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Committee**

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Am. H. B. No. 72

Representatives Brenner, Gerberry

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A B I L L

To amend sections 135.807, 149.52, 317.02, 317.04,	1
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5309.13, 5309.41, 5309.64, 5715.701, 5719.04,	17
5721.35, 5747.451, and 5815.15 and to repeal	18
sections 317.201 and 711.12 of the Revised Code	19
generally to modernize and make other changes	20
regarding how the county recorder's office	21
maintains records.	22

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

Section 1. That sections 135.807, 149.52, 317.02, 317.04, 23
317.05, 317.07, 317.08, 317.09, 317.10, 317.111, 317.112, 317.12, 24
317.13, 317.15, 317.17, 317.18, 317.19, 317.20, 317.22, 317.26, 25
317.28, 317.29, 317.31, 317.32, 317.35, 317.36, 319.203, 323.43, 26
503.13, 703.16, 707.09, 709.06, 709.32, 709.38, 709.39, 723.04, 27
723.05, 961.02, 961.05, 971.15, 1311.06, 1311.35, 1311.42, 28
1337.08, 1513.33, 1513.37, 1701.73, 1701.81, 1701.811, 1702.38, 29
1702.43, 1702.462, 1705.38, 1705.381, 1729.38, 1776.70, 1776.74, 30
1782.433, 1782.4310, 2113.62, 2505.13, 2937.27, 3929.18, 4123.76, 31
4123.78, 4141.23, 4961.39, 5301.01, 5301.14, 5301.21, 5301.25, 32
5301.255, 5301.28, 5301.32, 5301.33, 5301.331, 5301.332, 5301.34, 33
5301.35, 5301.52, 5301.56, 5302.15, 5302.17, 5302.171, 5302.222, 34
5309.13, 5309.41, 5309.64, 5715.701, 5719.04, 5721.35, 5747.451, 35
and 5815.15 of the Revised Code be amended to read as follows: 36

Sec. 135.807. (A) A property tax payment linked deposit 37
program shall provide for the delivery of a lien certificate to an 38
eligible lending institution making payment to the county 39
treasurer, pursuant to a loan agreement between the eligible 40
lending institution and eligible borrower, of some or all of the 41
taxes then due on the homestead of that eligible borrower. 42

(B)(1) To ensure uniformity among all counties, the tax 43
commissioner shall prescribe the form for a lien certificate 44
delivered pursuant to division (A) of this section, which form 45
shall include the identity of the homestead, the eligible 46
borrower, the eligible lending institution, the amount of taxes 47
paid by that eligible lending institution, and the tax year for 48
which the taxes were paid. The tax commissioner shall distribute 49
the forms to the county treasurers of all counties in which a 50
property tax payment linked deposit program is established. 51

(2) A county treasurer shall use the lien certificate form 52
prescribed by the tax commissioner, except that, prior to the time 53
that a lien certificate form is prescribed and the forms are 54
distributed by the tax commissioner, the form shall be prepared by 55
the county treasurer of the county, contain the information 56
required by division (B)(1) of this section, and include the 57
following sentence: "This lien certificate is delivered pursuant 58
to section 135.807 of the Revised Code and vests in the eligible 59
lending institution the first lien held previously by the state 60
and its taxing districts for the amount of taxes paid by the 61
eligible lending institution, together with any and all unpaid 62
interest thereon." 63

(C)(1) The delivery of the lien certificate pursuant to 64
division (A) of this section vests in the eligible lending 65
institution the first lien held previously by the state and its 66
taxing districts for the amount of the taxes paid by the eligible 67
lending institution, together with any unpaid interest thereon 68
from the date of delivery at the interest rate specified in the 69
loan agreement between the eligible lending institution and the 70
eligible borrower. The lien is superior to any subsequent tax 71
liens. 72

(2) Subject to division (C)(3) of this section, the lien 73
certificate delivered pursuant to division (A) of this section is 74
superior to all other liens and encumbrances upon the homestead 75
described in that lien certificate, and the lien continues in full 76
force and effect until the amount of all taxes paid by the 77
eligible lending institution, together with any unpaid interest 78
thereon, has been repaid to the eligible lending institution. 79

(3) With respect to the priority as among first liens of the 80
state and its taxing districts, the priority is determined by the 81
date that the first liens of the state and its taxing districts 82
attached pursuant to section 323.11 of the Revised Code, with 83

first priority to the earliest attached lien and each immediately 84
subsequent priority based upon the next earliest attached lien. 85

(D) The eligible lending institution may record the lien 86
certificate or memorandum thereof as a mortgage on the land in the 87
office of the county recorder of the county in which the homestead 88
is situated. The county recorder shall record the certificate in 89
the ~~record of mortgages~~ official records provided for in ~~division~~ 90
~~(B)~~ of section 317.08 of the Revised Code and shall index the 91
certificate in the indexes provided for under section 317.18 of 92
the Revised Code. If the lien subsequently is canceled, the 93
cancellation also shall be recorded by the county recorder. When a 94
loan is repaid in full, the eligible financial institution shall 95
promptly record the full payment and cancel or otherwise release 96
the lien. On repayment of the loan in full, the lien certificate 97
shall be null and void. 98

Sec. 149.52. As used in this section, "archaeological site" 99
means any mounds, earthworks, burial or settlement sites, or other 100
place where evidence of prehistoric or early historic settlement 101
or occupation lies on or below the surface of the ground. 102

The Ohio historical society may accept articles dedicating as 103
preserves real property upon which significant archaeological 104
sites are located, if funds and services are available for their 105
preservation and protection. 106

An archaeological preserve is established when articles of 107
dedication have been filed by or at the direction of the owner of 108
site, or a governmental agency having ownership or control 109
thereof, in the office of the county recorder of the county in 110
which the site is located. 111

Articles of dedication shall be executed by the owner of the 112
land in the same manner and with the same effect as a deed or 113
conveyance of an interest in real property and shall be 114

irrevocable except as provided in this section. The county 115
recorder may not accept articles of dedication for recording 116
unless they have been accepted by the director of the Ohio 117
historical society. The articles shall be recorded in the ~~county~~ 118
~~record of deeds~~ official records of the county recorder. The 119
director may not accept articles of dedication unless they contain 120
terms restricting the use of the property which adequately provide 121
for its preservation and protection, for restoration where 122
appropriate, and for archaeological research and study. Whenever 123
possible and consistent with such purposes, the articles shall 124
provide for public access in order that the maximum benefit be 125
obtained. 126

Articles of dedication may contain provisions for the 127
management, custody, and transfer to the state or the society of 128
real property or any estate, or right therein, provisions defining 129
the rights of the owner or operating agency and of the society and 130
its agents, and such other provisions as may be necessary or 131
advisable to carry out the uses and purposes for which the 132
property is dedicated. They may contain conditions under which the 133
owner and the society may agree to rescind the articles. 134

The attorney general, upon request of the director, may bring 135
an action for injunction in any court of competent jurisdiction to 136
enforce the terms of articles of dedication. 137

The director may make or accept amendments of any articles of 138
dedication upon terms and conditions that are consistent with the 139
purposes for which the preserve is dedicated. If the fee simple 140
interest in the property is not held by the society, no amendments 141
shall be made without the written consent of the owner. Each 142
amendment shall be recorded in the same manner as the articles of 143
dedication. 144

Archaeological preserves dedicated under this section shall 145
not be taken for any other use or purpose except another public 146

use or purpose after a finding by a court ~~or~~ of common pleas of 147
the existence of an imperative and unavoidable public necessity 148
for such other public use or purpose. 149

All departments, agencies, units, instrumentalities, and 150
political subdivisions of the state, including counties, 151
townships, municipal corporations, park districts, conservancy 152
districts, universities, colleges, and school districts, may 153
dedicate real property under their jurisdiction as archaeological 154
preserves in accordance with this section. 155

No person shall violate any terms or conditions of the 156
articles of dedication of an archaeological preserve. No person 157
shall sell, offer for sale, or possess any artifacts or skeletal 158
remains removed without privilege to do so from an archaeological 159
preserve dedicated under this section. Whoever violates this 160
section is guilty of a misdemeanor of the second degree. Whoever 161
violates or threatens to violate this section may be enjoined from 162
violation. 163

Sec. 317.02. Before entering upon the duties of ~~his~~ office, 164
the county recorder shall give a bond, conditioned for the 165
faithful discharge of the duties ~~of his office~~, signed by a 166
bonding or surety company authorized to do business in this state, 167
or, at ~~his~~ the recorder's option, by two or more freeholders 168
having real estate in the value of double the amount of the bond 169
over and above all encumbrances to the state in the sum of not 170
less than ten thousand dollars, the surety company and the amount 171
of the bond to be approved by the board of county commissioners. 172
The expense or premium for ~~such~~ the bond shall be paid by the 173
board and charged to the general fund of the county. ~~Such~~ The 174
bond, with the oath of office required by sections 3.22 and 3.23 175
of the Revised Code, and by Section 7 of Article XV, Ohio 176
Constitution, and the approval of the board indorsed thereon, 177

shall be deposited with the county treasurer. 178

Sec. 317.04. The county recorder shall keep a seal of office, 179
to be procured at the expense of the county, which ~~he~~ the county 180
recorder shall affix to all ~~his~~ certificates attached to copies of 181
records. 182

Sec. 317.05. The county recorder may appoint deputies to aid 183
~~him~~ in the performance of ~~his~~ the county recorder's duties. Such 184
an appointment or removal shall be in writing and filed with the 185
county treasurer. The county recorder and ~~his~~ the recorder's 186
sureties shall be responsible for ~~his~~ the deputies' neglect of 187
duty or misconduct in office. Before entering upon the discharge 188
of their duties ~~such,~~ the deputies shall take the oath of office 189
as prescribed in section 317.02 of the Revised Code. 190

Sec. 317.07. ~~On going out of~~ Upon leaving office, each county 191
recorder shall deliver to ~~his~~ the county recorder's successor, the 192
seal of office, all books, records, and other instruments of 193
writing belonging to the office, and take ~~his~~ the successor's 194
receipt for them. In case of the county recorder's death ~~of the~~ 195
~~recorder,~~ his the county recorder's personal representatives shall 196
deliver ~~such~~ the seal, books, records, and ~~papers~~ instruments to 197
~~his~~ the successor in office. 198

Sec. 317.08. (A) ~~Except as provided in divisions (C), (D),~~ 199
~~and (E) of this section,~~ The county recorder shall keep ~~six~~ 200
~~separate sets of records as follows~~ record all instruments in one 201
general record series to be known as the "official records." The 202
county recorder shall record in the official records all of the 203
following instruments that are presented for recording, upon 204
payment of the fees prescribed by law: 205

(1) ~~A record of deeds, in which shall be recorded all deeds~~ 206

<u>Deeds</u> and other instruments of writing for the absolute and	207
unconditional sale or conveyance of lands, tenements, and	208
hereditaments; all notices	209
(2) <u>Notices</u> as provided in sections 5301.47 to 5301.56 of the	210
Revised Code; all judgments	211
(3) <u>Judgments</u> or decrees in actions brought under section	212
5303.01 of the Revised Code; all declarations	213
(4) <u>Declarations</u> and bylaws, and all amendments to	214
declarations and bylaws, as provided in Chapter 5311. of the	215
Revised Code; affidavits	216
(5) <u>Affidavits</u> as provided in sections 5301.252 and 5301.56	217
of the Revised Code; all certificates	218
(6) <u>Certificates</u> as provided in section 5311.17 of the	219
Revised Code; all articles	220
(7) <u>Articles</u> dedicating archaeological preserves accepted by	221
the director of the Ohio historical society under section 149.52	222
of the Revised Code; all articles	223
(8) <u>Articles</u> dedicating nature preserves accepted by the	224
director of natural resources under section 1517.05 of the Revised	225
Code; all agreements	226
(9) <u>Agreements</u> for the registration of lands as	227
archaeological or historic landmarks under section 149.51 or	228
149.55 of the Revised Code; all conveyances	229
(10) <u>Conveyances</u> of conservation easements and agricultural	230
easements under section 5301.68 of the Revised Code; all	231
instruments	232
(11) <u>Instruments</u> extinguishing agricultural easements under	233
section 901.21 or 5301.691 of the Revised Code or pursuant to <u>the</u>	234
terms of such an easement granted to a charitable organization	235
under section 5301.68 of the Revised Code; all instruments	236

<u>(12) Instruments</u> or orders described in division (B)(2)(b) of section 5301.56 of the Revised Code; all no	237 238
<u>(13) No</u> further action letters issued under section 122.654 or 3746.11 of the Revised Code; all covenants	239 240
<u>(14) Covenants</u> not to sue issued under section 3746.12 of the Revised Code, including all covenants not to sue issued pursuant to section 122.654 of the Revised Code; any restrictions	241 242 243
<u>(15) Restrictions</u> on the use of property contained in a no further action letter issued under section 122.654 of the Revised Code, any restrictions on the use of property identified pursuant to division (C)(3)(a) of section 3746.10 of the Revised Code, and any restrictions on the use of property contained in a deed or other instrument as provided in division (E) or (F) of section 3737.882 of the Revised Code; any	244 245 246 247 248 249 250
<u>(16) Any</u> easement executed or granted under section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code; any	251 252
<u>(17) Any</u> environmental covenant entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code; all memoranda	253 254 255
<u>(18) Memoranda</u> of trust, as described in division (A) of section 5301.255 of the Revised Code, that describe specific real property; and all agreements	256 257 258
<u>(19) Agreements</u> entered into under division (A) of section 1506.44 of the Revised Code;	259 260
(2) A record of mortgages, in which shall be recorded all of the following:	261 262
(a) All mortgages <u>(20) Mortgages</u> , including amendments, supplements, modifications, and extensions of mortgages, or other instruments of writing by which lands, tenements, or hereditaments are or may be mortgaged or otherwise conditionally sold, conveyed,	263 264 265 266

affected, or encumbered;	267
(b) All executory <u>(21) Executory</u> installment contracts for	268
the sale of land executed after September 29, 1961, that by their	269
terms are not required to be fully performed by one or more of the	270
parties to them within one year of the date of the contracts;	271
(c) All options <u>(22) Options</u> to purchase real estate,	272
including supplements, modifications, and amendments of the	273
options, but no option of that nature shall be recorded if it does	274
not state a specific day and year of expiration of its validity;	275
(d) <u>(23)</u> Any tax certificate sold under section 5721.33 of	276
the Revised Code, or memorandum of it, that is presented for	277
filing of record-	278
(3) A record of powers ;	279
<u>(24) Powers</u> of attorney, including all memoranda of trust, as	280
described in division (A) of section 5301.255 of the Revised Code,	281
that do not describe specific real property;	282
(4) A record of plats, in which shall be recorded all plats	283
<u>(25) Plats</u> and maps of town lots, of the subdivision of town lots,	284
and of other divisions or surveys of lands, any center line survey	285
of a highway located within the county, the plat of which shall be	286
furnished by the director of transportation or county engineer,	287
and all drawings and amendments to drawings, as provided in	288
Chapter 5311. of the Revised Code;	289
(5) A record of leases, in which shall be recorded all leases	290
<u>(26) Leases</u> , memoranda of leases, and supplements, modifications,	291
and amendments of leases and memoranda of leases;	292
(6) A record of declarations <u>(27) Declarations</u> executed	293
pursuant to section 2133.02 of the Revised Code and durable powers	294
of attorney for health care executed pursuant to section 1337.12	295
of the Revised Code;	296

(28) Unemployment compensation liens, internal revenue tax 297
liens, and other liens in favor of the United States as described 298
in division (A) of section 317.09 of the Revised Code, personal 299
tax liens, mechanic's liens, agricultural product liens, notices 300
of liens, certificates of satisfaction or partial release of 301
estate tax liens, discharges of recognizances, excise and 302
franchise tax liens on corporations, broker's liens, and liens 303
provided for in section 1513.33, 1513.37, 3752.13, 4141.23, 304
5111.022, or 5311.18 of the Revised Code; and 305

(29) Corrupt activity lien notices filed pursuant to section 306
2923.36 of the Revised Code and medicaid fraud lien notices filed 307
pursuant to section 2933.75 of the Revised Code. 308

(B) All instruments or memoranda of instruments entitled to 309
record shall be recorded in the ~~proper record in the~~ order in 310
which they are presented for ~~record recording~~. ~~The recorder may~~ 311
~~index, keep, and record in one volume unemployment compensation~~ 312
~~liens, internal revenue tax liens and other liens in favor of the~~ 313
~~United States as described in division (A) of section 317.09 of~~ 314
~~the Revised Code, personal tax liens, mechanic's liens,~~ 315
~~agricultural product liens, notices of liens, certificates of~~ 316
~~satisfaction or partial release of estate tax liens, discharges of~~ 317
~~recognizances, excise and franchise tax liens on corporations,~~ 318
~~broker's liens, and liens provided for in sections 1513.33,~~ 319
~~1513.37, 3752.13, 5111.022, and 5311.18 of the Revised Code.~~ 320

The recording of an option to purchase real estate, including 321
any supplement, modification, and amendment of the option, under 322
this section shall serve as notice to any purchaser of an interest 323
in the real estate covered by the option only during the period of 324
the validity of the option as stated in the option. 325

(C) ~~In lieu of keeping the six separate sets of~~ addition to 326
~~the official records required in divisions (A)(1) to (6) of this~~ 327
~~section and the records required in divisions (D) and (E) of this~~ 328

~~section, a county recorder may record all the instruments required 329
to be recorded by this section in two separate sets of record 330
books. One set shall be called the "official records" and shall 331
contain the instruments listed in divisions (A)(1), (2), (3), (5), 332
and (6) and (D) and (E) of this section. The second elect to keep 333
a separate set of records ~~shall~~ that contain the instruments 334
listed in division (A)(4)(25) of this section. 335~~

~~(D) Except as provided in division (C) of this section, the 336
county recorder shall keep a separate set of records containing 337
all corrupt activity lien notices filed with the recorder pursuant 338
to section 2923.36 of the Revised Code and a separate set of 339
records containing all medicaid fraud lien notices filed with the 340
recorder pursuant to section 2933.75 of the Revised Code. 341~~

~~(E)(1) The As part of the official records, the county 342
recorder shall keep a separate set of records containing all 343
transfers, conveyances, or assignments of any type of tangible or 344
intangible personal property or any rights or interests in that 345
property if and to the extent that any person wishes to record 346
that personal property transaction and if the applicable 347
instrument is acknowledged before a notary public. If the 348
transferor is a natural person, the notice of personal property 349
transfer shall be recorded in the county in this state in which 350
the transferor maintains the transferor's principal residence. If 351
the transferor is not a natural person, the notice of personal 352
property transfer shall be recorded in the county in this state in 353
which the transferor maintains its principal place of business. If 354
the transferor does not maintain a principal residence or a 355
principal place of business in this state and the transfer is to a 356
trustee of a legacy trust formed pursuant to Chapter 5816. of the 357
Revised Code, the notice of personal property transfer shall be 358
recorded in the county in this state where that trustee maintains 359
a principal residence or principal place of business. In all other 360~~

instances, the notice of personal property transfer shall be 361
recorded in the county in this state where the property described 362
in the notice is located. 363

~~(2) The records described in division (E)(1) of this section 364
shall be maintained in or as part of the "official records" under 365
division (C) of this section. 366~~

Sec. 317.09. (A)(1) Notices of liens for internal revenue 367
taxes, of liens arising under section 107 of the "Comprehensive 368
Environmental Response, Compensation, and Liability Act of 1980," 369
94 Stat. 2781, 42 U.S.C.A. 9607, as amended, and of any other lien 370
in favor of the United States, as provided in the statutes of the 371
United States or in any regulation adopted under those statutes, 372
certificates discharging the liens, and certificates of release of 373
the liens shall be filed for record, by mail or otherwise, in the 374
office of the county recorder of the county in which the property 375
subject to the lien is situated. If a duplicate copy of a notice 376
of a lien or a certificate of discharge or release of a lien is 377
provided, the county recorder shall endorse on the copy the date 378
and hour that the notice or certificate was received for filing 379
and recording and shall return the copy, by mail or otherwise, to 380
the district director of the internal revenue service of the Ohio 381
district from which the notice or certificate originated, the 382
regional administrator of the region of the United States 383
environmental protection agency from which the notice or 384
certificate originated, or the other official of the United States 385
who originated the notice or certificate, whichever is applicable. 386

~~(2) Except as provided in division (B) of this section, when 387
When a notice of a lien in favor of the United States is filed, 388
the county recorder shall enter it in a book or an electronic or 389
magnetic medium known as the "federal tax and other federal lien 390
index," in alphabetical order, showing on one line the name and 391~~

~~residence of the person named in the notice, the serial number or 392
other identifying number of the notice, and the total amount of 393
record the lien in the official records provided for in section 394
317.08 of the Revised Code and shall index the lien in the indexes 395
provided for under section 317.18 of the Revised Code. Except as 396
provided in division (C) of this section, the The county recorder 397
shall file and keep all original notices of liens in numerical 398
order. Except as provided in division (C) of this section, when 399
When a certificate of discharge or release of any lien in favor of 400
the United States is issued by the proper official of the United 401
States or the official's delegate and is filed for record in the 402
office of the county recorder in which the original notice of the 403
lien is filed, the county recorder shall ~~enter~~ record the 404
certificate ~~with the date of filing in the federal tax and other 405
federal lien index on the line on which the notice of the lien so 406
discharged or released is entered and permanently attach the 407
original in the official records provided for in section 317.08 of 408
the Revised Code and shall index the~~ certificate of discharge or 409
release ~~to the original notice of the lien in the indexes provided 410
for in section 317.18 of the Revised Code.~~ 411~~

~~(B) If a county recorder records all instruments in two sets 412
of record books pursuant to division (C) of section 317.08 of the 413
Revised Code, notices of liens in favor of the United States and 414
certificates discharging or releasing those liens that are filed 415
with the recorder shall be recorded in the "official records" set 416
of books. 417~~

~~(C) A county recorder may use any nonpaper electronic or 418
magnetic medium specified in section 9.01 of the Revised Code to 419
record the notices of liens and the certificates of discharge or 420
release of liens covered by this section. ~~If any of those mediums 421
is used, an "original notice," for purposes of this section, shall 422
mean the notice as originally recorded by the nonpaper electronic 423~~~~

