing, and of the person 901  
appointed, and the residence and post-office address of each; 902

(B) The number of the outstanding certificate of title, and 903  
the volume and folium of the register; 904

(C) A description of the land, ~~which that~~ shall be the same 905  
as given in the certificate of title; 906

(D) A brief statement of the powers conferred upon the 907  
attorney in fact. 908

~~Such That~~ deed or instrument shall be signed by the person 909  
making it ~~and witnessed~~ and acknowledged as provided in section 910  
5301.01 of the Revised Code. 911

Sec. 5311.05. (A) A declaration submitting property to the 912  
provisions of this chapter shall be signed and acknowledged by the 913  
owner ~~in the presence of two witnesses who shall attest the~~ 914  
~~signing and subscribe their names to the attestation,~~ and before a 915  
judge or clerk of a court of record, county auditor, county 916  
engineer, notary public, mayor, or county court judge, who shall 917  
certify the acknowledgment and subscribe ~~his name to~~ the 918  
certificate of acknowledgment. 919

(B) A declaration shall contain all of the following: 920

(1) A legal description of the land or, in the case of water 921  
slip condominium property, of the land and the land under the 922  
water area, thereby submitted to the provisions of this chapter; 923

(2) The name by which the condominium property shall be known 924  
which shall include the word "condominium"; 925

(3) The purpose or purposes of the condominium property and 926  
the units and commercial facilities situated ~~therein in the~~ 927  
condominium property and the restrictions, if any, upon the use or 928  
uses ~~thereof of the condominium property;~~ 929

(4) A general description of the building or buildings 930  
thereby submitted to the provisions of this chapter, stating the 931  
principal materials of which it is or they are constructed and the 932  
number of stories, basements, and units ~~therein in the building or~~ 933  
buildings, or a general description of each water slip and of the 934  
piers and wharves forming each water slip thereby submitted to the 935  
provisions of this chapter; 936

(5) The unit designation of each unit thereby submitted to 937  
the provisions of this chapter and a statement of its location, 938  
approximate area, number of rooms, and the immediate common area 939  
or limited common area to which it has access, and any other data 940  
necessary for its proper identification; 941

(6) A description of the common area and facilities and 942

limited common areas and facilities thereby submitted to the 943  
provisions of this chapter, the percentage or percentages of 944  
interest ~~therein~~ in the common area and facilities and limited 945  
common areas and facilities appertaining to each unit, the basis 946  
upon which those appurtenant percentages of interest are 947  
allocated, and the procedures whereby the percentages appertaining 948  
to each unit may be altered, which percentages, basis, and 949  
procedures shall be in accordance with section 5311.04 of the 950  
Revised Code; 951

(7) A statement that each unit owner shall be a member of a 952  
unit owners association ~~which~~ that shall be established for the 953  
administration of the condominium property; 954

(8) The name of a person to receive service of process for 955  
the unit owners association, together with the residence or place 956  
of business of the person, which residence or place of business 957  
shall be in a county in which all or a part of the condominium 958  
property is situated; 959

(9) The method by which the declaration may be amended, ~~which~~ 960  
that, except as provided in division (D) of section 5311.04 and 961  
section 5311.051 of the Revised Code, shall require the 962  
affirmative vote of those unit owners exercising not less than 963  
seventy-five per cent of the voting power; 964

(10) Any further provisions deemed desirable. 965

(C) In the case of an expandable condominium property, the 966  
declaration also shall contain all of the following: 967

(1) The explicit reservation of the declarant's option to 968  
expand the condominium property; 969

(2) A statement of any limitations on that option, including 970  
a statement as to whether the consent of any unit owners is 971  
required, and if so, a statement as to the method whereby the 972  
consent is to be ascertained; or a statement that there are no 973

such limitations; 974

(3) A time limit, not exceeding seven years from the date the 975  
declaration is filed for record, renewable for an additional 976  
seven-year period at the option of the developer, exercisable 977  
within six months prior to the expiration of the seven-year period 978  
and with the consent of the majority of the unit owners other than 979  
the developer upon which the option to expand the condominium 980  
property will expire, together with a statement of any 981  
circumstances that will terminate the option prior to the 982  
expiration of the time limit; 983

(4) A legal description by metes and bounds of all additional 984  
property that, through exercise of the option, may be submitted to 985  
the provisions of this chapter and that, thereby, may be added to 986  
the condominium property; 987

(5) A statement as to whether all, or a particular portion, 988  
of the additional property must be added to the condominium 989  
property, or whether, if any additional property is added, all or 990  
a particular portion of the additional property must be added, 991  
and, if not, a statement of any limitations as to the portions 992  
that may be added or a statement that there are no such 993  
limitations; 994

(6) A statement as to whether portions of the additional 995  
property may be added to the condominium property at different 996  
times, together with any limitations fixing the boundaries of 997  
those portions by legal descriptions setting forth the metes and 998  
bounds of those portions, or regulating the order in which they 999  
may be added to the condominium property, or both; 1000

(7) A statement of any limitations as to the location of any 1001  
improvements that may be made on any portion of the additional 1002  
property added to the condominium property, or a statement that 1003  
there are no such limitations; 1004

(8) A statement of the maximum number of units that may be created on the additional property. If portions of the additional property may be added to the condominium property and the boundaries of those portions are fixed in accordance with division (C)(6) of this section, the declaration shall also state the maximum number of units that may be created on each portion added to the condominium property. If portions of the additional property may be added to the condominium property and the boundaries of those portions are not fixed in accordance with division (C)(6) of this section, the declaration shall also state the maximum number of units per acre that may be created on any portion added to the condominium property.

