

As Reported by the Senate Judiciary--Civil Justice Committee

124th General Assembly

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Sub. H. B. No. 279

**REPRESENTATIVES Faber, Cates, Schaffer, Seitz, G. Smith, Kearns,
Willamowski, Grendell, Flowers, Schmidt, Latta, Hagan, Jones, Callender,
Carey, Calvert, Niehaus, Coates, Roman, Trakas, Collier, Lendrum,
Widowfield, Evans, Ford, Perry, D. Miller, Beatty, Schneider, Latell, Hartnett,
Key, Seaver, Hughes, Reidelbach, Woodard, Barrett, Britton**

SENATOR Austria

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
Sec. 323.43. Each person owning lands may authorize or	60
consent to the payment by another of the taxes levied upon such	61
<u>those</u> lands or the surface owner of lands may pay the taxes levied	62
upon coal under said the land if said the taxes are delinquent,	63
without consent of the owner of the coal. A person paying such	64
<u>those</u> taxes shall first obtain from the owner of such the lands,	65
except in the case of coal, a certificate of authority to pay	66
them, that is signed in the presence of two witnesses, and	67
acknowledged before an officer authorized to administer oaths.	68
Such <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 thereon <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 thereof <u>of the taxes</u> .	73
Where <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 thereon <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

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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 the record of deeds. When a person holding real property as a survivorship tenant dies and the title to the property is registered pursuant to Chapter 5309. of the Revised Code, the procedure for the transfer of the interest of the decedent shall be pursuant to section 5309.081 of the Revised Code.

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

"Transfer on Death Deed

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

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

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

~~Witness hand this
day of"~~

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

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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

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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

As Reported by the Senate Judiciary--Civil Justice Committee

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