~~or magnetic medium, and the recorder, instead of permanently~~ 424
~~attaching an original certificate of discharge or release to the~~ 425
~~original notice, shall otherwise clearly indicate on the original~~ 426
~~notice that it has been discharged or released by the particular~~ 427
~~certificate.~~ If ~~such a~~ the county recorder wishes to dispose of 428
paper versions of the notices and certificates covered by this 429
section because they are no longer needed in that format, the 430
county recorder shall request the county records commission to 431
revise the county's schedule of records retention and disposal in 432
accordance with section 149.38 of the Revised Code to provide for 433
the disposal of those paper records. 434

~~(D)~~(C) The county recorder shall receive a fee of five 435
dollars for filing and indexing each notice of a lien filed 436
pursuant to this section and shall receive a fee of three dollars 437
for filing and indexing a certificate of discharge or release of 438
the lien. The fees provided for in this division shall be 439
collected at the time that the notice or certificate is presented 440
in the office of the county recorder. 441

Sec. 317.10. The county recorder shall record any certified 442
copy of any matter in reference to bankruptcy, which any act of 443
congress provides for, as being necessary to be filed in the 444
county wherein lands of the bankrupt are situated, in order to be 445
notice of such bankruptcy. Such a certified copy shall be recorded 446
in the ~~record of deeds~~ official records and indexed in the same 447
manner as deeds, in the name of the bankrupt as grantor, and in 448
the name of the trustee in bankruptcy, or receiver, as grantee. 449
The county recorder shall be paid the same fees for recording such 450
a certified copy as is provided in section 317.32 of the Revised 451
Code. 452

Sec. 317.111. No instrument by which the title to real estate 453
or personal property, or any interest therein or lien thereon, is 454

conveyed, created, encumbered, assigned, or otherwise disposed of, 455
shall be received for record or filing by the county recorder 456
unless the name of the person who, and governmental agency, if 457
any, ~~which, that~~ prepared ~~such the~~ instrument appears ~~at the~~ 458
~~conclusion of such upon the~~ instrument, and ~~such the~~ name is 459
either printed, typewritten, stamped, or signed in a legible 460
manner. An instrument is in compliance with this section if it 461
contains a statement in the following form: "This instrument was 462
prepared by (name)." 463

This section does not apply to any instrument executed prior 464
to October 5, 1955, nor to the following: any decree, order, 465
judgment, or writ of any court; any will or death certificate; any 466
instrument executed or acknowledged outside of this state. 467

Sec. 317.112. (A) Each instrument and its contents by which 468
the title to real estate or personal property, or by which any 469
interest in or lien on real estate or personal property, is 470
conveyed, created, encumbered, assigned, discharged, canceled, or 471
otherwise disposed of, and that is presented to the county 472
recorder for recording or filing ~~shall satisfy each of the~~ 473
~~following requirements:~~ 474

~~(1) The instrument~~ shall be of a quality ~~of paper~~ that 475
permits the legible reproduction of the instrument ~~by photographic~~ 476
~~or microphotographic processes;~~ 477

~~(2) The, and the~~ contents of the instrument shall be 478
sufficiently legible to permit their reproduction by photographic 479
or microphotographic processes. 480

(B)(1) If an instrument that is described in division (A) of 481
this section and that is presented for recording or filing does 482
not satisfy ~~each of~~ the requirements of that division, the county 483
recorder ~~may,~~ prior to recording or filing the instrument, may 484
require the person who presented the instrument for recording or 485

filing to do either of the following: 486

(a) If the instrument presented was a copy of an original 487
document, to substitute the original document for recording or 488
filing if it satisfies the requirements of division (A) of this 489
section; or 490

(b) To prepare or cause to be prepared, and present for 491
recording or filing a true copy of the instrument, which true copy 492
shall be handwritten or typewritten, satisfy the requirements of 493
division (A) of this section, and contain a certification of the 494
person who prepared the true copy that it is a true copy of the 495
instrument. 496

(2) The county recorder shall attach a true copy of an 497
instrument that is presented for recording or filing pursuant to 498
division (B)(1)(b) of this section to the instrument that was 499
presented for recording or filing. 500

(3) The notice that is imparted by the recording or filing of 501
an instrument is not affected if the county recorder accepts an 502
instrument for recording or filing that subsequently is found not 503
to satisfy ~~each~~ of the requirements of division (A) of this 504
section. 505

(C) This section does not apply to wills or death 506
certificates. 507

Sec. 317.12. Upon the presentation of a deed or other 508
instrument of writing for record, the county recorder shall 509
indorse thereon the date, the precise time of its presentation, 510
and a file number. ~~Such~~ The file numbering shall be consecutive 511
and in the order in which the instrument of writing is received 512
for record, except financing statements, which ~~shall~~ may have a 513
separate series of file numbers and may be filed separately, as 514
provided by sections 1309.501 to 1309.527 of the Revised Code. 515

Until recorded, each instrument shall be kept on file in the same 516
numerical order, for easy reference. If required, the recorder 517
shall, without fee, give to the person presenting such instrument 518
a receipt naming the parties thereto, the date thereof, and a 519
brief description of the premises. When a deed or other instrument 520
is recorded, the county recorder shall indorse on it the time when 521
recorded, and the number or letter and page of the ~~book~~ official 522
records in which it is recorded. 523

Sec. 317.13. (A) Except as otherwise provided in division (B) 524
of this section, the county recorder shall record in the ~~proper~~ 525
~~record~~ official records, in legible handwriting, typewriting, or 526
printing, or by any authorized photographic or electronic process, 527
all deeds, mortgages, plats, or other instruments of writing that 528
are required or authorized by the Revised Code to be recorded and 529
that are presented to the county recorder for that purpose. The 530
county recorder shall record the instruments in regular 531
succession, according to the priority of presentation, and shall 532
enter the file number at the beginning of the record. On the 533
record of each instrument, the county recorder shall record the 534
date and precise time the instrument was presented for record. All 535
records made, prior to July 28, 1949, by means authorized by this 536
section or by section 9.01 of the Revised Code shall be deemed 537
properly made. 538

(B) The county recorder may refuse to record an instrument of 539
writing presented ~~to the recorder~~ for recording if the instrument 540
is not required or authorized by the Revised Code to be recorded 541
or the county recorder has reasonable cause to believe the 542
instrument is materially false or fraudulent. This division does 543
not create a duty upon a recorder to inspect, evaluate, or 544
investigate an instrument of writing that is presented for 545
recording. 546

(C) If a person presents an instrument of writing to the county recorder for recording and the county recorder, pursuant to division (B) of this section, refuses to record the instrument, the person ~~may commence an action in or~~ apply has a cause of action for an order from the court of common pleas in the county that the county recorder serves, to require the county recorder to record the instrument. If the court determines that the instrument is required or authorized by the Revised Code to be recorded and is not materially false or fraudulent, it shall order the county recorder to record the instrument.

Sec. 317.15. When a deed or other instrument of writing for the sale, conveyance, or encumbrance of lands, tenements, or hereditaments, situated within this state, has been recorded in the ~~proper~~ official records of a county of the state, other than the county in which they are situated, whether or not the county in which ~~such~~ the instrument is recorded ever comprised a part of the territory in which ~~such~~ the lands, tenements, and hereditaments are situated, any person interested therein may procure, from the official records of the county in which the instrument is recorded, a certified copy of ~~such~~ the record from the county recorder, with ~~his~~ the seal of office affixed thereto, and cause it to be recorded in the county where such lands, tenements, or hereditaments lie, in the manner provided by section 5301.25 of the Revised Code. In making such a record, the certificate shall have the same validity and legal effect as the record of other deeds and instruments of writing.

Sec. 317.17. When directed by the board of county commissioners to do so, the county recorder may transcribe in ~~suitable books~~ the official records provided for that purpose, from the records of other counties, all deeds, mortgages, powers of attorney, and other instruments of writing, for the sale,

conveyance, or encumbrance of lands, tenements, or hereditaments 578
situated within ~~his~~ the county recorder's county. When 579
transcribed, ~~such~~ those records shall be part of the records of 580
the county and have the same legal effect as other records of 581
instruments of like kind recorded originally in ~~his~~ the county 582
recorder's office. Copies of ~~such~~ those records shall be received 583
in evidence in the same manner and with the same effect as 584
original records of like instruments. 585

Sec. 317.18. ~~At the beginning of each day's business, the~~ The 586
county recorder shall make and keep up ~~general alphabetical~~ 587
~~indexes,~~ direct and reverse, indexes of all the names of both 588
parties to all instruments previously received for record by ~~him~~ 589
the county recorder. ~~The volume and page where each such~~ 590
~~instrument is recorded may be omitted until it is actually~~ 591
~~recorded if the file number is entered in place of the volume or~~ 592
~~page.~~ The indexes shall show the kind of instrument, the range, 593
township, and section or the survey number and number of acres, or 594
the permanent parcel number provided for under section 319.28 of 595
the Revised Code, or the lot and subplot number and the part 596
thereof, all as the case requires, of each tract, parcel, or lot 597
of land described in any such instrument. The name of each grantor 598
shall be entered in the direct index ~~under the appropriate letter,~~ 599
~~followed on the same line by,~~ and the name of the each grantee, 600
~~or, if there is more than one grantee, by the name of the first~~ 601
~~grantee followed by "and others" or its equivalent.~~ The name of 602
~~each grantee~~ shall be entered in the reverse index ~~under the~~ 603
~~appropriate letter,~~ followed on the same line by the name of the 604
~~grantor, or, if there is more than one grantor, by the name of the~~ 605
~~first grantor followed by "and others" or its equivalent.~~ 606

As to notices of claims filed in accordance with sections 607
5301.51, 5301.52, and 5301.56 of the Revised Code, there shall be 608
entered in the reverse index ~~under the appropriate letter~~ the name 609

of each claimant, followed ~~on the same line~~ by the name of the 610
present owner of title against whom the claim is asserted, if the 611
notice contains the name of the present owner; or, if the notice 612
contains the names of more than one such owner, there shall be 613
entered the name of the first owner followed by "and others" or 614
its equivalent. 615

~~In all cases of deeds, mortgages, or other instruments made 616
by any sheriff, master commissioner, marshal, auditor, executor, 617
administrator, trustee, or other officer, for the sale, 618
conveyance, or encumbrance of any lands, tenements, or 619
hereditaments, and recorded in the recorder's office, the recorder 620
shall index the parties to such instrument under their appropriate 621
letters, respectively, as follows:~~ 622

~~(A) The names of the persons represented by such officer as 623
owners of the lands, tenements, or hereditaments described in any 624
such instruments;~~ 625

~~(B) The official designation of the officer by whom such 626
instrument was made;~~ 627

~~(C) The individual names of the officers by whom such 628
instrument was made.~~ 629

~~In all cases of instruments filed in accordance with Chapter 630
5311. of the Revised Code, the name of each owner shall be entered 631
in the direct index, under the appropriate letter, followed on the 632
same line by the name of the condominium property, and the name of 633
the condominium property shall be entered in the reverse index 634
under the appropriate letter followed on the same line by the name 635
of the owner of the property, or, if the instrument contains the 636
names of more than one owner, there shall be entered the name of 637
the first owner followed by "and others" or its equivalent. 638~~

~~Any general alphabetical index shall be commenced in 639
conformity to this section, and whenever Whenever, in the opinion 640~~

of the board of county commissioners, it becomes necessary to 641
transcribe, on account of its worn out or incomplete condition, 642
any volume of an index in use, such volume shall be revised and 643
transcribed to conform with this section; except that in counties 644
having a sectional index in conformity with section 317.20 of the 645
Revised Code, such transcript shall be only a copy of the 646
original. 647

Sec. 317.19. The county recorder shall keep a daily register 648
of deeds ~~and a daily register of~~ and mortgages, in which ~~he~~ shall 649
~~note~~ be noted, as soon as filed, in alphabetical order according 650
to the names of the grantors, respectively, all deeds and 651
mortgages affecting real estate, filed in ~~his~~ the county 652
recorder's office. ~~He~~ The county recorder shall keep ~~such~~ the 653
register in ~~his~~ the county recorder's office, and it shall be open 654
to the inspection of the public during business hours. The county 655
recorder may destroy ~~such~~ the daily register after the expiration 656
of a period of ten years from the date of the last entry in ~~such~~ 657
the register. 658

Sec. 317.20. (A) When, in the opinion of the board of county 659
commissioners, sectional indexes are needed and it so directs, in 660
addition to the ~~alphabetical~~ indexes provided for in section 661
317.18 of the Revised Code, the board may provide for making, in 662
books prepared for that purpose, sectional indexes to the records 663
of all real estate in the county beginning with some designated 664
year and continuing through the period of years that the board 665
specifies. The sectional indexes shall place under the heads of 666
the original surveyed sections or surveys, parts of a section or 667
survey, squares, subdivisions, permanent parcel numbers provided 668
for under section 319.28 of the Revised Code, or lots, on the 669
left-hand page or on the upper portion of that page of the index 670
book, the name of the grantor, then the name of the grantee, then 671

the number and page of the record in which the instrument is found 672
recorded, then the character of the instrument, and then a 673
pertinent description of the interest in property conveyed by the 674
deed, lease, or assignment of lease, and shall place under similar 675
headings on the right-hand page or on the lower portion of that 676
page of the index book, beginning at the bottom, all the 677
mortgages, liens, notices provided for in sections 5301.51, 678
5301.52, and 5301.56 of the Revised Code, or other encumbrances 679
affecting the real estate. 680

(B) The compensation for the services rendered under this 681
section shall be paid from the general revenue fund of the county, 682
and no additional levy shall be made in consequence of the 683
services. 684

(C) If the board of county commissioners decides to have 685
sectional indexes made, it shall advertise for three consecutive 686
weeks in one newspaper of general circulation in the county or as 687
provided in section 7.16 of the Revised Code for sealed proposals 688
to do the work provided for in this section, shall contract with 689
the lowest and best bidder, and shall require the successful 690
bidder to give a bond for the faithful performance of the contract 691
in the sum that the board fixes. The work shall be done to the 692
acceptance of the auditor of state upon allowance by the board. 693
The board may reject any and all bids for the work, provided that 694
no more than five cents shall be paid for each entry of each tract 695
or lot of land. 696

(D) When the sectional indexes are brought up and completed, 697
the county recorder shall maintain the indexes and comply with 698
division (E) of this section in connection with registered land. 699

(E)(1) As used in division (E) of this section, "housing 700
accommodations" and "restrictive covenant" have the same meanings 701
as in section 4112.01 of the Revised Code. 702

(2) In connection with any transfer of registered land that occurs on and after March 30, 1999, in accordance with Chapters 5309. and 5310. of the Revised Code, the county recorder shall delete from the sectional indexes maintained under this section all references to any restrictive covenant that appears to apply to the transferred registered land, if any inclusion of the restrictive covenant in a transfer, rental, or lease of housing accommodations, any honoring or exercising of the restrictive covenant, or any attempt to honor or exercise the restrictive covenant constitutes an unlawful discriminatory practice under division (H)(9) of section 4112.02 of the Revised Code.

Sec. 317.22. No deed of absolute conveyance of land or any conveyance, absolute or otherwise, of minerals or mineral rights shall be recorded by the county recorder until:

(A) The conveyance presented to the county recorder bears the stamp of the county auditor stating the conveyance has been examined and the grantor has complied with section 319.202 of the Revised Code;

(B) Such conveyance has been presented to the county auditor, and by the county auditor indorsed "transferred," or "transfer not necessary."

Before any real estate, the title to which has passed under the laws of descent, is transferred from the name of the ancestor to the heir at law or next of kin of such ancestor, or to any grantee of such heir or next of kin; and before any deed or conveyance of real estate made by any such heir or next of kin is presented to or filed for record by the recorder, the heir or next of kin, or that person's grantee, agent, or attorney shall present to the auditor the affidavit of such heir or next of kin, or of two persons resident of this state, each of whom has personal knowledge of the facts. Such affidavit shall set forth the date of

the ancestor's death, and the place of residence at the time of 734
death; the fact that the ancestor died intestate; the names, ages, 735
and addresses, so far as known and can be ascertained, of each of 736
such ancestor's heirs at law and next of kin, who, by the 737
ancestor's death, inherited such real estate, the relationship of 738
each to the ancestor, and the part or portion of such real estate 739
inherited by each. Such transfers shall be made by the auditor in 740
accordance with the statement contained in the affidavit, and the 741
auditor shall indorse upon the deed or conveyance the fact that 742
such transfer was made by affidavit. The affidavit shall be filed 743
with the county recorder of the county in which such real estate 744
is situated, at or before the time such deed or conveyance is 745
filed with the county recorder, and shall be recorded by the 746
county recorder of the county in the ~~record of deeds~~ official 747
records and indexed in the ~~general index of deeds~~ direct and 748
reverse indexes in the county recorder's office, in the name of 749
such ancestor as grantor and of each such heir or next of kin as 750
grantee, in the same manner as if such names occurred in a deed of 751
conveyance from the ancestor to such heirs at law. The county 752
recorder shall receive the same fees for such indexing and 753
recording as provided by section 317.32 of the Revised Code. 754

(C) The record of such affidavit shall, in the trial of any 755
cause, so far as competent, be prima-facie evidence. 756

(D) No county recorder shall record a conveyance if the 757
indorsement, indorsements, or stamps of indorsement of a county 758
auditor indicating compliance with section 319.202 of the Revised 759
Code on the conveyance are in whole or in part defaced, illegible, 760
or incomplete. 761

Sec. 317.26. Upon the presentation of any instrument of 762
writing for filing or record, the county recorder shall indorse 763
thereon the fee ~~charged by him~~ for filing or recording ~~such the~~ 764

~~instrument, and also enter such fee upon the margin of the folio~~ 765
~~upon which the filing or recording of such instrument is entered.~~ 766

Sec. 317.28. No county recorder, and no ~~deputy~~, or employee 767
of ~~such~~ the county recorder, shall take the acknowledgement of any 768
instrument required to be filed or recorded in ~~his~~ the county 769
recorder's office. 770

Sec. 317.29. When the records in the county recorder's 771
office, or any part of them, become defaced or injured, the 772
recorder, when directed to do so by the board of county 773
commissioners, shall transcribe them into new books or on other 774
media, which shall be as valid as the original record, and 775
transcripts from the new books or other media shall be received 776
and taken as of the same force and effect. 777

Sec. 317.31. When any instrument or record mentioned in 778
section 317.30 of the Revised Code is presented to the county 779
recorder or other proper custodian of such records, ~~he~~ the county 780
recorder or other custodian shall forthwith record and index it in 781
the same manner as provided for in the original recording. A 782
competent person shall compare such record with the instrument so 783
recorded, and, if correctly recorded, certify on the margin of the 784
page upon which ~~such~~ the record has been made the correctness of 785
it. 786

Sec. 317.32. The county recorder shall charge and collect the 787
following fees, to include, except as otherwise provided in 788
division (A)(2) of this section, base fees for the recorder's 789
services and housing trust fund fees collected pursuant to section 790
317.36 of the Revised Code: 791

(A)(1) Except as otherwise provided in division (A)(2) of 792
this section, for recording and indexing an instrument if the 793

photocopy or any similar process is employed, a base fee of 794
fourteen dollars for the first two pages and a housing trust fund 795
fee of fourteen dollars, and a base fee of four dollars and a 796
housing trust fund fee of four dollars for each subsequent page, 797
size eight and one-half inches by fourteen inches, or fraction of 798
a page, including the caption page, of such instrument; 799

(2) For recording and indexing an instrument described in 800
division (E)(1) of section 317.08 of the Revised Code if the 801
photocopy or any similar process is employed, a fee of 802
twenty-eight dollars for the first two pages to be deposited into 803
the county treasury to the credit of the special fund designated 804
as "general fund moneys to supplement the equipment needs of the 805
county recorder" under section 317.321 of the Revised Code, and a 806
fee of eight dollars to be deposited in the same manner for each 807
subsequent page, size eight and one-half inches by fourteen 808
inches, or fraction of a page, including the caption page, of that 809
instrument; 810

(B) For certifying a photocopy from the record previously 811
recorded, a base fee of one dollar and a housing trust fund fee of 812
one dollar per page, size eight and one-half inches by fourteen 813
inches, or fraction of a page; for each certification if the 814
recorder's seal is required, except as to instruments issued by 815
the armed forces of the United States, a base fee of fifty cents 816
and a housing trust fund fee of fifty cents; 817

~~(C) For manual or typewritten recording of assignment or 818
satisfaction of mortgage or lease or any other marginal entry, a 819
base fee of four dollars and a housing trust fund fee of four 820
dollars; 821~~

~~(D)~~ For entering any marginal reference by separate recorded 822
instrument, a base fee of two dollars and a housing trust fund fee 823
of two dollars for each marginal reference set out in that 824
instrument, in addition to the fees set forth in division (A)(1) 825

of this section;	826
(E) (D) For indexing in the real estate mortgage records,	827
pursuant to section 1309.519 of the Revised Code, financing	828
statements covering crops growing or to be grown, timber to be	829
cut, minerals or the like, including oil and gas, accounts subject	830
to section 1309.301 of the Revised Code, or fixture filings made	831
pursuant to section 1309.334 of the Revised Code, a base fee of	832
two dollars and a housing trust fund fee of two dollars for each	833
name indexed;	834
(F) For recording manually any plat not exceeding six lines,	835
a base fee of two dollars and a housing trust fund fee of two	836
dollars, and for each additional line, a base fee of ten cents and	837
a housing trust fund fee of ten cents;	838
(G) (E) For filing zoning resolutions, including text and	839
maps, in the office of the recorder as required under sections	840
303.11 and 519.11 of the Revised Code, a base fee of twenty-five	841
dollars and a housing trust fund fee of twenty-five dollars,	842
regardless of the size or length of the resolutions;	843
(H) (F) For filing zoning amendments, including text and maps,	844
in the office of the recorder as required under sections 303.12	845
and 519.12 of the Revised Code, a base fee of ten dollars and a	846
housing trust fund fee of ten dollars regardless of the size or	847
length of the amendments;	848
(I) (G) For photocopying a document, other than at the time of	849
recording and indexing as provided for in division (A)(1) or (2)	850
of this section, a base fee of one dollar and a housing trust fund	851
fee of one dollar per page, size eight and one-half inches by	852
fourteen inches, or fraction thereof;	853
(J) (H) For local facsimile transmission of a document, a base	854
fee of one dollar and a housing trust fund fee of one dollar per	855
page, size eight and one-half inches by fourteen inches, or	856

fraction thereof; for long distance facsimile transmission of a 857
document, a base fee of two dollars and a housing trust fund fee 858
of two dollars per page, size eight and one-half inches by 859
fourteen inches, or fraction thereof; 860