(9) Except in cases where the previously submitted condominium property contains no units restricted exclusively to residential use, a statement of the maximum percentage of the aggregate land and floor area of all units not restricted exclusively to residential use that may be created on any additional property or portions of additional property that may be added to the condominium property;

(10) A statement of the extent to which any structures erected on any portion of the additional property added to the condominium property will be compatible with structures on the submitted property in terms of quality of construction, the principal materials to be used, and architectural style, or a statement that the structures need not be compatible in those terms;

(11) With respect to all improvements to any portion of additional property added to the condominium property, other than structures, a statement setting forth both of the following:

(a) A description of the improvements that must be made or a statement that no other improvements must be made;

(b) Any restrictions or limitations upon the improvements 1036  
that may be made or a statement that there are no restrictions or 1037  
limitations upon improvements that may be made. 1038

(12) With respect to all units created on any portion of 1039  
additional property added to the condominium property, a statement 1040  
setting forth both of the following: 1041

(a) Whether all such units must be substantially identical to 1042  
units on previously submitted land; 1043

(b) Any limitations as to what types of units may be created 1044  
on the additional property or a statement that there are no 1045  
limitations. 1046

(13) A description of the declarant's reserved right, if any, 1047  
either to create limited common areas and facilities within any 1048  
portion of the additional property added to the condominium 1049  
property or to designate common areas and facilities within each 1050  
portion that may subsequently be assigned as limited common areas 1051  
and facilities, in terms of the types, sizes, and maximum number 1052  
of ~~such~~ those areas and facilities in each portion; 1053

(14) ~~Such~~ The drawings and plans ~~as~~ that the declarant 1054  
considers appropriate in supplementing the requirements of 1055  
divisions (C)(4), (5), (6), (7), (10), (11), (12), and (13) of 1056  
this section. 1057

(D) In the case of a leasehold condominium development, the 1058  
declaration shall also contain all of the following: 1059

(1) With respect to any ground lease or other leases the 1060  
expiration or termination of which will or may terminate or reduce 1061  
the amount of the condominium property, a statement setting forth 1062  
the county in which the lease is recorded and the volume and page 1063  
of the record; 1064

(2) A statement setting forth the date upon which each lease 1065

referred to in division (D)(1) of this section is due to expire; 1066

(3) A statement as to whether any land or improvements of the 1067  
condominium property will be owned by the unit owners in fee 1068  
simple, and if so, either a description of the land or 1069  
improvements, including a legal description by metes and bounds of 1070  
the land, or a statement of any rights the unit owners shall have 1071  
to remove ~~such~~ those improvements within a reasonable time after 1072  
the expiration or termination of the ninety-nine year lease or 1073  
leases involved, or a statement that they shall have no such 1074  
rights; 1075

(4) A statement of the rights the unit owners have to redeem 1076  
the reversion or any of the reversions, or a statement that they 1077  
have no such rights; 1078

(5) A statement that, subsequent to the recording of the 1079  
declaration, no lessor who executed it, and no successor in 1080  
interest to the lessor, have any right or power to terminate any 1081  
part of the leasehold interest of any unit owner who makes timely 1082  
payment of ~~his~~ the unit owner's share of the rent to the person 1083  
designated in the declaration for the receipt of the rent and who 1084  
otherwise complies with all covenants that, if violated, would 1085  
entitle the lessor to terminate the lease. 1086

**Section 2.** That existing sections 317.113, 323.43, 1337.01, 1087  
1337.06, 1337.091, 1337.10, 5301.01, 5301.04, 5301.08, 5301.251, 1088  
5301.255, 5301.28, 5301.31, 5301.32, 5301.33, 5301.331, 5301.34, 1089  
5301.35, 5302.05, 5302.07, 5302.09, 5302.11, 5302.12, 5302.17, 1090  
5302.22, 5309.05, 5309.10, 5309.30, 5309.51, 5309.75, and 5311.05 1091  
and section 5301.234 of the Revised Code are hereby repealed. 1092

**Section 3.** The General Assembly declares its intent that the 1093  
amendment made by this act to section 5301.01 of the Revised Code 1094  
is retrospective in its operation and is remedial in its 1095  
application to instruments described in that section that were 1096

executed or recorded prior to the effective date of this act,	1097
except that the amendment does not affect any substantive rights	1098
or vested rights that came into existence prior to the effective	1099
date of this act.	1100