~~(K)~~(I) For recording a declaration executed pursuant to 861
section 2133.02 of the Revised Code or a durable power of attorney 862
for health care executed pursuant to section 1337.12 of the 863
Revised Code, or both a declaration and a durable power of 864
attorney for health care, a base fee of at least fourteen dollars 865
but not more than twenty dollars and a housing trust fund fee of 866
at least fourteen dollars but not more than twenty dollars. 867

In any county in which the recorder employs the photostatic 868
or any similar process for recording maps, plats, or prints the 869
recorder shall determine, charge, and collect for the recording or 870
rerecording of any map, plat, or print, a base fee of five cents 871
and a housing trust fund fee of five cents per square inch, for 872
each square inch of the map, plat, or print filed for that 873
recording or rerecording, with a minimum base fee of twenty 874
dollars and a minimum housing trust fund fee of twenty dollars; 875
for certifying a copy from the record, a base fee of two cents and 876
a housing trust fund fee of two cents per square inch of the 877
record, with a minimum base fee of two dollars and a minimum 878
housing trust fund fee of two dollars. 879

The fees provided in this section shall be paid upon the 880
presentation of the instruments for record or upon the application 881
for any certified copy of the record, except that the payment of 882
~~fees associated with the filing and recording of, or the copying~~ 883
~~of, notices of internal revenue tax liens and notices of other~~ 884
~~liens in favor of the United States as described in division (A)~~ 885
~~of section 317.09 of the Revised Code and certificates of~~ 886
~~discharge or release of those liens, shall be governed by section~~ 887
~~317.09 of the Revised Code, and the payment of fees for providing~~ 888

copies of instruments conveying or extinguishing agricultural 889
easements to the office of farmland preservation in the department 890
of agriculture under division (H) of section 5301.691 of the 891
Revised Code shall be governed by that division. 892

Sec. 317.35. (A) The county recorder shall record the plans 893
and drawings filed ~~with him~~ under section 9.56 of the Revised Code 894
and shall make them available for public inspection. 895

(B) For ~~his~~ services provided, the county recorder shall 896
charge for photocopying ten dollars for the first two pages and 897
two dollars for each page thereafter. 898

Sec. 317.36. (A) The county recorder shall collect the low- 899
and moderate-income housing trust fund fee as specified in 900
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 901
4509.60, 5111.022, 5310.15, 5719.07, 5727.56, ~~5733.18~~, 5733.22, 902
6101.09, and 6115.09 of the Revised Code. The amount of any 903
housing trust fund fee the recorder is authorized to collect is 904
equal to the amount of any base fee the recorder is authorized to 905
collect for services. The housing trust fund fee shall be 906
collected in addition to the base fee. 907

(B) The recorder shall certify the amounts collected as 908
housing trust fund fees pursuant to division (A) of this section 909
into the county treasury as housing trust fund fees to be paid to 910
the treasurer of state pursuant to section 319.63 of the Revised 911
Code. 912

Sec. 319.203. Subject to division (B) of section 315.251 of 913
the Revised Code, the county auditor, the county recorder, and the 914
county engineer of each county, by written agreement, shall adopt 915
standards governing conveyances of real property in the county. 916
These standards may include the requirements specified in section 917
315.251 of the Revised Code. The county auditor, county recorder, 918

and county engineer may modify those standards from time to time 919
as they consider necessary or desirable. The standards shall be 920
adopted or modified only after the county auditor, county 921
recorder, and county engineer have held two public hearings, not 922
less than ten days apart, concerning adoption or modification of 923
the standards. The standards shall be available for public 924
inspection during normal business hours at the offices of the 925
county auditor, county recorder, and county engineer. 926

Before the county auditor transfers any conveyance of real 927
property presented to the auditor under section 319.20 or 315.251 928
of the Revised Code, the county auditor shall review the 929
conveyance to determine whether it complies with the standards 930
adopted under this section. The county auditor shall not transfer, 931
and the county recorder shall not record, any conveyance that does 932
not comply with those standards. 933

Sec. 323.43. Each person owning lands may authorize or 934
consent to the payment by another of the taxes levied upon those 935
lands or the surface owner of lands may pay the taxes levied upon 936
coal under the land if the taxes are delinquent, without consent 937
of the owner of the coal. A person paying those taxes shall first 938
obtain from the owner of the lands, except in the case of coal, a 939
certificate of authority to pay them that is signed and 940
acknowledged before an officer authorized to administer oaths. The 941
certificate shall contain an accurate description of the property 942
as shown by the tax duplicate, the amount of the taxes levied on 943
the property, the year for which they were levied, the name of the 944
person authorized to pay them, and the date of the payment of the 945
taxes. 946

If the tax on coal has been paid by the surface owner, the 947
certificate shall contain an accurate description of the property 948
as shown by the tax duplicate, the amount of the taxes levied on 949

the coal, the year for which they were levied, and the date of the 950
payment of the taxes. 951

The person paying those taxes shall file the certificate in 952
the office of the county recorder for record within ten days from 953
the date of the payment of the taxes. When the certificate has 954
been filed, the amount of the tax, with interest at eight per cent 955
per annum from the date of the payment of the tax, shall become a 956
lien upon such real estate in preference to all liens thereafter 957
attaching to the property, and in preference to all pre-existing 958
liens the holders of which have executed and acknowledged that 959
certificate of authority. The money paid, with the interest 960
thereon, may be recovered from the person legally liable for the 961
payment of the tax. An action may be brought by the person paying 962
the tax at any time after the expiration of one year from the date 963
of the payment. If the surface owner has paid taxes on coal under 964
this section, the surface owner may bring an action in foreclosure 965
in the same manner provided by law for the foreclosure of 966
mortgages on land. The surface owner shall have the option after 967
judgment in the foreclosure action to purchase the coal at the 968
appraised amount or to have the coal sold at public sale in 969
accordance with law. The certificate filed with the recorder shall 970
be recorded and canceled in the same manner as mortgages on real 971
estate in ~~a book separately kept and indexed by the recorder for~~ 972
~~that purpose, and~~ the official records of the county recorder. The 973
county recorder shall receive the fees prescribed by law for 974
recording real estate mortgages. 975

Sec. 503.13. The petition, map, and order of the board of 976
county commissioners, certified by the county auditor, shall be 977
recorded in the ~~plat book in the office~~ official records of the 978
county recorder, and as soon as a record is made, proceedings 979
under sections 503.09 to 503.12, ~~inclusive,~~ of the Revised Code, 980
for the erection of a new township shall be complete. 981

Sec. 703.16. The city auditor ~~shall~~, upon the passage by the 982
legislative authority of a resolution surrendering the corporate 983
rights of the city, shall make two certified transcripts of such 984
resolution, one of which shall forthwith be delivered to the 985
county recorder, who shall record it in the proper official 986
records ~~in his office~~, and the other shall be forwarded to the 987
secretary of state. 988

Sec. 707.09. The county recorder shall file the transcript or 989
other papers provided by section 707.08 of the Revised Code in ~~his~~ 990
the county recorder's office, and at the expiration of sixty days 991
thereafter, unless enjoined as provided in section 707.11 of the 992
Revised Code, ~~he~~ the county recorder shall make a record of the 993
petition, transcript, if any, and map in the ~~proper book of~~ 994
official records. ~~He~~ The county recorder shall also file a copy of 995
the record with the secretary of state. The county recorder shall 996
preserve in ~~his~~ the county recorder's office the original papers 997
or copies of the original papers delivered to ~~him~~ the county 998
recorder by the board of county commissioners. 999

The incorporation shall be effective as of the date that the 1000
record is filed with the secretary of state. 1001

Sec. 709.06. If the resolution or ordinance required by 1002
section 709.04 of the Revised Code is an acceptance of the 1003
proposed annexation, the auditor or clerk of the municipal 1004
corporation to which annexation is proposed shall make three 1005
copies, containing the petition, the map or plat accompanying the 1006
petition, a transcript of the proceedings of the board of county 1007
commissioners, and resolutions and ordinances in relation to the 1008
annexation, with a certificate to each copy that it is correct. 1009
Such certificate shall be signed by the auditor or clerk in ~~his~~ 1010
the auditor's or clerk's official capacity, and shall be 1011

authenticated by the seal of the municipal corporation if there is 1012
any. The auditor or clerk shall forthwith deliver one such copy to 1013
the county auditor and one such copy to the county recorder, who 1014
shall ~~make a record thereof~~ it in the ~~proper book of~~ official 1015
~~records and file and preserve it.~~ The other copy shall be 1016
forwarded by the auditor or clerk to the secretary of state. 1017

Sec. 709.32. Under the direction of the municipal corporation 1018
to which territory is proposed to be annexed, the auditor or clerk 1019
thereof shall make and certify two transcripts of all the 1020
ordinances, abstracts of the returns of the votes, and other 1021
papers relating to annexation, one of which shall be filed in the 1022
~~office~~ official records of the county recorder, ~~who, having made a~~ 1023
~~record thereof, shall file and preserve it,~~ and the other shall be 1024
forwarded to the secretary of state. 1025

Sec. 709.38. Upon petition of a majority of the freehold 1026
electors owning lands in any portion of the territory of a 1027
municipal corporation, or, if no freehold electors own land 1028
therein, upon petition of a majority of the owners of lands 1029
therein, accurately described in such petition with an accurate 1030
map or plat thereof, praying to have such portion of territory 1031
detached therefrom, the board of county commissioners, with the 1032
assent of the legislative authority of the municipal corporation 1033
given in an ordinance passed for the purpose, shall detach such 1034
portion of the territory therefrom and attach it to any township 1035
contiguous thereto, or, if the petition so requests, such board 1036
shall erect the territory into a new township, the boundaries of 1037
which need not include twenty-two square miles of territory. 1038

Before any such territory is attached or detached, under this 1039
section, the following requirements shall be met: 1040

(A) The board shall: 1041

(1) Ascertain and apportion the amount of existing 1042
indebtedness of the municipal corporation from which the 1043
detachment is made, which indebtedness shall be assumed and paid 1044
by the township contiguous thereto and to which the territory is 1045
attached, or by the new township, if a new township is erected, or 1046
by the corporate successors of such township, and such 1047
apportionment shall be made in proportion to the tax duplicate for 1048
the detached territory transferred to a contiguous township 1049
erected into a new township to the total tax duplicate for the 1050
remaining portion of the municipal corporation from which the 1051
detachment is made; 1052

(2) Ascertain, adjust, and divide between the contiguous 1053
township or the new township, if a new township is erected, and 1054
the remaining portion of the municipal corporation all moneys and 1055
other credits belonging to such municipal corporation in the same 1056
proportion as is provided in this section for division and 1057
apportionment of any indebtedness; 1058

(3) Order the amount so adjusted and divided to be paid or 1059
delivered by the parties in possession thereof to the proper 1060
officers of the contiguous township or new township and to the 1061
remaining portion of the municipal corporation. 1062

(B) After such apportionment is made each section of the 1063
original territory by which the indebtedness was incurred shall be 1064
primarily liable for the portion of the indebtedness so 1065
apportioned. 1066

(C) In the issuing of bonds under Chapter 133. of the Revised 1067
Code, and in arriving at the limitations imposed in such sections, 1068
only the portion of the indebtedness apportioned to each section 1069
of territory shall be counted as the net indebtedness. 1070

(D) The petition, map, ordinance, and the order of the board, 1071
certified by the county auditor, shall be recorded in the plat 1072

~~book~~ official records in the office of the county recorder, and as 1073
soon as such record is made the proceedings shall be complete, 1074
both as to the detaching of such territory from the municipal 1075
corporation and the annexation thereof to the township or the 1076
erection of the territory into the new township, and as to the 1077
apportionment of the indebtedness. 1078

(E) Wherever territory has been detached from a municipal 1079
corporation and attached to a township or created into a new 1080
township, the board of township trustees of such township, or, 1081
~~where~~ if such township has become a municipal corporation or been 1082
annexed to any municipal corporation, the legislative authority of 1083
the corporate successor of ~~such~~ the township may, by ordinance, 1084
duly passed, contract, through its proper officers, with the 1085
municipal corporation from which the detachment was originally 1086
made, to apportion the indebtedness of the original territory in 1087
the manner provided in this section. Such a contract shall be made 1088
by ordinance or resolution, duly passed by the legislative 1089
authority of the municipal corporation or board of township 1090
trustees, and the effect of ~~such~~ the contract shall be the same as 1091
if such apportionment was originally made by the board of county 1092
commissioners, as provided by this section. 1093

Sec. 709.39. The freehold electors owning lands in any 1094
portion of a village, such portion being contiguous to an 1095
adjoining township, and comprising not less than one thousand five 1096
hundred acres of land, may file a petition with the board of 1097
elections in such county requesting that an election be held to 1098
obtain the opinion of the freehold electors owning lands and 1099
residing within such portion of the village upon the question of 1100
the detachment of the portion from such village, or, upon the 1101
question of the detachment of such portion from the village and 1102
the erection of such detached portion into a new township. Such 1103
petition shall contain: 1104

(A) An accurate description of the territory sought to be detached; 1105
1106

(B) An accurate map or plat thereof; 1107

(C) If the erection of a new township is also sought, the name proposed for such new township; 1108
1109

(D) The name of a person to act as agent of the petitioners; 1110

(E) Signatures equal in number to fifteen per cent of the total number of votes cast at the last general election in such territory. 1111
1112
1113

Within ten days after the filing of such petition with the board, the board shall determine whether the petition conforms to this section. If it does not conform, no further action shall be taken thereon. If it does conform, the board shall order an election, as prayed for in the petition, which election shall be held at a convenient place within the territory sought to be detached, on a day named by the board, which day shall be not less than ninety days thereafter. The board shall thereupon give ten days' notice of such election by publication in a newspaper of general circulation in such territory, and shall cause written or printed notices thereof to be posted in three or more public places in such territory. The election shall be conducted in the manner provided in Title XXXV of the Revised Code, and the judges and clerks thereof shall be designated by such board. 1114
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If no freehold electors own lands in the portion of the village seeking to be detached, the owners of lands within that portion may file a petition with the board of county commissioners requesting that the board proceed with the detachment procedures, or with procedures for the detachment and erection of the portion of the village into a new township, pursuant to section 709.38 of the Revised Code. The petition shall contain the items required in divisions (A), (B), and (D) of this section, and signatures equal 1128
1129
1130
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1132
1133
1134
1135

in number to at least a majority of the owners of land within the 1136
portion of the village seeking to be detached. 1137

The ballots shall contain the words "for detachment," and 1138
"against detachment." If a majority of the ballots cast at such 1139
election are cast against detachment, no further proceedings shall 1140
be had in relation thereto for a period of two years. If a 1141
majority of the votes cast at such election are cast for 1142
detachment, the result of such election, together with the 1143
original petition and plat and a transcript of all the proceedings 1144
of such board in reference thereto shall be certified by the board 1145
and delivered to the county recorder, who shall ~~forthwith make a~~ 1146
~~record of~~ in the official records the petition and plat and 1147
transcript of all the proceedings of the board and the result of 1148
the election, ~~in the public book of records, and preserve in the~~ 1149
~~recorder's office the original papers delivered to the recorder by~~ 1150
~~such board. The recorder shall certify thereon that the~~ 1151
~~transcribed petition and map are properly recorded.~~ After having 1152
made such record, the county recorder shall certify and forward to 1153
the secretary of state, a transcript thereof. 1154

The detachment of such territory from the village shall 1155
thereupon be complete, and, if the petition included a request 1156
that such territory be erected into a new township, the territory 1157
shall thereupon constitute a new township, under the name and 1158
style specified in such petition. All expense involved in holding 1159
such election, and in the filing, recording, and transcribing of 1160
the records, provided for in this section, shall be defrayed by 1161
the petitioners, and the board and the county recorder may require 1162
the payment thereof in advance as a condition precedent to the 1163
taking by them, or either of them, of any action provided for in 1164
this section. 1165

Sec. 723.04. The legislative authority of a municipal 1166

corporation, on petition by a person owning a lot in the municipal 1167
corporation praying that a street or alley in the immediate 1168
vicinity of such lot be vacated or narrowed, or the name thereof 1169
changed, upon hearing, and upon being satisfied that there is good 1170
cause for such change of name, vacation, or narrowing, that it 1171
will not be detrimental to the general interest, and that it 1172
should be made, may, by ordinance, declare such street or alley 1173
vacated, narrowed, or the name thereof changed. The legislative 1174
authority may include in one ordinance the change of name, 1175
vacation, or narrowing of more than one street, avenue, or alley. 1176
The original ordinance or a certified copy thereof shall be 1177
recorded in the official records of the county recorder. 1178

Sec. 723.05. The legislative authority of a municipal 1179
corporation may, when there are two or more streets, avenues, or 1180
alleys of the same name in the municipal corporation, by ordinance 1181
and without petition therefor, change the name of any such street, 1182
avenue, or alley so as to leave only one to be designated by the 1183
original name. 1184

When, in the opinion of the legislative authority, there is 1185
good cause for vacating or narrowing a street or alley, or any 1186
part thereof, and that such vacation or narrowing will not be 1187
detrimental to the general interest, it may, by ordinance and 1188
without petition therefor, vacate or narrow such street or alley 1189
or any part thereof. The original ordinance or a certified copy 1190
thereof shall be recorded in the official records of the county 1191
recorder. 1192

Sec. 961.02. The owner of any land used or to be used as a 1193
pet cemetery shall file, or cause to be filed, in the office of 1194
the county recorder of the county in which the land is located, a 1195
declaration restricting the land to being used only for such 1196
purposes as are usual and normal for the operation of a pet 1197

cemetery. The owner shall execute the declaration in the same 1198
manner and with the same effect as a conveyance of an interest in 1199
land. The county recorder shall record the declaration in the 1200
~~record of deeds~~ official records. The restriction established in 1201
such a recorded declaration may be removed only as provided in 1202
section 961.05 of the Revised Code. Unless a restriction is so 1203
removed, no person shall use land restricted as provided in this 1204
section for any purpose other than for pet cemetery purposes. 1205

Sec. 961.05. (A) After a declaration has been filed pursuant 1206
to section 961.02 of the Revised Code, the land described in the 1207
declaration shall be used for pet cemetery purposes only unless 1208
the restriction for such use is removed by order of the court of 1209
common pleas in the county where the land is located in a 1210
proceeding brought by the pet cemetery owner or ~~his~~ the owner's 1211
heirs or assigns. 1212

(B) The court of common pleas may remove the restriction on 1213
the land upon proof satisfactory to the court that either of the 1214
following has occurred: 1215

(1) No interments have been made in, or all pet remains have 1216
been removed from, the land from which the restriction is sought 1217
to be removed; 1218

(2) The owner of the pet cemetery or ~~his~~ the owner's heirs or 1219
assigns have received, from those persons who own burial rights in 1220
the pet cemetery or their heirs or assigns, written authorization, 1221
acknowledged before a notary public, to remove the restriction 1222
from the land. Any person granting this authorization who wishes 1223
to have a pet that is already interred in the pet cemetery removed 1224
and reinterred ~~elsewhere~~ elsewhere shall so state on the 1225
authorization and the pet cemetery owner shall, at ~~his~~ the owner's 1226
expense, remove the pet remains and have them reinterred elsewhere 1227
and shall provide proof of this removal and reinterment. A pet 1228

cemetery owner need not obtain the authorization described in 1229
division (B)(2) of this section from a person who has purchased a 1230
burial right in the pet cemetery but who has not yet used that 1231
right for the interment of a pet, if the owner refunds to the 1232
purchaser or ~~his~~ the purchaser's heirs or assigns all moneys taken 1233
for the burial right, plus interest computed in the manner and at 1234
the rate agreed upon between the cemetery owner and the owner of 1235
the burial right. 1236

(C) The court of common pleas may remove the restriction on a 1237
portion of the land described in the declaration, if the portion 1238
of the land that remains subject to the restriction is not less 1239
than three acres in size, upon proof satisfactory to the court 1240
that the situations described in either division (B)(1) or (2) of 1241
this section have occurred with respect to that portion of the 1242
land from which the restriction is sought to be removed. 1243

(D) A holder of a lien on the restricted land may object to 1244
the removal of the restriction and the court of common pleas shall 1245
consider any such objection before issuing an order to remove the 1246
restriction. 1247

(E) An order issued by the court of common pleas removing a 1248
restriction pursuant to this section shall be filed in the office 1249
of the county recorder of the county in which the land is located, 1250
who shall record it in the ~~record of deeds~~ official records. 1251

Sec. 971.15. ~~The applicable county recorder shall keep a book~~ 1252
~~known as the "partition fence record".~~ All agreements between the 1253
owners of adjoining properties filed in accordance with this 1254
chapter, all affidavits filed by owners in accordance with this 1255
chapter, and all assignments of and findings and decisions 1256
regarding responsibility for building and maintaining in good 1257
repair partition fences made under this chapter shall be recorded 1258
in the ~~record~~ official records of the county recorder. A document 1259

recorded in the ~~record~~ official records shall be final between the 1260
parties thereto and successive owners thereafter until modified by 1261
a subsequent document. All documents recorded ~~in the record~~ shall 1262
describe the land where a partition fence is located and the 1263
portion of the fence assigned to each applicable owner. In 1264
addition, the documents shall describe the purposes and use of the 1265
partition fence. 1266

Sec. 1311.06. (A) Any person, or ~~his~~ the person's agent, who 1267
wishes to avail ~~himself~~ self of sections 1311.01 to 1311.22 of the 1268
Revised Code, shall make and file for record in the office of the 1269
county recorder in the counties in which the improved property is 1270
located, an affidavit showing the amount due over and above all 1271
legal setoffs, a description of the property to be charged with 1272
the lien, the name and address of the person to or for whom the 1273
labor or work was performed or material was furnished, the name of 1274
the owner, part owner, or lessee, if known, the name and address 1275
of the lien claimant, and the first and last dates that the lien 1276
claimant performed any labor or work or furnished any material to 1277
the improvement giving rise to ~~his~~ the claimant's lien. If the 1278
affidavit is recorded, the omission or inaccuracy of any address 1279
in the affidavit does not affect its validity. The affidavit may 1280
be verified before any person authorized to administer oaths, 1281
whether agent for the owner, part owner, lessee, lien claimant, or 1282
an interested or other party. 1283

(B) The affidavit shall be filed within one of the following 1284
periods: 1285

(1) If the lien arises in connection with a one- or 1286
two-family dwelling or in connection with a residential unit of 1287
condominium property as defined in Chapter 5311. of the Revised 1288
Code, within sixty days from the date on which the last labor or 1289
work was performed or material was furnished by the person 1290

claiming the lien;	1291
(2) If the lien arises under section 1311.021 of the Revised Code, within one hundred twenty days from the date on which the last labor or work was performed or material was furnished by the person claiming the lien;	1292 1293 1294 1295
(3) If the lien is one not described in division (B)(1) or (2) of this section, within seventy-five days from the date on which the last of the labor or work was performed or material was furnished by the person claiming the lien.	1296 1297 1298 1299
(C) The affidavit may be in the following form:	1300
"AFFIDAVIT FOR MECHANICS' LIEN.	1301
State of Ohio,	1302
County of, ss:	1303
....., whose address is, being first duly sworn, says that, the lien claimant, furnished certain material or performed certain labor or work in the furtherance of improvements located on or removed to the land hereinafter described, in pursuance of a certain contract, with, the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, whose address is, The first of the labor or work was performed or material was furnished on the day of, (year). The last of the labor or work was performed or material was furnished on the day of,(year), and there is justly and truly due, the lien claimant, therefor from, the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, over and above all legal setoffs, the sum of dollars, for which amount, the lien claimant, claims a lien on the land, building, or	1304 1305 1306 1307 1308 1309 1310 1311 1312 1313 1314 1315 1316 1317 1318 1319 1320 1321

leasehold, of which	1322
owner, or lessee, as the case may be, which property is described	1323
as follows:	1324
.....	1325
.....	1326
.....	1327
.....	1328
Sworn to before me and subscribed in my presence this	1329
day of, (year).	1330
.....	
.....	
....."	
(D) For purposes of this section, the description of the	1332
property is sufficient if made in accordance with division (B)(1)	1333
of section 1311.04 of the Revised Code.	1334
(E) The <u>county</u> recorder shall indorse upon every affidavit	1335
the date and hour of its filing, and record it in a separate book	1336
kept for affidavits <u>the official records</u> . No exemptions apply	1337
against any lien under this chapter.	1338
(F) One or more laborers may authorize an agent to prepare,	1339
execute, file, and serve the affidavit required by this section.	1340
The affidavit may set forth the claims of one or more laborers,	1341
provided that the affidavit separately itemizes the claim of each	1342
laborer and may set forth claims for wages that are contractually	1343
due but are unpaid.	1344
Sec. 1311.35. The liens in section 1311.34 of the Revised	1345
Code are waived by the employee, as to any portion of such labor,	1346
unless within thirty days from the expiration of three months from	1347
the performance thereof, he <u>the employee</u> files with the county	1348
recorder of the county where the labor was performed an itemized	1349

statement, verified by affidavit, of the amount, kind, and value 1350
of the labor performed within such period, with all credits and 1351
offsets and the amount then due ~~him~~ the employee therefor. ~~Such~~ 1352
The statement, when filed, ~~must~~ shall be recorded in ~~a book kept~~ 1353
~~for the purpose~~ the official records, and becomes a lien upon the 1354
real property of the employer without any specific description 1355
thereof, for the period of one year from the filing of the 1356
statement. 1357

Sec. 1311.42. To perfect a lien referred to in section 1358
1311.41 of the Revised Code, a person performing labor, furnishing 1359
material, or boarding, within forty days from the date that ~~he~~ the 1360
person ceased performing labor, or furnishing materials, or 1361
boarding on or for the railroad, shall file with the county 1362
recorder of the county where the labor was performed, or material 1363
or boarding furnished, an affidavit containing an itemized 1364
statement of the kind and amount of material furnished, or labor 1365
performed, the time when the contractor or subcontractor for whom, 1366
and the section and place where, on the line of the road the labor 1367
was performed, or material furnished, and the amount due therefor, 1368
after deducting all payments and setoffs. In case of boarding, 1369
such affidavit must have attached thereto an itemized account 1370
thereof, showing the name of the contractor or subcontractor on 1371
whose order it was furnished, the several persons to whom 1372
furnished, the weekly rate of boarding, and the several amounts 1373
unpaid by each respectively. On filing the affidavit, it shall be 1374
recorded in ~~a separate book to be provided therefor~~ the official 1375
records of the county recorder, and then ~~operate~~ it operates as a 1376
lien on the railroad, in the manner and subject only to the 1377
limitations provided in sections 1311.39 to 1311.47, ~~inclusive~~, of 1378
the Revised Code. 1379

Sec. 1337.08. The county recorder shall ~~keep~~ a record, in 1380

~~which shall be recorded~~ the official records all powers of 1381
attorney authorizing the transfer of personal property or the 1382
transaction of any business relating thereto. Upon presentation of 1383
such a power of attorney, the county recorder shall endorse 1384
thereon the date of its presentation, and after it is recorded 1385
endorse thereon the time at which the instrument was recorded, and 1386
the number or letter and page of the ~~book~~ official records in 1387
which it is recorded. ~~He~~ The county recorder also shall keep an 1388
~~alphabetical~~ index of each power of attorney so recorded as 1389
provided in section 317.18 of the Revised Code. 1390

Sec. 1513.33. The amount of any grant to a community 1391
improvement corporation or nonprofit corporation made under 1392
section 1513.31 of the Revised Code or the state's expenses 1393
incurred in reclaiming unreclaimed land owned by a community 1394
improvement corporation or nonprofit corporation under section 1395
1513.32 of the Revised Code shall constitute a loan by the state 1396
to the corporation. Entry into a grant contract under section 1397
1513.31 of the Revised Code or into a reclamation agreement under 1398
section 1513.32 of the Revised Code by the chief of the division 1399
of mineral resources management constitutes the designation of the 1400
community improvement corporation or nonprofit corporation as the 1401
state's agent for the commercial or industrial development of the 1402
land named in the contract or agreement. 1403

Each grant contract under section 1513.31 of the Revised Code 1404
or reclamation agreement under section 1513.32 of the Revised Code 1405
shall include terms for repayment of the grant or reimbursement of 1406
the state for its reclamation expenses, which shall require 1407
repayment of the loan in full upon the first sale, lease, or 1408
rental of the land reclaimed under the contract or agreement if 1409
the entire parcel of reclaimed land is sold, leased, or rented. If 1410
the corporation establishes a business enterprise on the entire 1411
parcel of reclaimed land, the contract shall require repayment of 1412

the loan in full upon the commencement of operation of the 1413
business enterprise. If the reclaimed land is sold, leased, or 1414
rented in portions or the corporation establishes a business 1415
enterprise on any portion of the reclaimed land, the contract or 1416
agreement shall require repayment of that portion of the loan that 1417
corresponds to the portion of the reclaimed land sold, leased, or 1418
rented upon the first sale, lease, or rental of that portion, or 1419
upon commencement of operation of the business enterprise on that 1420
portion, by the corporation in the proportion that the acreage of 1421
the reclaimed land sold, leased, rented, or used in business by 1422
the corporation bears to the total acreage of land reclaimed under 1423
the contract or agreement. 1424

To secure repayment of the moneys granted under section 1425
1513.31 of the Revised Code or of the state's reclamation expenses 1426
under section 1513.32 of the Revised Code to or on behalf of a 1427
community improvement corporation or nonprofit corporation, the 1428
state shall have a lien on the land owned by the corporation that 1429
is land reclaimed under section 1513.31 or 1513.32 of the Revised 1430
Code equal to the amount of the grant made under section 1513.31 1431
of the Revised Code or to the state's expenses incurred in 1432
reclaiming the land under section 1513.32 of the Revised Code. 1433
Within thirty days after the final grant payment is made under 1434
section 1513.31 of the Revised Code or after the completion of the 1435
reclamation work under section 1513.32 of the Revised Code, the 1436
chief shall cause to be recorded in the office of the county 1437
recorder of the county in which the reclaimed land is located a 1438
statement that shall contain an itemized accounting of the grant 1439
paid under section 1513.31 of the Revised Code or an itemized 1440
record of the state's expenses incurred in reclaiming the land 1441
under section 1513.32 of the Revised Code. The statement shall 1442
constitute a notice of lien and operate as of the date of delivery 1443
as a lien on the land reclaimed in the amount of the grant moneys 1444
paid out or the reclamation expenses incurred by the state and 1445

shall have priority as a lien second only to the lien of real 1446
property taxes imposed upon the land. The notice of lien and the 1447
lien shall not be valid as against any mortgagee, pledgee, 1448
purchaser, or judgment creditor whose rights have attached prior 1449
to the date of filing of the statement by the chief or to any 1450
prior or subsequent lien for real property taxes imposed pursuant 1451
to section 5719.04 of the Revised Code. 1452

The county recorder shall record and index the chief's 1453
statement, under the name of the state and the corporation, in the 1454
official records of ~~mechanic's liens~~ maintained by the county 1455
recorder's office. The county recorder shall impose no charge for 1456
the recording or indexing of the statement. If the land is 1457
registered, the county recorder shall make a notation and enter a 1458
memorial of the lien upon the page of the register in which the 1459
last certificate of title to the land is registered, stating the 1460
name of the claimant, amount claimed, volume and page of the 1461
record where recorded, and exact time the memorial was entered. 1462

The lien shall continue in force so long as any portion of 1463
the amount granted under section 1513.31 of the Revised Code or 1464
the state's reclamation expenses incurred under section 1513.32 of 1465
the Revised Code remains unpaid. Upon repayment in full of those 1466
moneys or expenses, the chief promptly shall issue a certificate 1467
of release of the lien. Upon presentation of the certificate of 1468
release, the county recorder of the county where the lien is 1469
recorded shall record the lien as having been discharged. 1470

A lien imposed under this section shall be foreclosed upon 1471
the substantial failure of a corporation to repay any portion of 1472
the amount granted under section 1513.31 of the Revised Code or 1473
the state's reclamation expenses incurred under section 1513.32 of 1474
the Revised Code in accordance with the terms of the grant 1475
contract or reclamation agreement. Before foreclosing any lien 1476
under this section, the chief shall make a written demand upon the 1477

corporation to comply with the repayment terms of the contract or 1478
agreement. If the corporation does not pay the amount due within 1479
sixty days, the chief shall refer the matter to the attorney 1480
general, who shall institute a civil action to foreclose the lien 1481
of the state. 1482

All moneys collected from loan repayments and lien 1483
foreclosures under this section shall be credited to the 1484
unreclaimed lands fund created by section 1513.30 of the Revised 1485
Code. 1486

Sec. 1513.37. (A) There is hereby created in the state 1487
treasury the abandoned mine reclamation fund, which shall be 1488
administered by the chief of the division of mineral resources 1489
management. The fund shall consist of grants from the secretary of 1490
the interior from the federal abandoned mine reclamation fund 1491
established by Title IV of the "Surface Mining Control and 1492
Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, 1493
regulations adopted under it, and amendments to the act and 1494
regulations. Expenditures from the abandoned mine reclamation fund 1495
shall be made by the chief for the following purposes: 1496

(1) Reclamation and restoration of land and water resources 1497
adversely affected by past coal mining, including, but not limited 1498
to, reclamation and restoration of abandoned strip mine areas, 1499
abandoned coal processing areas, and abandoned coal refuse 1500
disposal areas; sealing and filling of abandoned deep mine entries 1501
and voids; planting of land adversely affected by past coal 1502
mining; prevention of erosion and sedimentation; prevention, 1503
abatement, treatment, and control of water pollution created by 1504
coal mine drainage, including restoration of streambeds and 1505
construction and operation of water treatment plants; prevention, 1506
abatement, and control of burning coal refuse disposal areas and 1507
burning coal in situ; and prevention, abatement, and control of 1508

coal mine subsidence;	1509
(2) Acquisition and filling of voids and sealing of tunnels, shafts, and entryways of noncoal lands;	1510 1511
(3) Acquisition of land as provided for in this section;	1512
(4) Administrative expenses incurred in accomplishing the purposes of this section;	1513 1514
(5) All other necessary expenses to accomplish the purposes of this section.	1515 1516
(B) Expenditures of moneys from the fund on land and water eligible pursuant to division (C) of this section shall reflect the following priorities in the order stated:	1517 1518 1519
(1) The protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices;	1520 1521 1522
(2) The protection of public health, safety, and general welfare from adverse effects of coal mining practices;	1523 1524
(3) The restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices, including measures for the conservation and development of soil and water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity;	1525 1526 1527 1528 1529
(4) Research and demonstration projects relating to the development of coal mining reclamation and water quality control program methods and techniques;	1530 1531 1532
(5) The protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation facilities, and conservation facilities adversely affected by coal mining practices;	1533 1534 1535 1536
(6) The development of publicly owned land adversely affected by coal mining practices, including land acquired as provided in	1537 1538

this section for recreation and historic purposes, conservation 1539
and reclamation purposes, and open space benefits. 1540

(C)(1) Lands and water eligible for reclamation or drainage 1541
abatement expenditures under this section are those that were 1542
mined for coal or were affected by such mining, wastebanks, coal 1543
processing, or other coal mining processes and that meet one of 1544
the following criteria: 1545

(a) Are lands that were abandoned or left in an inadequate 1546
reclamation status prior to August 3, 1977, and for which there is 1547
no continuing reclamation responsibility under state or federal 1548
laws; 1549

(b) Are lands for which the chief finds that surface coal 1550
mining operations occurred at any time between August 4, 1977, and 1551
August 16, 1982, and that any moneys for reclamation or abatement 1552
that are available pursuant to a bond, performance security, or 1553
other form of financial guarantee or from any other source are not 1554
sufficient to provide for adequate reclamation or abatement at the 1555
site; 1556

(c) Are lands for which the chief finds that surface coal 1557
mining operations occurred at any time between August 4, 1977, and 1558
November 5, 1990, that the surety of the mining operator became 1559
insolvent during that time, and that, as of November 5, 1990, any 1560
moneys immediately available from proceedings relating to that 1561
insolvency or from any financial guarantee or other source are not 1562
sufficient to provide for adequate reclamation or abatement at the 1563
site. 1564

(2) In determining which sites to reclaim pursuant to 1565
divisions (C)(1)(b) and (c) of this section, the chief shall 1566
follow the priorities stated in divisions (B)(1) and (2) of this 1567
section and shall ensure that priority is given to those sites 1568
that are in the immediate vicinity of a residential area or that 1569

have an adverse economic impact on a local community. 1570

(3) Surface coal mining operations on lands eligible for 1571
remining shall not affect the eligibility of those lands for 1572
reclamation and restoration under this section after the release 1573
of the bond, performance security, or other form of financial 1574
guarantee for any such operation as provided under division (F) of 1575
section 1513.16 of the Revised Code. If the bond, performance 1576
security, or other form of financial guarantee for a surface coal 1577
mining operation on lands eligible for remaining is forfeited, 1578
moneys available under this section may be used if the amount of 1579
the bond, performance security, or other form of financial 1580
guarantee is not sufficient to provide for adequate reclamation or 1581
abatement, except that if conditions warrant, the chief 1582
immediately shall exercise the authority granted under division 1583
(L) of this section. 1584

(D) The chief may submit to the secretary of the interior a 1585
state reclamation plan and annual projects to carry out the 1586
purposes of this section. 1587

(1) The reclamation plan generally shall identify the areas 1588
to be reclaimed, the purposes for which the reclamation is 1589
proposed, the relationship of the lands to be reclaimed and the 1590
proposed reclamation to surrounding areas, the specific criteria 1591
for ranking and identifying projects to be funded, and the legal 1592
authority and programmatic capability to perform the work in 1593
accordance with this section. 1594

(2) On an annual basis, the chief may submit to the secretary 1595
an application for support of the abandoned mine reclamation fund 1596
and implementation of specific reclamation projects. The annual 1597
requests shall include such information as may be requested by the 1598
secretary. 1599

Before submitting an annual application to the secretary, the 1600

chief first shall submit it to the council on unreclaimed strip 1601
mined lands for review and approval by the council. The chief 1602
shall not submit such an application to the secretary until it has 1603
been approved by the council. The chief shall submit applications 1604
for administrative costs, imminent hazards, or emergency projects 1605
to the council for review. 1606

(3) The costs for each proposed project under this section 1607
shall include actual construction costs, actual operation and 1608
maintenance costs of permanent facilities, planning and 1609
engineering costs, construction inspection costs, and other 1610
necessary administrative expenses. 1611

(4) Before making any expenditure of funds from the fund to 1612
implement any specific reclamation project under this section, the 1613
chief first shall submit to the council a project proposal and any 1614
other pertinent information regarding the project requested by the 1615
council for review and approval of the specific project by the 1616
council. 1617

(5) The chief may submit annual and other reports required by 1618
the secretary when funds are provided by the secretary under Title 1619
IV of the "Surface Mining Control and Reclamation Act of 1977," 91 1620
Stat. 445, 30 U.S.C.A. 1201, regulations adopted under it, and 1621
amendments to the act and regulations. 1622

(E)(1) There is hereby created in the state treasury the acid 1623
mine drainage abatement and treatment fund, which shall be 1624
administered by the chief. The fund shall consist of grants from 1625
the secretary of the interior from the federal abandoned mine 1626
reclamation fund pursuant to section 402(g)(6) of Title IV of the 1627
"Surface Mining Control and Reclamation Act of 1977," 91 Stat. 1628
445, 30 U.S.C.A. 1201. All investment earnings of the fund shall 1629
be credited to the fund. 1630

(2) The chief shall make expenditures from the fund, in 1631

consultation with the United States department of agriculture, 1632
soil conservation service, to implement acid mine drainage 1633
abatement and treatment plans approved by the secretary. The plans 1634
shall provide for the comprehensive abatement of the causes and 1635
treatment of the effects of acid mine drainage within qualified 1636
hydrologic units affected by coal mining practices and shall 1637
include at least all of the following: 1638

(a) An identification of the qualified hydrologic unit. As 1639
used in division (E) of this section, "qualified hydrologic unit" 1640
means a hydrologic unit that meets all of the following criteria: 1641

(i) The water quality in the unit has been significantly 1642
affected by acid mine drainage from coal mining practices in a 1643
manner that has an adverse impact on biological resources. 1644

(ii) The unit contains lands and waters that meet the 1645
eligibility requirements established under division (C) of this 1646
section and any of the priorities established in divisions (B)(1) 1647
to (3) of this section. 1648

(iii) The unit contains lands and waters that are proposed to 1649
be the subject of expenditures from the reclamation forfeiture 1650
fund created in section 1513.18 of the Revised Code or the 1651
unreclaimed lands fund created in section 1513.30 of the Revised 1652
Code. 1653

(b) The extent to which acid mine drainage is affecting the 1654
water quality and biological resources within the hydrologic unit; 1655

(c) An identification of the sources of acid mine drainage 1656
within the hydrologic unit; 1657

(d) An identification of individual projects and the measures 1658
proposed to be undertaken to abate and treat the causes or effects 1659
of acid mine drainage within the hydrologic unit; 1660

(e) The cost of undertaking the proposed abatement and 1661

treatment measures;	1662
(f) An identification of existing and proposed sources of funding for those measures;	1663 1664
(g) An analysis of the cost-effectiveness and environmental benefits of abatement and treatment measures.	1665 1666
(3) The chief may make grants of moneys from the acid mine drainage abatement and treatment fund to watershed groups for conducting projects to accomplish the purposes of this section. A grant may be made in an amount equal to not more than fifty per cent of each of the following:	1667 1668 1669 1670 1671
(a) Reasonable and necessary expenses for the collection and analysis of data sufficient to do either or both of the following:	1672 1673
(i) Identify a watershed as a qualified hydrologic unit;	1674
(ii) Monitor the quality of water in a qualified hydrologic unit before, during, and at any time after completion of the project by the watershed group.	1675 1676 1677
(b) Engineering design costs and construction costs involved in the project, provided that the project is conducted in a qualified hydrologic unit and the chief considers the project to be a priority.	1678 1679 1680 1681
A watershed group that wishes to obtain a grant under division (E)(3) of this section shall submit an application to the chief on forms provided by the division of mineral resources management, together with detailed estimates and timetables for accomplishing the stated goals of the project and any other information that the chief requires.	1682 1683 1684 1685 1686 1687
For the purposes of establishing priorities for awarding grants under division (E)(3) of this section, the chief shall consider each project's feasibility, cost-effectiveness, and environmental benefit, together with the availability of matching	1688 1689 1690 1691

funding, including in-kind services, for the project. 1692

The chief shall enter into a contract for funding with each 1693
applicant awarded a grant to ensure that the moneys granted are 1694
used for the purposes of this section and that the work that the 1695
project involves is done properly. The contract is not subject to 1696
division (B) of section 127.16 of the Revised Code. The final 1697
payment of grant moneys shall not be made until the chief inspects 1698
and approves the completed project. 1699

The chief shall require each applicant awarded a grant under 1700
this section who conducts a project involving construction work to 1701
pay workers at the greater of their regular rate of pay, as 1702
established by contract, agreement, or prior custom or practice, 1703
or the average wage rate paid in this state for the same or 1704
similar work performed in the same or a similar locality by 1705
private companies doing similar work on similar projects. 1706

As used in division (E)(3) of this section, "watershed group" 1707
means a charitable organization as defined in section 1716.01 of 1708
the Revised Code that has been established for the purpose of 1709
conducting reclamation of land and waters adversely affected by 1710
coal mining practices and specifically for conducting acid mine 1711
drainage abatement. 1712

(F)(1) If the chief makes a finding of fact that land or 1713
water resources have been adversely affected by past coal mining 1714
practices; the adverse effects are at a stage where, in the public 1715
interest, action to restore, reclaim, abate, control, or prevent 1716
the adverse effects should be taken; the owners of the land or 1717
water resources where entry must be made to restore, reclaim, 1718
abate, control, or prevent the adverse effects of past coal mining 1719
practices are not known or are not readily available; or the 1720
owners will not give permission for the state, political 1721
subdivisions, or their agents, employees, or contractors to enter 1722
upon the property to restore, reclaim, abate, control, or prevent 1723

the adverse effects of past coal mining practices; then, upon 1724
giving notice by mail to the owners, if known, or, if not known, 1725
by posting notice upon the premises and advertising once in a 1726
newspaper of general circulation in the municipal corporation or 1727
county in which the land lies, the chief or the chief's agents, 1728
employees, or contractors may enter upon the property adversely 1729
affected by past coal mining practices and any other property to 1730
have access to the property to do all things necessary or 1731
expedient to restore, reclaim, abate, control, or prevent the 1732
adverse effects. The entry shall be construed as an exercise of 1733
the police power for the protection of the public health, safety, 1734
and general welfare and shall not be construed as an act of 1735
condemnation of property nor of trespass on it. The moneys 1736
expended for the work and the benefits accruing to any such 1737
premises so entered upon shall be chargeable against the land and 1738
shall mitigate or offset any claim in or any action brought by any 1739
owner of any interest in the premises for any alleged damages by 1740
virtue of the entry, but this provision is not intended to create 1741
new rights of action or eliminate existing immunities. 1742

(2) The chief or the chief's authorized representatives may 1743
enter upon any property for the purpose of conducting studies or 1744
exploratory work to determine the existence of adverse effects of 1745
past coal mining practices and to determine the feasibility of 1746
restoration, reclamation, abatement, control, or prevention of 1747
such adverse effects. The entry shall be construed as an exercise 1748
of the police power for the protection of the public health, 1749
safety, and general welfare and shall not be construed as an act 1750
of condemnation of property nor trespass on it. 1751

(3) The chief may acquire any land by purchase, donation, or 1752
condemnation that is adversely affected by past coal mining 1753
practices if the chief determines that acquisition of the land is 1754
necessary to successful reclamation and that all of the following 1755

apply: 1756

(a) The acquired land, after restoration, reclamation, 1757
abatement, control, or prevention of the adverse effects of past 1758
coal mining practices, will serve recreation and historic 1759
purposes, serve conservation and reclamation purposes, or provide 1760
open space benefits. 1761

(b) Permanent facilities such as a treatment plant or a 1762
relocated stream channel will be constructed on the land for the 1763
restoration, reclamation, abatement, control, or prevention of the 1764
adverse effects of past coal mining practices. 1765

(c) Acquisition of coal refuse disposal sites and all coal 1766
refuse thereon will serve the purposes of this section or public 1767
ownership is desirable to meet emergency situations and prevent 1768
recurrences of the adverse effects of past coal mining practices. 1769

(4)(a) Title to all lands acquired pursuant to this section 1770
shall be in the name of the state. The price paid for land 1771
acquired under this section shall reflect the market value of the 1772
land as adversely affected by past coal mining practices. 1773

(b) The chief may receive grants on a matching basis from the 1774
secretary of the interior for the purpose of carrying out this 1775
section. 1776

(5)(a) Where land acquired pursuant to this section is 1777
considered to be suitable for industrial, commercial, residential, 1778
or recreational development, the chief may sell the land by public 1779
sale under a system of competitive bidding at not less than fair 1780
market value and under other requirements imposed by rule to 1781
ensure that the lands are put to proper use consistent with local 1782
and state land use plans, if any, as determined by the chief. 1783

(b) The chief, when requested, and after appropriate public 1784
notice, shall hold a public meeting in the county, counties, or 1785
other appropriate political subdivisions of the state in which 1786

lands acquired pursuant to this section are located. The meetings 1787
shall be held at a time that shall afford local citizens and 1788
governments the maximum opportunity to participate in the decision 1789
concerning the use or disposition of the lands after restoration, 1790
reclamation, abatement, control, or prevention of the adverse 1791
effects of past coal mining practices. 1792

(6) In addition to the authority to acquire land under 1793
division (F)(3) of this section, the chief may use money in the 1794
fund to acquire land by purchase, donation, or condemnation, and 1795
to reclaim and transfer acquired land to a political subdivision, 1796
or to any person, if the chief determines that it is an integral 1797
and necessary element of an economically feasible plan for the 1798
construction or rehabilitation of housing for persons disabled as 1799
the result of employment in the mines or work incidental to that 1800
employment, persons displaced by acquisition of land pursuant to 1801
this section, persons dislocated as the result of adverse effects 1802
of coal mining practices that constitute an emergency as provided 1803
in the "Surface Mining Control and Reclamation Act of 1977," 91 1804
Stat. 466, 30 U.S.C.A. 1240, or amendments to it, or persons 1805
dislocated as the result of natural disasters or catastrophic 1806
failures from any cause. Such activities shall be accomplished 1807
under such terms and conditions as the chief requires, which may 1808
include transfers of land with or without monetary consideration, 1809
except that to the extent that the consideration is below the fair 1810
market value of the land transferred, no portion of the difference 1811
between the fair market value and the consideration shall accrue 1812
as a profit to those persons. No part of the funds provided under 1813
this section may be used to pay the actual construction costs of 1814
housing. The chief may carry out the purposes of division (F)(6) 1815
of this section directly or by making grants and commitments for 1816
grants and may advance money under such terms and conditions as 1817
the chief may require to any agency or instrumentality of the 1818
state or any public body or nonprofit organization designated by 1819

the chief. 1820

(G)(1) Within six months after the completion of projects to 1821
restore, reclaim, abate, control, or prevent adverse effects of 1822
past coal mining practices on privately owned land, the chief 1823
shall itemize the moneys so expended and may file a statement of 1824
the expenditures in the office of the county recorder of the 1825
county in which the land lies, together with a notarized appraisal 1826
by an independent appraiser of the value of the land before the 1827
restoration, reclamation, abatement, control, or prevention of 1828
adverse effects of past coal mining practices if the moneys so 1829
expended result in a significant increase in property value. The 1830
statement shall constitute a lien upon the land as of the date of 1831
the expenditures of the moneys and shall have priority as a lien 1832
second only to the lien of real property taxes imposed upon the 1833
land. The lien shall not exceed the amount determined by the 1834
appraisal to be the increase in the fair market value of the land 1835
as a result of the restoration, reclamation, abatement, control, 1836
or prevention of the adverse effects of past coal mining 1837
practices. No lien shall be filed under division (G) of this 1838
section against the property of any person who owned the surface 1839
prior to May 2, 1977, and did not consent to, participate in, or 1840
exercise control over the mining operation that necessitated the 1841
reclamation performed. 1842

(2) The landowner may petition, within sixty days after the 1843
filing of the lien, to determine the increase in the fair market 1844
value of the land as a result of the restoration, reclamation, 1845
abatement, control, or prevention of the adverse effects of past 1846
coal mining practices. The amount reported to be the increase in 1847
value of the premises shall constitute the amount of the lien and 1848
shall be recorded with the statement provided in this section. Any 1849
party aggrieved by the decision may appeal as provided by state 1850
law. 1851

(3) The lien provided in division (G) of this section shall 1852
be recorded and indexed, under the name of the state and the 1853
landowner, in ~~a lien index~~ the official records in the office of 1854
the county recorder of the county in which the land lies. The 1855
county recorder shall impose no charge for the recording or 1856
indexing of the lien. If the land is registered, the county 1857
recorder shall make a notation and enter a memorial of the lien 1858
upon the page of the register in which the last certificate of 1859
title to the land is registered, stating the name of the claimant, 1860
amount claimed, volume and page of the record where recorded, and 1861
exact time the memorial was entered. 1862

(4) The lien shall continue in force so long as any portion 1863
of the amount of the lien remains unpaid. If the lien remains 1864
unpaid at the time of conveyance of the land on which the lien was 1865
placed, the conveyance may be set aside. Upon repayment in full of 1866
the moneys expended under this section, the chief promptly shall 1867
issue a certificate of release of the lien. Upon presentation of 1868
the certificate of release, the county recorder of the county in 1869
which the lien is recorded shall record the lien as having been 1870
discharged. 1871

(5) A lien imposed under this section shall be foreclosed 1872
upon the substantial failure of a landowner to pay any portion of 1873
the amount of the lien. Before foreclosing any lien under this 1874
section, the chief shall make a written demand upon the landowner 1875
for payment. If the landowner does not pay the amount due within 1876
sixty days, the chief shall refer the matter to the attorney 1877
general, who shall institute a civil action to foreclose the lien. 1878

(H)(1) The chief may fill voids, seal abandoned tunnels, 1879
shafts, and entryways, and reclaim surface impacts of underground 1880
or strip mines that the chief determines could endanger life and 1881
property, constitute a hazard to the public health and safety, or 1882
degrade the environment. 1883

(2) In those instances where mine waste piles are being 1884
reworked for conservation purposes, the incremental costs of 1885
disposing of the wastes from those operations by filling voids and 1886
sealing tunnels may be eligible for funding, provided that the 1887
disposal of these wastes meets the purposes of this section. 1888

(3) The chief may acquire by purchase, donation, easement, or 1889
otherwise such interest in land as the chief determines necessary 1890
to carry out division (H) of this section. 1891

(I) The chief shall report annually to the secretary of the 1892
interior on operations under the fund and include recommendations 1893
as to its future uses. 1894

(J)(1) The chief may engage in any work and do all things 1895
necessary or expedient, including the adoption of rules, to 1896
implement and administer this section. 1897

(2) The chief may engage in cooperative projects under this 1898
section with any agency of the United States, any other state, or 1899
their governmental agencies or with any state university or 1900
college as defined in section 3345.27 of the Revised Code. The 1901
cooperative projects are not subject to division (B) of section 1902
127.16 of the Revised Code. 1903

(3) The chief may request the attorney general to initiate in 1904
any court of competent jurisdiction an action in equity for an 1905
injunction to restrain any interference with the exercise of the 1906
right to enter or to conduct any work provided in this section, 1907
which remedy is in addition to any other remedy available under 1908
this section. 1909

(4) The chief may construct or operate a plant or plants for 1910
the control and treatment of water pollution resulting from mine 1911
drainage. The extent of this control and treatment may be 1912
dependent upon the ultimate use of the water. Division (J)(4) of 1913
this section does not repeal or supersede any portion of the 1914

"Federal Water Pollution Control Act," 70 Stat. 498 (1965), 33 1915
U.S.C.A. 1151, as amended, and no control or treatment under 1916
division (J)(4) of this section, in any way, shall be less than 1917
that required by that act. The construction of a plant or plants 1918
may include major interceptors and other facilities appurtenant to 1919
the plant. 1920

(5) The chief may transfer money from the abandoned mine 1921
reclamation fund and the acid mine drainage abatement and 1922
treatment fund to other appropriate state agencies or to state 1923
universities or colleges in order to carry out the reclamation 1924
activities authorized by this section. 1925

(K) The chief may contract for any part of work to be 1926
performed under this section, with or without advertising for 1927
bids, if the chief determines that a condition exists that could 1928
reasonably be expected to cause substantial physical harm to 1929
persons, property, or the environment and to which persons or 1930
improvements on real property are currently exposed. 1931

The chief shall require every contractor performing 1932
reclamation work under this section to pay its workers at the 1933
greater of their regular rate of pay, as established by contract, 1934
agreement, or prior custom or practice, or the average wage rate 1935
paid in this state for the same or similar work as determined by 1936
the chief under section 1513.02 of the Revised Code. 1937

(L)(1) The chief may contract for the emergency restoration, 1938
reclamation, abatement, control, or prevention of adverse effects 1939
of mining practices on eligible lands if the chief determines that 1940
an emergency exists constituting a danger to the public health, 1941
safety, or welfare and that no other person or agency will act 1942
expeditiously to restore, reclaim, abate, control, or prevent 1943
those adverse effects. The chief may enter into a contract for 1944
emergency work under division (L) of this section without 1945
advertising for bids. Any such contract or any purchase of 1946

materials for emergency work under division (L) of this section is 1947
not subject to division (B) of section 127.16 of the Revised Code. 1948

(2) The chief or the chief's agents, employees, or 1949
contractors may enter on any land where such an emergency exists, 1950
and on other land in order to have access to that land, in order 1951
to restore, reclaim, abate, control, or prevent the adverse 1952
effects of mining practices and to do all things necessary or 1953
expedient to protect the public health, safety, or welfare. Such 1954
an entry shall be construed as an exercise of the police power and 1955
shall not be construed as an act of condemnation of property or of 1956
trespass. The moneys expended for the work and the benefits 1957
accruing to any premises so entered upon shall be chargeable 1958
against the land and shall mitigate or offset any claim in or any 1959
action brought by any owner of any interest in the premises for 1960
any alleged damages by virtue of the entry. This provision is not 1961
intended to create new rights of action or eliminate existing 1962
immunities. 1963

Sec. 1701.73. (A)(1) Upon the adoption of any amendment or 1964
amended articles, a certificate containing a copy of the 1965
resolution adopting the amendment or amended articles, a statement 1966
of the manner of its adoption, and, in the case of adoption of the 1967
resolution by the incorporators or directors, a statement of the 1968
basis for such adoption, shall be filed with the secretary of 1969
state, and thereupon the articles shall be amended accordingly, 1970
any change of shares provided for in the amendment or amended 1971
articles shall become effective, and the amended articles shall 1972
supersede the existing articles. 1973

(2) Except as provided in division (A)(3) of this section, 1974
when an amendment or amended articles are adopted by the directors 1975
pursuant to section 1701.70 of the Revised Code, the corporation 1976
shall send notice of the amendment or amended articles, and a copy 1977

or summary of the amendment or amended articles, by mail, 1978
overnight delivery service, or any other means of communication 1979
authorized by the shareholder to whom the notice and copy or 1980
summary are sent, to each shareholder of the corporation of record 1981
as of the date on which the directors approved the amendment or 1982
amended articles. The notice shall be sent to the shareholders 1983
within twenty days after the filing of the certificate required by 1984
division (A)(1) of this section. 1985

(3) Any corporation that files periodic reports with the 1986
United States securities and exchange commission pursuant to 1987
section 13 of the "Securities Exchange Act of 1934," 48 Stat. 881, 1988
15 U.S.C. 78m, as amended, or section 15(d) of the "Securities 1989
Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78o(d), as amended, 1990
may satisfy the notice to shareholders of record requirement of 1991
division (A)(2) of this section by including a copy or summary of 1992
the amendment or amended articles in a report filed in accordance 1993
with those provisions within twenty days after the filing of the 1994
certificate required by division (A)(1) of this section. 1995

(B) When an amendment or amended articles are adopted by the 1996
incorporators, the certificate described in division (A)(1) of 1997
this section shall be signed by each of them. 1998

(C) When an amendment or amended articles are adopted by the 1999
directors or by the shareholders, the certificate described in 2000
division (A)(1) of this section shall be signed by any authorized 2001
officer. 2002

(D) A copy of an amendment or amended articles changing the 2003
name of a corporation or its principal office in this state, 2004
certified by the secretary of state, may be filed for record in 2005
the office of the county recorder of any county in this state, and 2006
for such recording, the county recorder shall charge and collect 2007
the same fee as provided for in division (A)(1) of section 317.32 2008
of the Revised Code. The copy shall be recorded in the official 2009

records of ~~deeds~~ the county recorder. 2010

Sec. 1701.81. (A) Upon adoption by each constituent entity of 2011
an agreement of merger or consolidation pursuant to section 2012
1701.78, 1701.781, 1701.79, 1701.791, 1701.80, 1701.801, or 2013
1701.802 of the Revised Code, a certificate of merger or 2014
consolidation shall be filed with the secretary of state that is 2015
signed by any authorized representative of each constituent 2016
corporation, partnership, or other entity. The certificate shall 2017
be on a form prescribed by the secretary of state and shall set 2018
forth only the information required by this section. 2019

(B)(1) The certificate of merger or consolidation shall set 2020
forth all of the following: 2021

(a) The name and the form of entity of each constituent 2022
entity and the state under the laws of which each constituent 2023
entity exists; 2024

(b) A statement that each constituent entity has complied 2025
with all of the laws under which it exists and that the laws 2026
permit the merger or consolidation; 2027

(c) The name and mailing address of the person or entity that 2028
is to provide, in response to any written request made by a 2029
shareholder, partner, or other equity holder of a constituent 2030
entity, a copy of the agreement of merger or consolidation; 2031

(d) The effective date of the merger or consolidation, which 2032
date may be on or after the date of the filing of the certificate; 2033

(e) The signature of each representative authorized to sign 2034
the certificate on behalf of each constituent entity and the 2035
office held or the capacity in which the representative is acting; 2036

(f) A statement that the agreement of merger or consolidation 2037
is authorized on behalf of each constituent entity and that each 2038
person who signed the certificate on behalf of each entity is 2039

authorized to do so; 2040

(g) In the case of a merger, a statement that one or more 2041
specified constituent entities will be merged into a specified 2042
surviving entity or, in the case of a consolidation, a statement 2043
that the constituent entities will be consolidated into a new 2044
entity; 2045

(h) In the case of a merger, if the surviving entity is a 2046
foreign entity not licensed to transact business in this state, 2047
the name and address of the statutory agent upon whom any process, 2048
notice, or demand against any constituent entity may be served; 2049

(i) In the case of a consolidation, the name and address of 2050
the statutory agent upon whom any process, notice, or demand 2051
against any constituent entity or the new entity may be served. 2052

(2) In the case of a consolidation into a new domestic 2053
corporation, limited liability company, or limited partnership, 2054
the articles of incorporation, the articles of organization, or 2055
the certificate of limited partnership of the new domestic entity 2056
shall be filed with the certificate of merger or consolidation. 2057

(3) In the case of a merger into a domestic corporation, 2058
limited liability company, or limited partnership, any amendments 2059
to the articles of incorporation, articles of organization, or 2060
certificate of limited partnership of the surviving domestic 2061
entity shall be filed with the certificate of merger or 2062
consolidation. 2063

(4) If the surviving or new entity is a foreign entity that 2064
desires to transact business in this state as a foreign 2065
corporation, limited liability company, or limited partnership, 2066
the certificate of merger or consolidation shall be accompanied by 2067
the information required by division (B)(8), (9), or (10) of 2068
section 1701.791 of the Revised Code. 2069

(5) If a foreign or domestic corporation licensed to transact 2070

business in this state is a constituent entity and the surviving 2071
or new entity resulting from the merger or consolidation is not a 2072
foreign or domestic corporation that is to be licensed to transact 2073
business in this state, the certificate of merger or consolidation 2074
shall be accompanied by the affidavits, receipts, certificates, or 2075
other evidence required by division (H) of section 1701.86 of the 2076
Revised Code, with respect to each domestic constituent 2077
corporation, and by the affidavits, receipts, certificates, or 2078
other evidence required by division (C) or (D) of section 1703.17 2079
of the Revised Code, with respect to each foreign constituent 2080
corporation licensed to transact business in this state. 2081

(C) If any constituent entity in a merger or consolidation is 2082
organized or formed under the laws of a state other than this 2083
state or under any chapter of the Revised Code other than this 2084
chapter, there also shall be filed in the proper office all 2085
documents that are required to be filed in connection with the 2086
merger or consolidation by the laws of that state or by that 2087
chapter. 2088

(D) Upon the filing of a certificate of merger or 2089
consolidation and other filings as described in division (C) of 2090
this section or at such later date as the certificate of merger or 2091
consolidation specifies, the merger or consolidation is effective. 2092

(E) The secretary of state shall furnish, upon request and 2093
payment of the fee specified in division (D) of section 111.16 of 2094
the Revised Code, the secretary of state's certificate setting 2095
forth the name and the form of entity of each constituent entity 2096
and the states under the laws of which each constituent entity 2097
existed prior to the merger or consolidation, the name and the 2098
form of entity of the surviving or new entity and the state under 2099
the laws of which the surviving entity exists or the new entity is 2100
to exist, the date of filing of the certificate of merger or 2101
consolidation with the secretary of state, and the effective date 2102

of the merger or consolidation. The certificate of the secretary 2103
of state, or a copy of the certificate of merger or consolidation 2104
certified by the secretary of state, may be filed for record in 2105
the office of the recorder of any county in this state and, if 2106
filed, shall be recorded in the official records of ~~deeds~~ for that 2107
county. For that recording, the county recorder shall charge and 2108
collect the same fee as in the case of deeds. 2109

Sec. 1701.811. (A) Upon the adoption of a declaration of 2110
conversion pursuant to section 1701.782 or 1701.792 of the Revised 2111
Code, or at a later time as authorized by the declaration of 2112
conversion, a certificate of conversion that is signed by an 2113
authorized representative of the converting entity shall be filed 2114
with the secretary of state. The certificate shall be on a form 2115
prescribed by the secretary of state and shall set forth only the 2116
information required by this section. 2117

(B)(1) The certificate of conversion shall set forth all of 2118
the following: 2119

(a) The name and the form of entity of the converting entity 2120
and the state under the laws of which the converting entity 2121
exists; 2122

(b) A statement that the converting entity has complied with 2123
all of the laws under which it exists and that the laws permit the 2124
conversion; 2125

(c) The name and mailing address of the person or entity that 2126
is to provide a copy of the declaration of conversion in response 2127
to any written request made by a shareholder, partner, or member 2128
of the converting entity; 2129

(d) The effective date of the conversion, which date may be 2130
on or after the date of the filing of the certificate pursuant to 2131
this section; 2132

(e) The signature of the representative or representatives	2133
authorized to sign the certificate on behalf of the converting	2134
entity and the office held or the capacity in which the	2135
representative is acting;	2136
(f) A statement that the declaration of conversion is	2137
authorized on behalf of the converting entity and that each person	2138
signing the certificate on behalf of the converting entity is	2139
authorized to do so;	2140
(g) The name and the form of the converted entity and the	2141
state under the laws of which the converted entity will exist;	2142
(h) If the converted entity is a foreign entity that will not	2143
be licensed in this state, the name and address of the statutory	2144
agent upon whom any process, notice, or demand may be served.	2145
(2) In the case of a conversion into a new domestic	2146
corporation, limited liability company, limited partnership, or	2147
other partnership, any organizational document, including a	2148
designation of agent, that would be filed upon the creation of the	2149
new entity shall be filed with the certificate of conversion.	2150
(3) If the converted entity is a foreign entity that desires	2151
to transact business in this state, the certificate of conversion	2152
shall be accompanied by the information required by division	2153
(B)(8), (9), or (10) of section 1701.791 of the Revised Code.	2154
(4) If a foreign or domestic corporation licensed to transact	2155
business in this state is the converting entity, the certificate	2156
of conversion shall be accompanied by the affidavits, receipts,	2157
certificates, or other evidence required by division (H) of	2158
section 1701.86 of the Revised Code with respect to a converting	2159
domestic corporation, or by the affidavits, receipts,	2160
certificates, or other evidence required by division (C) or (D) of	2161
section 1703.17 of the Revised Code with respect to a foreign	2162
corporation.	2163

(C) If the converting entity or the converted entity is organized or formed under the laws of a state other than this state or under any chapter of the Revised Code other than this chapter, all documents required to be filed in connection with the conversion by the laws of that state or that chapter shall be filed in the proper office.

(D) Upon the filing of a certificate of conversion and other filings required by division (C) of this section or at any later date that the certificate of conversion specifies, the conversion is effective, subject to the limitation that no conversion will be effective if there are reasonable grounds to believe that the conversion would render the converted entity unable to pay its obligations as they become due in the usual course of its affairs.

(E) The secretary of state shall furnish, upon request and payment of the fee specified in division (K)(2) of section 111.16 of the Revised Code, the secretary of state's certificate setting forth all of the following:

(1) The name and form of entity of the converting entity and the state under the laws of which it existed prior to the conversion;

(2) The name and the form of entity of the converted entity and the state under the laws of which it will exist;

(3) The date of filing of the certificate of conversion with the secretary of state and the effective date of the conversion.

(F) The certificate of the secretary of state, or a copy of the certificate of conversion certified by the secretary of state, may be filed for record in the office of the recorder of any county in this state and, if filed, shall be recorded in the official records of ~~deeds for~~ that county. For the recording, the county recorder shall charge and collect the same fee as in the case of deeds.

Sec. 1702.38. (A) The articles may be amended from time to 2195
time in any respect if the articles as amended set forth all the 2196
provisions that are required in, and only those provisions that 2197
may properly be in, original articles filed at the time of 2198
adopting the amendment, other than with respect to the initial 2199
directors, except that a public benefit corporation shall not 2200
amend its articles in such manner that it will cease to be a 2201
public benefit corporation. 2202

(B) Without limiting the generality of the authority 2203
described in division (A) of this section, the articles may be 2204
amended to: 2205

(1) Change the name of the corporation; 2206

(2) Change the place in this state where its principal office 2207
is to be located; 2208

(3) Change, enlarge, or diminish its purpose or purposes; 2209

(4) Change any provision of the articles or add any provision 2210
that may properly be included in the articles. 2211

(C)(1) The voting members present in person, by use of 2212
authorized communications equipment, by mail, or, if permitted, by 2213
proxy at a meeting held for that purpose, may adopt an amendment 2214
by the affirmative vote of a majority of the voting members 2215
present if a quorum is present or, if the articles or the 2216
regulations provide or permit, by the affirmative vote of a 2217
greater or lesser proportion or number of the voting members, and 2218
by the affirmative vote of the voting members of any particular 2219
class that is required by the articles or the regulations. 2220

(2) For purposes of division (C)(1) of this section, 2221
participation by a voting member at a meeting through the use of 2222
any of the means of communication described in that division 2223
constitutes presence in person of that voting member at the 2224

meeting for purposes of determining a quorum. 2225

(D) In addition to or in lieu of adopting an amendment to the 2226
articles, the voting members may adopt amended articles by the 2227
same action or vote as that required to adopt the amendment. 2228

(E) The directors may adopt amended articles to consolidate 2229
the original articles and all previously adopted amendments to the 2230
articles that are in force at the time, or the voting members at a 2231
meeting held for that purpose may adopt the amended articles by 2232
the same vote as that required to adopt an amendment. 2233

(F) Amended articles shall set forth all the provisions that 2234
are required in, and only the provisions that may properly be in, 2235
original articles filed at the time of adopting the amended 2236
articles, other than with respect to the initial directors, and 2237
shall contain a statement that they supersede the existing 2238
articles. 2239

(G) Upon the adoption of any amendment or amended articles, a 2240
certificate containing a copy of the resolution adopting the 2241
amendment or amended articles, a statement of the manner of its 2242
adoption, and, in the case of adoption of the resolution by the 2243
directors, a statement of the basis for such adoption, shall be 2244
filed with the secretary of state, and upon that filing the 2245
articles shall be amended accordingly, and the amended articles 2246
shall supersede the existing articles. The certificate shall be 2247
signed by any authorized officer of the corporation. 2248

(H) A copy of an amendment or amended articles changing the 2249
name of a corporation or its principal office in this state, 2250
certified by the secretary of state, may be filed for record in 2251
the office of the county recorder of any county in this state, and 2252
for that recording the county recorder shall charge and collect 2253
the same fee as provided for in division (A)(1) of section 317.32 2254
of the Revised Code. That copy shall be recorded in the official 2255

records of ~~deeds~~ the county recorder. 2256

Sec. 1702.43. (A) Upon adoption by each constituent entity of 2257
an agreement of merger or consolidation pursuant to section 2258
1702.41 or 1702.411 of the Revised Code, a certificate of merger 2259
or consolidation signed by any authorized representative of each 2260
constituent entity, shall be filed with the secretary of state. 2261
The certificate shall be on a form prescribed by the secretary of 2262
state and shall set forth only the information required by this 2263
section. 2264

(1) The certificate of merger or consolidation shall set 2265
forth all of the following: 2266

(a) The name of each constituent entity and the state under 2267
whose laws each constituent entity exists; 2268

(b) A statement that each constituent entity has complied 2269
with all of the laws under which it exists and that the laws 2270
permit the merger or consolidation; 2271

(c) The name and mailing address of the person or entity that 2272
is to provide, in response to any written request made by a member 2273
or other person, a copy of the agreement of merger or 2274
consolidation; 2275

(d) The effective date of the merger or consolidation, which 2276
date may be on or after the date of the filing of the certificate; 2277

(e) The signature of each representative authorized to sign 2278
the certificate on behalf of each constituent entity and the 2279
office each representative authorized to sign holds or the 2280
capacity in which the representative is acting; 2281

(f) A statement that the agreement of merger or consolidation 2282
is authorized on behalf of each constituent entity and that each 2283
person who signed the certificate on behalf of each entity is 2284
authorized to do so; 2285

(g) In the case of a merger, a statement that one or more specified constituent entities will be merged into a specified surviving entity or, in the case of a consolidation, a statement that the constituent entities will be consolidated into a new entity;	2286 2287 2288 2289 2290
(h) In the case of a merger, if the surviving entity is a foreign entity not licensed to transact business in this state, the name and address of the statutory agent upon whom any process, notice, or demand may be served;	2291 2292 2293 2294
(i) In the case of a consolidation, the name and address of the statutory agent upon whom any process, notice, or demand against any constituent entity or the new entity may be served.	2295 2296 2297
(2) In the case of a consolidation into a new domestic corporation, the articles of incorporation of the new domestic corporation shall be filed with the certificate of consolidation.	2298 2299 2300
(3) In the case of a merger into a domestic corporation, any amendments to the articles of incorporation of the surviving domestic corporation shall be filed with the certificate of merger. Filing requirements with respect to mergers and consolidations in which a domestic corporation is not the surviving or resulting entity shall be subject to division (B) of section 1702.43 of the Revised Code.	2301 2302 2303 2304 2305 2306 2307
(4) If the surviving or new entity is a foreign entity that desires to transact business in this state as a foreign corporation, limited liability company, limited partnership, or unincorporated association, the certificate of merger or consolidation shall be accompanied by the information required by division (A)(3)(h), (i), (j), or (k) of section 1702.411 of the Revised Code, whichever is applicable.	2308 2309 2310 2311 2312 2313 2314
(5) If a domestic or foreign corporation licensed to transact business in this state is a constituent entity and the surviving	2315 2316

or new entity resulting from the merger or consolidation is not a 2317
domestic or foreign corporation that is to be licensed to transact 2318
business in this state, the certificate of merger or consolidation 2319
shall be accompanied by the affidavits, receipts, certificates, or 2320
other evidence required by division (G) of section 1702.47 of the 2321
Revised Code, with respect to each domestic corporation, and by 2322
the affidavits, receipts, certificates, or other evidence required 2323
by division (C) or (D) of section 1703.17 of the Revised Code, 2324
with respect to each foreign constituent corporation licensed to 2325
transact business in this state. 2326

(B) If any constituent entity in a merger or consolidation is 2327
organized or formed under the laws of a state other than this 2328
state or under any chapter of the Revised Code other than this 2329
chapter, there also shall be filed in the proper office all 2330
documents that are required to be filed in connection with the 2331
merger or consolidation by the laws of that state or by that 2332
chapter. 2333

(C) Upon the filing of a certificate of merger or 2334
consolidation and other filings as described in division (B) of 2335
this section, or at a later date that the certificate of merger or 2336
consolidation specifies, the merger or consolidation shall become 2337
effective. 2338

(D) The secretary of state shall furnish, upon request and 2339
payment of the fee specified in division (D) of section 111.16 of 2340
the Revised Code, a certificate setting forth the name and form of 2341
each constituent entity and the state under whose laws each 2342
constituent entity existed prior to the merger or consolidation, 2343
the name and form of the surviving or new entity and the state 2344
under whose laws the surviving entity exists or the new entity is 2345
to exist, the date of filing of the certificate of merger or 2346
consolidation with the secretary of state, and the effective date 2347
of the merger or consolidation. The certificate of the secretary 2348

of state or a copy of the merger or consolidation certified by the 2349
secretary of state may be filed for record in the office of the 2350
county recorder of any county in this state and, if filed, shall 2351
be recorded in the official records of ~~deeds for~~ that county. For 2352
that recording, the county recorder shall charge and collect the 2353
same fee as in the case of deeds. 2354

Sec. 1702.462. (A) Upon the adoption of a declaration of 2355
conversion pursuant to section 1702.461 of the Revised Code, or at 2356
a later time as authorized by the declaration of conversion, a 2357
certificate of conversion that is signed by an authorized 2358
representative of the converting entity shall be filed with the 2359
secretary of state. The certificate shall be on a form prescribed 2360
by the secretary of state and shall set forth only the information 2361
required under division (B) of this section. 2362

(B)(1) The certificate of conversion shall set forth all of 2363
the following: 2364

(a) The name and form of entity of the converting entity and 2365
the state under the laws of which the converting entity exists; 2366

(b) A statement that the converting entity has complied with 2367
all of the laws under which it exists and that the laws permit the 2368
conversion; 2369

(c) The name and mailing address of the person or entity that 2370
is to provide a copy of the declaration of conversion in response 2371
to any written request made by a member of the converting entity; 2372

(d) The effective date of the conversion, which date may be 2373
on or after the date of the filing of the certificate pursuant to 2374
this section; 2375

(e) The signature of the representative or representatives 2376
authorized to sign the certificate on behalf of the converting 2377
entity and the office held or the capacity in which the 2378

representative is acting; 2379

(f) A statement that the declaration of conversion is 2380
authorized on behalf of the converting entity and that each person 2381
signing the certificate on behalf of the converting entity is 2382
authorized to do so; 2383

(g) The name and the form of the converted entity and the 2384
state under the laws of which the converted entity will exist; 2385

(h) If the converted entity is a foreign entity that will not 2386
be licensed in this state, the name and address of the statutory 2387
agent upon whom any process, notice, or demand may be served. 2388

(2) In the case of a conversion into a limited liability 2389
company, limited partnership, or other partnership, any 2390
organizational document, including a designation of agent, that 2391
would be filed upon the creation of the new entity shall be filed 2392
with the certificate of conversion. 2393

(3) If the converted entity is a foreign entity that desires 2394
to transact business in this state, the certificate of conversion 2395
shall be accompanied by the information required by divisions 2396
(B)(1)(c)(ii) and (iii) of section 1702.461 of the Revised Code. 2397

(4) If a foreign or domestic corporation licensed to transact 2398
business in this state is the converting entity, the certificate 2399
of conversion shall be accompanied by the affidavits, receipts, 2400
certificates, or other evidence required by division (G) of 2401
section 1702.47 of the Revised Code, with respect to a converting 2402
domestic corporation, or by the affidavits, receipts, 2403
certificates, or other evidence required by division (C) or (D) of 2404
section 1703.17 of the Revised Code with respect to a foreign 2405
corporation. 2406

(C) If the converting entity or the converted entity is 2407
organized or formed under the laws of a state other than this 2408
state or under any chapter of the Revised Code other than this 2409

chapter, all documents required to be filed in connection with the 2410
conversion by the laws of that state or that chapter shall be 2411
filed in the proper office. 2412

(D) Upon the filing of a certificate of conversion and other 2413
filings required by division (C) of this section or at any later 2414
date that the certificate of conversion specifies, the conversion 2415
is effective, subject to the limitation that no conversion shall 2416
be effective if there are reasonable grounds to believe that the 2417
conversion would render the converted entity unable to pay its 2418
obligations as they become due in the usual course of its affairs. 2419

(E) The secretary of state shall furnish, upon request and 2420
payment of the fee specified in division (K)(2) of section 111.16 2421
of the Revised Code, the secretary of state's certificate setting 2422
forth all of the following: 2423

(1) The name and form of entity of the converting entity and 2424
the state under the laws of which it existed prior to the 2425
conversion; 2426

(2) The name and form of entity of the converted entity and 2427
the state under the laws of which it will exist; 2428

(3) The date of filing of the certificate of conversion with 2429
the secretary of state and the effective date of the conversion. 2430

(F) The certificate of the secretary of state, or a copy of 2431
the certificate of conversion certified by the secretary of state, 2432
may be filed for record in the office of the county recorder of 2433
any county in this state and, if filed, shall be recorded in the 2434
official records of ~~deeds for~~ that county. For the recording, the 2435
county recorder shall charge and collect the same fee as in the 2436
case of deeds. 2437

Sec. 1705.38. (A) Upon the adoption by each constituent 2438
entity of an agreement of merger or consolidation pursuant to 2439

section 1705.36 or 1705.37 of the Revised Code, a certificate of 2440
merger or consolidation shall be filed with the secretary of state 2441
that is signed by a manager of each constituent limited liability 2442
company in which the management is not reserved to its members, by 2443
at least one member of each other constituent limited liability 2444
company, by at least one general partner of each constituent 2445
partnership, and by an authorized representative of each other 2446
constituent entity. The certificate shall be on a form prescribed 2447
by the secretary of state and shall set forth only the information 2448
required by this section. 2449

(B)(1) The certificate of merger or consolidation shall set 2450
forth all of the following: 2451

(a) The name and the form of entity of each constituent 2452
entity and the state under the laws of which each constituent 2453
entity exists; 2454

(b) A statement that each constituent entity has complied 2455
with all of the laws under which it exists and that the laws 2456
permit the merger or consolidation; 2457

(c) The name and mailing address of the person or entity that 2458
is to provide, in response to any written request made by a 2459
shareholder, partner, or other equity holder of a constituent 2460
entity, a copy of the agreement of merger or consolidation; 2461

(d) The effective date of the merger or consolidation, which 2462
date may be on or after the date of the filing of the certificate; 2463

(e) The signature of the representative or representatives 2464
authorized to sign the certificate on behalf of each constituent 2465
entity and the office held or the capacity in which the 2466
representative is acting; 2467

(f) A statement that the agreement of merger or consolidation 2468
is authorized on behalf of each constituent entity and that the 2469
persons who signed the certificate on behalf of each entity are 2470

authorized to do so; 2471

(g) In the case of a merger, a statement that one or more 2472
specified constituent entities will be merged into a specified 2473
surviving entity or, in the case of a consolidation, a statement 2474
that the constituent entities will be consolidated into a new 2475
entity; 2476

(h) In the case of a merger, if the surviving entity is a 2477
foreign entity not licensed to transact business in this state, 2478
the name and address of the statutory agent upon whom any process, 2479
notice, or demand may be served; 2480

(i) In the case of a consolidation, the name and address of 2481
the statutory agent upon whom any process, notice, or demand 2482
against any constituent entity or the new entity may be served. 2483

(2) In the case of a consolidation into a new domestic 2484
corporation, limited liability company, or limited partnership, 2485
the articles of incorporation, the articles of organization, or 2486
the certificate of limited partnership of the new domestic entity 2487
shall be filed with the certificate of merger or consolidation. 2488

(3) In the case of a merger into a domestic corporation, 2489
limited liability company, or limited partnership, any amendments 2490
to the articles of incorporation, articles of organization, or 2491
certificate of limited partnership of the surviving domestic 2492
entity shall be filed with the certificate of merger or 2493
consolidation. 2494

(4) If the surviving or new entity is a foreign entity that 2495
desires to transact business in this state as a foreign 2496
corporation, limited liability company, or limited partnership, 2497
the certificate of merger or consolidation shall be accompanied by 2498
the information required by division (B)(8), (9), or (10) of 2499
section 1705.37 of the Revised Code. 2500

(5) If a foreign or domestic corporation licensed to transact 2501

business in this state is a constituent entity and the surviving 2502
or new entity resulting from the merger or consolidation is not a 2503
foreign or domestic corporation that is to be licensed to transact 2504
business in this state, the certificate of merger or consolidation 2505
shall be accompanied by the affidavits, receipts, certificates, or 2506
other evidence required by division (H) of section 1701.86 of the 2507
Revised Code, with respect to each domestic constituent 2508
corporation, and by the affidavits, receipts, certificates, or 2509
other evidence required by division (C) or (D) of section 1703.17 2510
of the Revised Code, with respect to each foreign constituent 2511
corporation licensed to transact business in this state. 2512

(C) If any constituent entity in a merger or consolidation is 2513
organized or formed under the laws of a state other than this 2514
state or under any chapter of the Revised Code other than this 2515
chapter, there also shall be filed in the proper office all 2516
documents that are required to be filed in connection with the 2517
merger or consolidation by the laws of that state or by that 2518
chapter. 2519

(D) Upon the filing of a certificate of merger or 2520
consolidation and other filings as described in division (C) of 2521
this section or at any later date that the certificate of merger 2522
or consolidation specifies, the merger or consolidation is 2523
effective. 2524

(E)(1) Upon request and payment of the fee specified in 2525
division (D) of section 111.16 of the Revised Code, the secretary 2526
of state shall furnish the secretary of state's certificate 2527
setting forth all of the following: 2528

(a) The name and form of entity of each constituent entity 2529
and the states under the laws of which each constituent entity 2530
existed prior to a merger or consolidation; 2531

(b) The name and the form of entity of the surviving or new 2532

entity and the state under the laws of which the surviving entity exists or the new entity is to exist;	2533 2534
(c) The date of the filing of the certificate of merger or consolidation in the secretary of state's office;	2535 2536
(d) The effective date of the merger or consolidation.	2537
(2) The certificate of the secretary of state or a copy of a certificate of merger or consolidation that has been certified by the secretary of state may be filed for record in the office of the <u>county</u> recorder of any county in this state and, if filed, shall be recorded in the record <u>official records</u> of deeds for that county. For that recording, the county recorder shall charge and collect the same fees as for recording a deed.	2538 2539 2540 2541 2542 2543 2544
Sec. 1705.381. (A) Upon the adoption of a declaration of conversion pursuant to section 1705.361 or 1705.371 of the Revised Code, or at a later time as authorized by the declaration of conversion, a certificate of conversion that is signed by an authorized representative of the converting entity shall be filed with the secretary of state. The certificate shall be on a form prescribed by the secretary of state and shall set forth only the information required by this section.	2545 2546 2547 2548 2549 2550 2551 2552
(B)(1) The certificate of conversion shall set forth all of the following:	2553 2554
(a) The name and the form of entity of the converting entity and the state under the laws of which the converting entity exists;	2555 2556 2557
(b) A statement that the converting entity has complied with all of the laws under which it exists and that those laws permit the conversion;	2558 2559 2560
(c) The name and mailing address of the person or entity that is to provide a copy of the declaration of conversion in response	2561 2562

to any written request made by a shareholder, partner, or member	2563
of the converting entity;	2564
(d) The effective date of the conversion, which date may be	2565
on or after the date of the filing of the certificate pursuant to	2566
this section;	2567
(e) The signature and title of the representative or	2568
representatives authorized to sign the certificate on behalf of	2569
the converting entity;	2570
(f) A statement that the declaration of conversion is	2571
authorized on behalf of the converting entity and that each person	2572
signing the certificate on behalf of the converting entity is	2573
authorized to do so;	2574
(g) The name and the form of the converted entity and the	2575
state under the laws of which the converted entity will exist;	2576
(h) If the converted entity is a foreign entity that will not	2577
be licensed in this state, the name and address of the statutory	2578
agent upon whom any process, notice or demand may be served.	2579
(2) In the case of a conversion into a new domestic	2580
corporation, limited liability company, limited partnership, or	2581
other partnership, any organizational document that would be filed	2582
upon the creation of the converted entity shall be filed with the	2583
certificate of conversion.	2584
(3) If the converted entity is a foreign entity that desires	2585
to transact business in this state, the certificate of conversion	2586
shall be accompanied by the information required by division	2587
(B)(8), (9), or (10) of section 1705.37 of the Revised Code.	2588
(4) If a foreign or domestic corporation licensed to transact	2589
business in this state is the converting entity, the certificate	2590
of conversion shall be accompanied by the affidavits, receipts,	2591
certificates, or other evidence required by division (H) of	2592

section 1701.86 of the Revised Code with respect to a converting 2593
domestic corporation or by the affidavits, receipts, certificates, 2594
or other evidence required by division (C) or (D) of section 2595
1703.17 of the Revised Code with respect to a foreign corporation. 2596

(C) If the converting entity or the converted entity is 2597
organized or formed under the laws of a state other than this 2598
state or under any chapter of the Revised Code other than this 2599
chapter, all documents required to be filed in connection with the 2600
conversion by the laws of that state or that chapter shall be 2601
filed in the proper office. 2602

(D) Upon the filing of a certificate of conversion and other 2603
filings required by division (C) of this section or at any later 2604
date that the certificate of conversion specifies, the conversion 2605
is effective, subject to the limitation that no conversion will be 2606
effective if there are reasonable grounds to believe that the 2607
conversion would render the converted entity unable to pay its 2608
obligations as they become due in the usual course of its affairs. 2609

(E) The secretary of state shall furnish, upon request and 2610
payment of the fee specified in division (K)(2) of section 111.16 2611
of the Revised Code, the secretary of state's certificate setting 2612
forth all of the following: 2613

(1) The name and form of entity of the converting entity and 2614
the state under the laws of which it existed prior to the 2615
conversion; 2616

(2) The name and the form of entity of the converted entity 2617
and the state under the law of which it will exist; 2618

(3) The date of filing of the certificate of conversion with 2619
the secretary of state and the effective date of the conversion. 2620

(F) The certificate of the secretary of state, or a copy of 2621
the certificate of conversion certified by the secretary of state, 2622
may be filed for record in the office of the county recorder of 2623

any county in this state and, if filed, shall be recorded in the 2624
official records of ~~deeds for~~ that county. For the recording, the 2625
county recorder shall charge and collect the same fee as in the 2626
case of deeds. 2627

Sec. 1729.38. (A)(1) Upon adoption of an agreement of merger 2628
or consolidation under section 1729.35 or 1729.36 of the Revised 2629
Code, a certificate, signed by any authorized officer or 2630
representative of each constituent association or entity, shall be 2631
filed with the secretary of state on a form prescribed by the 2632
secretary of state that sets forth the following: 2633

(a) The name and form of each constituent association or 2634
entity and the state law under which each constituent entity 2635
exists; 2636

(b) A statement that each constituent association or entity 2637
has adopted the agreement of merger or consolidation, the manner 2638
of adoption, and that the agreement was adopted in compliance with 2639
the laws applicable to each constituent association or entity; 2640

(c) The effective date of the merger or consolidation, which 2641
date may be on or after the date of filing of the certificate; 2642

(d) In the case of a merger, a statement that one or more 2643
specified constituent associations or entities will be merged into 2644
a specified surviving association or entity or, in the case of a 2645
consolidation, a statement that the constituent associations or 2646
entities will be consolidated into a new association or entity; 2647

(e) The name and address of the statutory agent upon whom any 2648
process, notice, or demand against any constituent association or 2649
entity, or the surviving or new association or entity, may be 2650
served. 2651

(2) In the case of a merger into an association or domestic 2652
entity, any amendments to the articles of incorporation or the 2653

articles ~~or~~ of organization of the surviving association or entity 2654
shall be filed with the certificate. 2655

(3) In the case of a consolidation to form a new domestic 2656
association or entity, the articles of incorporation or the 2657
articles of organization of the new association or entity shall be 2658
filed with the certificate. 2659

(4) If the surviving or new entity is a foreign entity that 2660
desires to transact business in this state as a foreign entity, 2661
the certificate shall be accompanied by the information required 2662
for qualification of a foreign entity in this state by Chapter 2663
1703. of the Revised Code, in the case of a foreign corporation or 2664
foreign cooperative, or by sections 1705.53 and 1705.54 of the 2665
Revised Code, in the case of a foreign limited liability company. 2666

(B) A copy of the certificate of merger or consolidation, 2667
certified by the secretary of state, may be filed for record in 2668
the office of the county recorder of any county in this state. For 2669
such recording, the county recorder shall charge and collect the 2670
same fee as in the case of deeds. The certified copy of the 2671
certificate of merger or consolidation shall be recorded in the 2672
official records of ~~deeds~~ the county recorder. 2673

(C) For purposes of this section, "domestic entity" means a 2674
corporation other than an association or a limited liability 2675
company organized under the laws of this state. 2676

Sec. 1776.70. (A) Upon the adoption by each constituent 2677
entity of an agreement of merger or consolidation pursuant to 2678
section 1776.68 or 1776.69 of the Revised Code, the resulting 2679
entity shall file a certificate of merger or consolidation with 2680
the secretary of state, unless the only constituent entities that 2681
are domestic entities are partnerships, and in the case of a 2682
consolidation, the resulting entity is a domestic partnership, in 2683
which case the filing of a certificate of merger or consolidation 2684

is optional. Any certificate shall be on a form the secretary of 2685
state prescribes, signed by an authorized representative of each 2686
constituent entity, and set forth only the information this 2687
section requires. 2688

(B)(1) The certificate of merger or consolidation shall set 2689
forth all of the following: 2690

(a) The name and the form of entity of each constituent 2691
entity and the state under the laws of which each constituent 2692
entity exists; 2693

(b) A statement that each constituent entity has complied 2694
with all of the laws under which it exists and that the laws 2695
permit the merger or consolidation; 2696

(c) The name and mailing address of the person or entity that 2697
is to provide, in response to any written request made by a 2698
shareholder, partner, or other equity holder of a constituent 2699
entity, a copy of the agreement of merger or consolidation; 2700

(d) The effective date of the merger or consolidation, which 2701
date shall be on or after the date of the filing of the 2702
certificate; 2703

(e) The signature of the representative or representatives 2704
authorized to sign the certificate on behalf of each constituent 2705
entity and the office held or the capacity in which the 2706
representative is acting; 2707

(f) A statement that the agreement of merger or consolidation 2708
is authorized on behalf of each constituent entity and that each 2709
person who signed the certificate on behalf of each entity is 2710
authorized to do so; 2711

(g) In the case of a merger, a statement that one or more 2712
specified constituent entities will be merged into a specified 2713
surviving entity or, in the case of a consolidation, a statement 2714

that the constituent entities will be consolidated into a new 2715
entity; 2716

(h) The name and form of the surviving entity in the case of 2717
a merger or the name and form of the new entity in the case of a 2718
consolidation; 2719

(i) In the case of a merger, if the surviving entity is a 2720
foreign entity not licensed to transact business in this state, 2721
the name and address of the statutory agent upon whom any process, 2722
notice, or demand may be served; 2723

(j) In the case of a consolidation, the name and address of 2724
the statutory agent upon whom any process, notice, or demand 2725
against any constituent entity or the new entity may be served. 2726

(2) In the case of a consolidation into a new domestic 2727
corporation, limited liability company, or limited partnership, 2728
the articles of incorporation, the articles of organization, or 2729
the certificate of limited partnership of the new domestic entity 2730
shall be filed with the certificate of consolidation. 2731

(3) In the case of a merger into a domestic corporation, 2732
limited liability company, or limited partnership, any amendments 2733
to the articles of incorporation, articles of organization, or 2734
certificate of limited partnership of the surviving domestic 2735
entity shall be filed with the certificate of merger. 2736

(4) If the surviving or new entity is a foreign entity that 2737
desires to transact business in this state as a foreign 2738
corporation, limited liability company, limited partnership, or 2739
limited liability partnership, the certificate of merger or 2740
consolidation shall be accompanied by the information required by 2741
division (B)(7), (8), (9), or (10) of section 1776.69 of the 2742
Revised Code. 2743

(5) If a domestic corporation or a foreign corporation 2744
licensed to transact business in this state is a constituent 2745

entity and the surviving or new entity resulting from the merger 2746
or consolidation is not a domestic corporation or a foreign 2747
corporation that is to be licensed to transact business in this 2748
state, the certificate of merger or consolidation shall be 2749
accompanied by the affidavits, receipts, certificates, or other 2750
evidence required by division (H) of section 1701.86 of the 2751
Revised Code, with respect to each domestic constituent 2752
corporation, and by the affidavits, receipts, certificates, or 2753
other evidence required by division (C) or (D) of section 1703.17 2754
of the Revised Code, with respect to each foreign constituent 2755
corporation licensed to transact business in this state. 2756

(C) If any constituent entity in a merger or consolidation is 2757
organized or formed under the laws of a state other than this 2758
state or under any chapter of the Revised Code other than this 2759
chapter, there also shall be filed in the proper office all 2760
documents that are required to be filed in connection with the 2761
merger or consolidation by the laws of that state or by that 2762
chapter. 2763

(D)(1) Upon the filing of a certificate of merger or 2764
consolidation and other filings as described in division (C) of 2765
this section, or at any later date that the certificate of merger 2766
or consolidation specifies, the merger or consolidation is 2767
effective, subject to the limitation specified in division (B)(6) 2768
of section 1776.68 of the Revised Code. 2769

(2) If domestic partnerships are the only domestic entities 2770
that are constituent entities or the resulting entity in a merger 2771
or consolidation, and the agreement of merger or consolidation 2772
provides for a means of determining when the merger becomes 2773
effective, other than based upon the filing of a certificate of 2774
merger, the merger becomes effective at the time determined in 2775
accordance with the agreement of merger or consolidation. 2776

(E)(1) Upon request and payment of the fee division (K)(2) of 2777

section 111.16 of the Revised Code specifies, the secretary of 2778
state shall furnish a certificate setting forth the name and form 2779
of entity of each constituent entity and the states under the laws 2780
of which each constituent entity existed prior to the merger or 2781
consolidation, the name and the form of entity of the surviving or 2782
new entity and the state under the laws of which the surviving 2783
entity exists or the new entity is to exist, the date of filing of 2784
the certificate of merger or consolidation with the secretary of 2785
state, and the effective date of the merger or consolidation. 2786

(2) The certificate of the secretary of state, or a copy of 2787
the certificate of merger or consolidation certified by the 2788
secretary of state, may be filed for record in the office of the 2789
county recorder of any county in this state and, if filed, shall 2790
be recorded in the official records of ~~deeds for~~ that county. For 2791
that recording, the county recorder shall charge and collect the 2792
same fee as in the case of deeds. 2793

Sec. 1776.74. (A) Upon the adoption of a declaration of 2794
conversion pursuant to section 1776.72 or 1776.73 of the Revised 2795
Code, or at a later time as authorized by the declaration of 2796
conversion, a certificate of conversion that is signed by an 2797
authorized representative of the converting entity shall be filed 2798
by the authorized representative with the secretary of state. The 2799
certificate shall be on a form prescribed by the secretary of 2800
state and shall set forth only the information required by this 2801
section. 2802

(B)(1) The certificate of conversion shall set forth all of 2803
the following: 2804

(a) The name and the form of entity of the converting entity 2805
and the state under the laws of which the converting entity 2806
exists; 2807

(b) A statement that the converting entity has complied with 2808

all of the laws under which it exists and that those laws permit 2809
the conversion; 2810

(c) The name and mailing address of the person or entity that 2811
is to provide a copy of the declaration of conversion in response 2812
to any written request made by a shareholder, partner, or member 2813
of the converting entity; 2814

(d) The effective date of the conversion, which date may be 2815
on or after the date of the filing of the certificate pursuant to 2816
this section; 2817

(e) The signature of the representative or representatives 2818
authorized to sign the certificate on behalf of the converting 2819
entity and the office held or the capacity in which the 2820
representative is acting; 2821

(f) A statement that the declaration of conversion is 2822
authorized on behalf of the converting entity and that each person 2823
who has signed the certificate on behalf of the converting entity 2824
is authorized to do so; 2825

(g) The name and the form of the converted entity and the 2826
state under the laws of which the converted entity will exist; 2827

(h) If the converted entity is a foreign entity that will not 2828
be licensed in this state, the name and address of the statutory 2829
agent upon whom any process, notice, or demand may be served. 2830

(2) In the case of a conversion into a new domestic 2831
corporation, limited liability company, limited partnership, or 2832
other partnership, any organizational document that would be filed 2833
upon the creation of the converted entity shall be filed with the 2834
certificate of conversion. 2835

(3) If the converted entity is a foreign entity that desires 2836
to transact business in this state, the certificate of conversion 2837
shall be accompanied by the information required by division 2838

(B)(7), (8), (9), or (10) of section 1776.69 of the Revised Code. 2839

(4) If a domestic corporation or a foreign corporation 2840
licensed to transact business in this state is the converting 2841
entity, the certificate of conversion shall be accompanied by the 2842
affidavits, receipts, certificates, or other evidence required by 2843
division (H) of section 1701.86 of the Revised Code with respect 2844
to a converting domestic corporation, or by the affidavits, 2845
receipts, certificates, or other evidence required by division (C) 2846
or (D) of section 1703.17 of the Revised Code with respect to a 2847
foreign corporation. 2848

(C) If the converting entity or the converted entity is 2849
organized or formed under the laws of a state other than this 2850
state or under any chapter of the Revised Code other than this 2851
chapter, all documents required to be filed in connection with the 2852
conversion by the laws of that state or that chapter also shall be 2853
filed in the proper office. 2854

(D) Upon the filing of a certificate of conversion and other 2855
filings required by division (C) of this section, or at any later 2856
date that the certificate of conversion specifies, the conversion 2857
is effective, subject to the limitation that no conversion shall 2858
be effected if there are reasonable grounds to believe that the 2859
conversion would render the converted entity unable to pay its 2860
obligations as the obligations become due in the usual course of 2861
the converted entity's affairs. 2862

(E) Upon request and payment of the fee specified in division 2863
(K)(2) of section 111.16 of the Revised Code, the secretary of 2864
state shall furnish a certificate setting forth all of the 2865
following: 2866

(1) The name and form of entity of the converting entity and 2867
the state under the laws of which it existed prior to the 2868
conversion; 2869

(2) The name and the form of entity of the converted entity	2870
and the state under the law of which it will exist;	2871
(3) The date of filing of the certificate of conversion with	2872
the secretary of state and the effective date of the conversion.	2873
(F) The certificate of the secretary of state or a copy of	2874
the certificate of conversion certified by the secretary of state,	2875
may be filed for record in the office of the <u>county</u> recorder of	2876
any county in this state and, if filed, shall be recorded in the	2877
<u>official</u> records of deeds for that county. For the recording, the	2878
county recorder shall charge and collect the same fee as in the	2879
case of deeds.	2880
Sec. 1782.433. (A) Upon the adoption by each constituent	2881
entity of an agreement of merger or consolidation pursuant to	2882
section 1782.431 or 1782.432 of the Revised Code, a certificate of	2883
merger or consolidation shall be filed with the secretary of state	2884
that is signed by an authorized representative of each constituent	2885
entity. The certificate shall be on a form prescribed by the	2886
secretary of state and shall set forth only the information	2887
required by this section.	2888
(B)(1) The certificate of merger or consolidation shall set	2889
forth all of the following:	2890
(a) The name and the form of entity of each constituent	2891
entity and the state under the laws of which each constituent	2892
entity exists;	2893
(b) A statement that each constituent entity has complied	2894
with all of the laws under which it exists and that the laws	2895
permit the merger or consolidation;	2896
(c) The name and mailing address of the person or entity that	2897
is to provide, in response to any written request made by a	2898
shareholder, partner, or other equity holder of a constituent	2899

entity, a copy of the agreement of merger or consolidation;	2900
(d) The effective date of the merger or consolidation, which date may be on or after the date of the filing of the certificate;	2901 2902
(e) The signature of the representative or representatives authorized to sign the certificate on behalf of each constituent entity and the office held or the capacity in which the representative is acting;	2903 2904 2905 2906
(f) A statement that the agreement of merger or consolidation is authorized on behalf of each constituent entity and that the persons who signed the certificate on behalf of each entity are authorized to do so;	2907 2908 2909 2910
(g) In the case of a merger, a statement that one or more specified constituent entities will be merged into a specified surviving entity or, in the case of a consolidation, a statement that the constituent entities will be consolidated into a new entity;	2911 2912 2913 2914 2915
(h) In the case of a merger, if the surviving entity is a foreign entity not licensed to transact business in this state, the name and address of the statutory agent upon whom any process, notice, or demand may be served;	2916 2917 2918 2919
(i) In the case of a consolidation, the name and address of the statutory agent upon whom any process, notice, or demand against any constituent entity or the new entity may be served.	2920 2921 2922
(2) In the case of a consolidation into a new domestic corporation, limited liability company, or limited partnership, the articles of incorporation, the articles of organization, or the certificate of limited partnership of the new domestic entity shall be filed with the certificate of merger or consolidation.	2923 2924 2925 2926 2927
(3) In the case of a merger into a domestic corporation, limited liability company, or limited partnership, any amendments	2928 2929

to the articles of incorporation, articles of organization, or 2930
certificate of limited partnership of the surviving domestic 2931
entity shall be filed with the certificate of merger or 2932
consolidation. 2933

(4) If the surviving or new entity is a foreign entity that 2934
desires to transact business in this state as a foreign 2935
corporation, limited liability company, or limited partnership, 2936
the certificate of merger or consolidation shall be accompanied by 2937
the information required by division (B)(7), (8), or (9) of 2938
section 1782.432 of the Revised Code. 2939

(5) If a foreign or domestic corporation licensed to transact 2940
business in this state is a constituent entity and the surviving 2941
or new entity resulting from the merger or consolidation is not a 2942
foreign or domestic corporation that is to be licensed to transact 2943
business in this state, the certificate of merger or consolidation 2944
shall be accompanied by the affidavits, receipts, certificates, or 2945
other evidence required by division (H) of section 1701.86 of the 2946
Revised Code, with respect to each domestic constituent 2947
corporation, and by the affidavits, receipts, certificates, or 2948
other evidence required by division (C) or (D) of section 1703.17 2949
of the Revised Code, with respect to each foreign constituent 2950
corporation licensed to transact business in this state. 2951

(C) If any constituent entity in a merger or consolidation is 2952
organized or formed under the laws of a state other than this 2953
state or under any chapter of the Revised Code other than this 2954
chapter, there also shall be filed in the proper office all 2955
documents that are required to be filed in connection with the 2956
merger or consolidation by the laws of that state or by that 2957
chapter. 2958

(D) Upon the filing of a certificate of merger or 2959
consolidation and other filings as described in division (C) of 2960
this section or at any later date that the certificate of merger 2961

or consolidation specifies, the merger or consolidation is 2962
effective. 2963

(E) The secretary of state shall furnish, upon request and 2964
payment of the fee specified in division (K)(2) of section 111.16 2965
of the Revised Code, the secretary of state's certificate setting 2966
forth: the name and form of entity of each constituent entity and 2967
the states under the laws of which each constituent entity existed 2968
prior to the merger or consolidation; the name and the form of 2969
entity of the surviving or new entity and the state under the laws 2970
of which the surviving entity exists or the new entity is to 2971
exist; the date of filing of the certificate of merger or 2972
consolidation with the secretary of state; and the effective date 2973
of the merger or consolidation. The certificate of the secretary 2974
of state, or a copy of the certificate of merger or consolidation 2975
certified by the secretary of state, may be filed for record in 2976
the office of the county recorder of any county in this state and, 2977
if filed, shall be recorded in the official records of ~~deeds for~~ 2978
that county. For that recording, the county recorder shall charge 2979
and collect the same fee as in the case of deeds. 2980

Sec. 1782.4310. (A) Upon the adoption of a declaration of 2981
conversion pursuant to section 1782.438 or 1782.439 of the Revised 2982
Code, or at a later time as authorized by the declaration of 2983
conversion, a certificate of conversion that is signed by an 2984
authorized representative of the converting entity shall be filed 2985
with the secretary of state. The certificate shall be on a form 2986
prescribed by the secretary of state and shall set forth only the 2987
information required by this section. 2988

(B)(1) The certificate of conversion shall set forth all of 2989
the following: 2990

(a) The name and the form of entity of the converting entity 2991
and the state under the laws of which the converting entity 2992

exists;	2993
(b) A statement that the converting entity has complied with all of the laws under which it exists and that those laws permit the conversion;	2994 2995 2996
(c) The name and mailing address of the person or entity that is to provide a copy of the declaration of conversion in response to any written request made by a shareholder, partner, or member of the converting entity;	2997 2998 2999 3000
(d) The effective date of the conversion, which date may be on or after the date of the filing of the certificate pursuant to this section;	3001 3002 3003
(e) The signature of the representative or representatives authorized to sign the certificate on behalf of the converting entity and the office held or the capacity in which the representative is acting;	3004 3005 3006 3007
(f) A statement that the declaration of conversion is authorized on behalf of the converting entity and that each person that signed the certificate on behalf of the converting entity is authorized to do so;	3008 3009 3010 3011
(g) The name and the form of the converted entity and the state under the laws of which the converted entity will exist;	3012 3013
(h) If the converted entity is a foreign entity that will not be licensed in this state, the name and address of the statutory agent upon whom any process, notice, or demand may be served.	3014 3015 3016
(2) In the case of a conversion into a new domestic corporation, limited liability company, or partnership, any organizational document that would be filed upon the creation of the converted entity shall be filed with the certificate of conversion.	3017 3018 3019 3020 3021
(3) If the converted entity is a foreign entity that desires	3022

to transact business in this state, the certificate of conversion 3023
shall be accompanied by the information required by division 3024
(B)(7), (8), or (9) of section 1782.432 of the Revised Code. 3025

(4) If a foreign or domestic corporation licensed to transact 3026
business in this state is the converting entity, the certificate 3027
of conversion shall be accompanied by the affidavits, receipts, 3028
certificates, or other evidence required by division (H) of 3029
section 1701.86 of the Revised Code with respect to a converting 3030
domestic corporation, or by the affidavits, receipts, 3031
certificates, or other evidence required by division (C) or (D) of 3032
section 1703.17 of the Revised Code with respect to a foreign 3033
corporation. 3034

(C) If the converting entity or the converted entity is 3035
organized or formed under the laws of a state other than this 3036
state or under any chapter of the Revised Code other than this 3037
chapter, all documents required to be filed in connection with the 3038
conversion by the laws of that state or that chapter shall be 3039
filed in the proper office. 3040

(D) Upon the filing of a certificate of conversion and other 3041
filings required by division (C) of this section, or at any later 3042
date that the certificate of conversion specifies, the conversion 3043
is effective, subject to the limitation that no conversion shall 3044
be effected if there are reasonable grounds to believe that the 3045
conversion would render the converted entity unable to pay its 3046
obligations as they become due in the usual course of its affairs. 3047

(E) The secretary of state shall furnish, upon request and 3048
payment of the fee specified in division (K)(2) of section 111.16 3049
of the Revised Code, the secretary of state's certificate setting 3050
forth all of the following: 3051

(1) The name and form of entity of the converting entity and 3052
the state under the laws of which it existed prior to the 3053

conversion; 3054

(2) The name and the form of entity of the converted entity 3055
and the state under the law of which it will exist; 3056

(3) The date of filing of the certificate of conversion with 3057
the secretary of state and the effective date of the conversion. 3058

(F) The certificate of the secretary of state, or a copy of 3059
the certificate of conversion certified by the secretary of state, 3060
may be filed for record in the office of the county recorder of 3061
any county in this state and, if filed, shall be recorded in the 3062
official records of ~~deeds for~~ that county. For the recording, the 3063
county recorder shall charge and collect the same fee as in the 3064
case of deeds. 3065

Sec. 2113.62. Upon receipt of the certificate provided for in 3066
section 2113.61 of the Revised Code, the county recorder shall 3067
record it in the ~~books provided for the recording of deeds~~ 3068
official records and index ~~those records~~ the certificate in the 3069
name of the decedent as grantor and the person to whom the real 3070
property passes as grantee in the ~~index~~ indexes provided for ~~the~~ 3071
~~record of deeds~~ in section 317.18 of the Revised Code. 3072

Sec. 2505.13. If a supersedeas bond has been executed and 3073
filed and the surety is one other than a surety company, the clerk 3074
of the court with which the bond has been filed, upon request, 3075
shall issue a certificate that sets forth the fact that the bond 3076
has been filed and that states the style and number of the appeal, 3077
the amount of the bond, and the sureties on it. Such a certificate 3078
may be filed in the office of the county recorder of any county in 3079
which the sureties may own land, and, when filed, the bond shall 3080
be a lien upon the land of the sureties in such county. The lien 3081
shall be extinguished upon the satisfaction, reversal, or vacation 3082
of the final order, judgment, or decree involved, or by an order 3083

of the court that entered the final order, judgment, or decree, 3084
that releases the lien or releases certain land from the operation 3085
of the lien. 3086

The clerk, ~~upon request,~~ shall issue a notice of discharge of 3087
such a lien, which ~~may~~ shall be filed in the office of any county 3088
recorder in whose office the certificate of lien was filed. Such 3089
notice shall state that the final order, judgment, or decree 3090
involved is satisfied, reversed, or vacated, or that an order has 3091
been entered that releases the lien or certain land from the 3092
operation of the lien. ~~Such~~ The county recorder shall properly 3093
~~keep and file such record~~ the certificates and notices as are 3094
~~filed with the recorder~~ in the official records provided for in 3095
section 317.08 of the Revised Code and shall index them in the 3096
~~book or record indexes~~ provided for in section 2937.27 317.18 of 3097
the Revised Code. 3098

The fee for issuing such a certificate or notice shall be as 3099
provided by law, and shall be taxed as part of the costs of the 3100
appeal. A county recorder shall receive a base fee of fifty cents 3101
for filing and indexing such a certificate, ~~which fee shall cover~~ 3102
~~the filing and the entering on the index of the notice~~ and a 3103
housing trust fund fee of fifty cents pursuant to section 317.36 3104
of the Revised Code. 3105

Sec. 2937.27. The county recorder of the county in which the 3106
property of a surety on a recognizance is located, shall keep and 3107
file in the official records all notices of lien and notices of 3108
discharge ~~which~~ that are filed with ~~him~~ the county recorder 3109
pursuant to section 2937.26 of the Revised Code, ~~and shall keep in~~ 3110
~~addition thereto, a book or record in which he shall index notice~~ 3111
~~of liens and notice of discharges, as they are filed with him.~~ 3112
When a lien has been released or discharged for a period of one 3113
year, the county recorder may destroy all notices of such lien. 3114

The county recorder may use any nonpaper electronic or magnetic medium specified in section 9.01 of the Revised Code to record the notices of lien and the notices of discharge. If the county recorder wishes to dispose of paper versions of the notices because they are no longer needed in that format, the county recorder shall request the county records commission to revise the county's schedule of records retention and disposal in accordance with section 149.38 of the Revised Code to provide for the disposal of those paper records.

Sec. 3929.18. Any building insured by a mutual company must be pledged to such company, together with the right and title of the insured in the land upon which it is situated, to the amount of the premium note or contingent liability, and the company shall have a lien on such building and land to the amount of such note or liability. Such lien shall not take effect until the company files, with the county recorder of the county in which the property insured is located, a certificate stating the date, number, and amount of the premium note or contingent liability, and such a description of the property insured as will enable a person readily to identify it. The lien is valid for a period of five years from the date of filing, unless sooner released or satisfied in the same manner provided by law for the release and satisfaction of mortgages on real property or discharged by the final judgment or order of a court of competent jurisdiction.

A lien may be extended by the filing of an extension certificate that references the original certificate and any previous extension certificates prior to the expiration date of the original certificate or then current extension certificate, in which case the lien is valid for a period of five years from the date of the filing of the extension certificate unless sooner released or satisfied in the manner provided in this section. Any lien filed under this section prior to ~~the effective date of this~~

~~amendment~~ July 14, 2004, shall be valid for a period of five years 3147
after ~~the effective date of this amendment~~ July 14, 2004, unless 3148
sooner released or satisfied in the manner provided in this 3149
section, and may be extended by the filing of an extension 3150
certificate prior to the expiration of the five-year period. 3151

The county recorder ~~must~~ shall record ~~and index~~ such 3152
certificates in the recorder's ~~book of liens, for which the~~ 3153
official records and shall index such certificates as provided in 3154
section 317.18 of the Revised Code. The county recorder shall 3155
receive a fee as provided in section 317.32 of the Revised Code. 3156

Sec. 4123.76. When an application for compensation or 3157
benefits or an application for further compensation or benefits is 3158
filed with the industrial commission or the bureau of workers' 3159
compensation under section 4123.75 of the Revised Code against an 3160
employer who has not complied with section 4123.35 of the Revised 3161
Code, the bureau shall make and file for record in the office of 3162
the county recorder in the counties where the employer's property 3163
is located, an affidavit showing the date on which the application 3164
was filed with the commission or the bureau, the name and address 3165
of the employer against whom it was filed, and the fact that the 3166
employer had not complied with section 4123.35 of the Revised 3167
Code. The county recorder shall accept and file the affidavit and 3168
record and index the ~~same affidavit as a mortgage on real estate~~ 3169
~~and shall file the same as a chattel mortgage and the recorder~~ 3170
~~shall index the same as a mortgage on real estate and as a chattel~~ 3171
~~mortgage~~ in the official record. A copy of the application or 3172
other bureau record documenting the claim shall be filed with the 3173
affidavit. A copy of the affidavit shall be served upon the 3174
employer by the bureau. The affidavit constitutes a valid lien 3175
from the time of filing, in favor of the bureau, upon the real 3176
property and ~~tangible~~ personal property of the employer located 3177
within the county. The administrator of workers' compensation 3178

shall have the lien canceled of record after the employer has paid 3179
to the claimant or to the bureau the amount of the compensation or 3180
benefits which has been ordered paid to the claimant, or when the 3181
application has finally been denied after the claimant has 3182
exhausted the remedies provided by law in such cases, or when the 3183
employer has filed a bond in the amount and with surety as the 3184
administrator approves conditioned on the payment of all sums 3185
ordered paid to the claimant. The recorder shall make no charge 3186
for the services provided by this section to be performed by the 3187
recorder. 3188

Sec. 4123.78. If any employer fails to comply with section 3189
4123.35 of the Revised Code in accordance with the rules of the 3190
administrator of workers' compensation, the administrator shall 3191
file with the county recorder of any counties in which the 3192
employer's property is located, its certificate of the amount of 3193
premium due from the employer, and that amount shall be a lien 3194
from the date of filing against the real property and personal 3195
property of the employer within the county in which the 3196
certificate is filed. The county recorder shall ~~accept and file~~ 3197
~~the certificate and~~ record and index the same certificate as a 3198
~~mortgage on real estate and shall file the same as a chattel~~ 3199
~~mortgage and he shall index the same as mortgage on real estate~~ 3200
~~and as a chattel mortgage in the official record.~~ The county 3201
recorder shall make no charge for the services provided by this 3202
section to be performed by ~~him~~ the county recorder. 3203

Sec. 4141.23. (A) Contributions shall accrue and become 3204
payable by each employer for each calendar year or other period as 3205
prescribed by this chapter. Such contributions become due and 3206
shall be paid by each employer to the director of job and family 3207
services for the unemployment compensation fund in accordance with 3208
such regulations as the director prescribes, and shall not be 3209

deducted, in whole or in part, from the remuneration of 3210
individuals in the employer's employ. 3211

In the payment of any contributions, a fractional part of a 3212
dollar may be disregarded unless it amounts to fifty cents or 3213
more, in which case it may be increased to the next higher dollar. 3214

(B)(1) Any contribution or payment in lieu of contribution, 3215
due from an employer on or before December 31, 1992, shall, if not 3216
paid when due, bear interest at the rate of ten per cent per 3217
annum. In such computation any fraction of a month shall be 3218
considered as a full month. 3219

(2) Any contribution, payment in lieu of contribution, 3220
interest, forfeiture, or fine due from an employer on or after 3221
January 1, 1993, shall, if not paid when due, bear interest at the 3222
annual rate of fourteen per cent compounded monthly on the 3223
aggregate receivable balance due. In such computation any fraction 3224
of a month shall be considered as a full month. 3225

(C) The director may waive the interest assessed under 3226
division (B)(2) of this section if the employer meets all of the 3227
following conditions within thirty days after the date the 3228
director mails or delivers the notice of assessment of interest: 3229

(1) Provides to the director a written request for a waiver 3230
of interest clearly demonstrating that the employer's failure to 3231
timely pay contributions, payments in lieu of contributions, 3232
interest, forfeiture, and fines was a result of circumstances 3233
beyond the control of the employer or the employer's agent, except 3234
that negligence on the part of the employer or the employer's 3235
agent shall not be considered beyond the control of the employer 3236
or the employer's agent; 3237

(2) Furnishes to the director all quarterly reports required 3238
under section 4141.20 of the Revised Code; 3239

(3) Pays in full all contributions, payments in lieu of 3240

contributions, interest, forfeiture, and fines for each quarter 3241
for which such payments are due. 3242

The director shall deny an employer's request for a waiver of 3243
interest after finding that the employer's failure to timely 3244
furnish reports or make payments as required under this chapter 3245
was due to an attempt to evade payment. 3246

(D) Any contribution, interest, forfeiture, or fine required 3247
to be paid under this chapter by any employer shall, if not paid 3248
when due, become a lien upon the real and personal property of 3249
such employer. Upon failure of such employer to pay the 3250
contributions, interest, forfeiture, or fine required to be paid 3251
under this chapter, the director shall file notice of such lien, 3252
for which there shall be no charge, in the office of the county 3253
recorder of the county in which it is ascertained that such 3254
employer owns real estate or personal property. The director shall 3255
notify the employer by mail of the lien. The absence of proof that 3256
the notice was sent does not affect the validity of the lien. Such 3257
lien shall not be valid as against the claim of any mortgagee, 3258
pledgee, purchaser, judgment creditor, or other lienholder of 3259
record at the time such notice is filed. 3260

If the employer acquires real or personal property after 3261
notice of lien is filed, such lien shall not be valid as against 3262
the claim of any mortgagee, pledgee, subsequent bona fide 3263
purchaser for value, judgment creditor, or other lienholder of 3264
record to such after-acquired property, unless the notice of lien 3265
is refiled after such property was acquired by the employer and 3266
before the competing lien attached to such after-acquired property 3267
or before the conveyance to such subsequent bona fide purchaser 3268
for value. 3269

Such a notice shall be recorded in a ~~book kept by the~~ 3270
~~recorder called the "unemployment compensation lien record" and~~ 3271
~~indexed therein in an alphabetical index~~ the county recorder's 3272

official records and indexed in the direct and reverse indexes 3273
under the name of ~~such~~ the employer. When such unpaid 3274
contributions, interest, forfeiture, or fines have been paid, the 3275
employer may record with the county recorder of the county in 3276
which such notice of lien has been filed and recorded, notice of 3277
such payment, and the notice of payment shall be recorded in the 3278
county recorder's official records and indexed in the direct and 3279
reverse indexes. For recording the notice of payment, the county 3280
recorder shall charge and receive from the employer a base fee of 3281
two dollars for services and a housing trust fund fee of two 3282
dollars pursuant to section 317.36 of the Revised Code. 3283

(E) Notwithstanding other provisions in this section, the 3284
director may reduce, in whole or in part, the amount of interest, 3285
forfeiture, or fines required to be paid under this chapter if the 3286
director determines that the reduction is in the best interest of 3287
the unemployment compensation fund. 3288

(F) Assessment of contributions shall not be made after four 3289
years from the date on which such contributions became payable, 3290
and no action in court for the collection of contributions without 3291
assessment of such contributions shall be begun after the 3292
expiration of five years from the date such contributions became 3293
payable. In case of a false or fraudulent report or of a willful 3294
attempt in any manner to evade contributions, such contributions 3295
may be assessed or a proceeding in court for the collection of 3296
such contributions may be begun without assessment at any time. 3297
When the assessment of contributions has been made within such 3298
four-year period provided, action in court to collect such 3299
contributions may be begun within, but not later than, six years 3300
after such assessment. 3301

(G) In the event of a distribution of an employer's assets, 3302
pursuant to an order of any court under the law of this state, 3303
including any receivership, assignment for benefit of creditors, 3304

adjudicated insolvency, or similar proceedings, contributions, 3305
interest, forfeiture, or fine then or thereafter due have the same 3306
priority as provided by law for the payment of taxes due the state 3307
and shall be paid out of the trust fund in the same manner as 3308
provided for other claims for unpaid taxes due the state. 3309

(H) If the attorney general finds after investigation that 3310
any claim for delinquent contributions, interest, forfeitures, or 3311
fines owing to the director is uncollectible, in whole or in part, 3312
the attorney general shall recommend to the director the 3313
cancellation of such claim or any part thereof. The director may 3314
thereupon effect such cancellation. 3315

Sec. 4961.39. When the grant of a right of way or easement is 3316
not in the form of a lawfully executed deed or lease, the county 3317
recorder of the county where the land is situated, upon the 3318
request of the company owning the right of way or easement, shall 3319
record such grant in the ~~record book of leases,~~ official records 3320
and index it. Such record, or a copy thereof certified by the 3321
county recorder, shall be received in evidence in all courts and 3322
places in the same manner and to the same effect as the original. 3323
The correctness of such record or copy may be impeached by any 3324
interested party by competent proof. The county recorder is 3325
entitled to the usual fee for recording such grants and certifying 3326
copies thereof. 3327

Sec. 5301.01. (A) A deed, mortgage, land contract as referred 3328
to in division (A) ~~(2)(b)~~ (21) of section 317.08 of the Revised 3329
Code, or lease of any interest in real property and a memorandum 3330
of trust as described in division (A) of section 5301.255 of the 3331
Revised Code shall be signed by the grantor, mortgagor, vendor, or 3332
lessor in the case of a deed, mortgage, land contract, or lease or 3333
shall be signed by the trustee in the case of a memorandum of 3334
trust. The signing shall be acknowledged by the grantor, 3335

mortgagor, vendor, or lessor, or by the trustee, before a judge or 3336
clerk of a court of record in this state, or a county auditor, 3337
county engineer, notary public, or mayor, who shall certify the 3338
acknowledgement and subscribe the official's name to the 3339
certificate of the acknowledgement. 3340

(B)(1) If a deed, mortgage, land contract as referred to in 3341
division (A)~~(2)(b)~~(21) of section 317.08 of the Revised Code, 3342
lease of any interest in real property, or a memorandum of trust 3343
as described in division (A) of section 5301.255 of the Revised 3344
Code was executed prior to February 1, 2002, and was not 3345
acknowledged in the presence of, or was not attested by, two 3346
witnesses as required by this section prior to that date, both of 3347
the following apply: 3348

(a) The instrument is deemed properly executed and is 3349
presumed to be valid unless the signature of the grantor, 3350
mortgagor, vendor, or lessor in the case of a deed, mortgage, land 3351
contract, or lease or of the settlor and trustee in the case of a 3352
memorandum of trust was obtained by fraud. 3353

(b) The recording of the instrument in the office of the 3354
county recorder of the county in which the subject property is 3355
situated is constructive notice of the instrument to all persons, 3356
including without limitation, a subsequent purchaser in good faith 3357
or any other subsequent holder of an interest in the property, 3358
regardless of whether the instrument was recorded prior to, on, or 3359
after February 1, 2002. 3360

(2) Division (B)(1) of this section does not affect any 3361
accrued substantive rights or vested rights that came into 3362
existence prior to February 1, 2002. 3363

Sec. 5301.14. When a title deed, recorded by the auditor of 3364
state as required by section 5301.13 of the Revised Code, or 3365
recorded in the office of the secretary of state, the record of 3366

which is required to be kept in the office of the auditor of 3367
state, has been lost or destroyed by accident, without having been 3368
recorded in the county recorder's office, on demand and tender of 3369
the fees therefor, the auditor of state ~~must~~ shall furnish to any 3370
person a copy of such deed certified under ~~his~~ the auditor of 3371
state's official seal, which copy shall be received everywhere in 3372
this state as prima-facie evidence of the existence of the deed, 3373
and in all respects shall have the effect of certified copies from 3374
the official records of ~~deeds recorded in~~ the county where such 3375
lands are situated. 3376

Sec. 5301.21. When the owners of adjoining tracts of land, or 3377
of lots in a municipal corporation, agree upon the site of a 3378
corner or line common to such tracts or lots, in a written 3379
instrument containing a pertinent description thereof, either with 3380
or without a plat, executed, acknowledged, and recorded as are 3381
deeds, such corner or line thenceforth shall be established as 3382
between the parties to such agreement, and all persons 3383
subsequently deriving title from them. 3384

Such agreement ~~must~~ shall be recorded by the county recorder, 3385
in the ~~book in his office in which surveys are recorded~~ official 3386
records. The original agreement, after being so recorded, or a 3387
certified copy thereof from the record, is competent evidence in 3388
any court in this state against a party thereto, or person in 3389
privity with ~~him~~ a party. 3390

When a tract of land is owned by the state, the officer or 3391
board having administrative control thereof, with the approval of 3392
the attorney general, may execute said written instrument and 3393
following recording in the county where the land is situated, said 3394
instrument shall be filed with the auditor of state with the 3395
evidence of title to the land affected. 3396

Sec. 5301.25. (A) All deeds, land contracts referred to in 3397
division (A)~~(2)(b)~~(21) of section 317.08 of the Revised Code, and 3398
instruments of writing properly executed for the conveyance or 3399
encumbrance of lands, tenements, or hereditaments, other than as 3400
provided in division (C) of this section and section 5301.23 of 3401
the Revised Code, shall be recorded in the office of the county 3402
recorder of the county in which the premises are situated. Until 3403
so recorded or filed for record, they are fraudulent insofar as 3404
they relate to a subsequent bona fide purchaser having, at the 3405
time of purchase, no knowledge of the existence of that former 3406
deed, land contract, or instrument. 3407

(B) Whenever a survey is made of lands that are being 3408
conveyed, the county auditor shall require that the name of the 3409
person who made the survey appear in the deed. The name shall 3410
either be printed, typewritten, stamped, or signed in a legible 3411
manner. An instrument is in compliance with this division if it 3412
contains a statement in the following form: 3413

"A survey of this property was made by"
(Name) 3414

This division does not apply to any court decree, order, 3415
judgment, or writ, to any instrument executed or acknowledged 3416
outside of this state, or to any instrument executed within this 3417
state prior to September 20, 1965. 3418

(C) All tax certificates sold pursuant to section 5721.32 or 3419
5721.33 of the Revised Code, or memoranda thereof, may be recorded 3420
in the office of the county recorder of the county in which the 3421
premises are situated, as provided in division (B) of section 3422
5721.35 of the Revised Code; provided, however, that the first and 3423
superior lien of the state and its taxing districts conveyed to 3424
the holder of the tax certificate, as provided in division (A) of 3425
section 5721.35 of the Revised Code, shall in no way be diminished 3426

or adversely affected if the tax certificate evidencing the 3427
conveyance of such first and superior lien, or memorandum thereof, 3428
is not recorded as provided in this section. 3429

Sec. 5301.255. (A) A memorandum of trust that satisfies both 3430
of the following may be presented for recordation in the office of 3431
the county recorder of any county in which real property that is 3432
subject to the trust is located: 3433

(1) The memorandum shall be executed by the trustee of the 3434
trust and acknowledged by the trustee of the trust in accordance 3435
with section 5301.01 of the Revised Code. 3436

(2) The memorandum shall state all of the following: 3437

(a) The name and address of the trustee of the trust; 3438

(b) The date of execution of the trust; 3439

(c) The powers specified in the trust relative to the 3440
acquisition, sale, or encumbering of real property by the trustee 3441
or the conveyance of real property by the trustee, and any 3442
restrictions upon those powers. 3443

(B) A memorandum of trust that satisfies divisions (A)(1) and 3444
(2) of this section also may set forth the substance or actual 3445
text of provisions of the trust that are not described in those 3446
divisions. 3447

(C) A memorandum of trust that satisfies divisions (A)(1) and 3448
(2) of this section shall constitute notice only of the 3449
information contained in it. 3450

(D) Upon the presentation for recordation of a memorandum of 3451
trust that satisfies divisions (A)(1) and (2) of this section and 3452
the payment of the requisite fee prescribed in section 317.32 of 3453
the Revised Code, a county recorder shall record the memorandum of 3454
trust ~~as follows:~~ 3455

~~(1) Unless division (D)(2) of this section applies, in the~~ 3456
~~record of deeds official records described in division (A)(1)(18)~~ 3457
of section 317.08 of the Revised Code, if the memorandum of trust 3458
describes specific real property, or in the ~~record of powers of~~ 3459
~~attorney official records described in division (A)(3)(24) of that~~ 3460
section, if the memorandum of trust does not describe specific 3461
real property. 3462

~~(2) If the county recorder records instruments in accordance~~ 3463
~~with division (C) of section 317.08 of the Revised Code, in the~~ 3464
~~official records described in that division.~~ 3465

Sec. 5301.28. When the mortgagee of property within this 3466
state, or the party to whom the mortgage has been assigned, either 3467
by a separate instrument, or in writing on that mortgage, or on 3468
the margin of the record of the mortgage, which assignment, if in 3469
writing on the mortgage or on the margin of the record of the 3470
mortgage, need not be acknowledged, receives payment of any part 3471
of the money due the holder of the mortgage, and secured by the 3472
mortgage, and enters satisfaction or a receipt for the payment, 3473
either on the mortgage or its record, that satisfaction or 3474
receipt, when entered on the record, or copied on the record from 3475
the original mortgage by the county recorder, will release the 3476
mortgage to the extent of the receipt. In all cases when a 3477
mortgage has been assigned in writing on that mortgage, the 3478
recorder shall copy the assignment from the original mortgage upon 3479
the margin of the record of the mortgage before the satisfaction 3480
or receipt is entered upon the record of the mortgage. 3481

In a county in which the county recorder has determined to 3482
use the microfilm process as provided by section 9.01 of the 3483
Revised Code, the county recorder may require that all 3484
satisfactions of mortgages be made by separate instrument. The 3485
original instrument bearing the proper endorsement may be used as 3486

such a separate instrument. That separate instrument shall be 3487
recorded in the ~~book provided by section 5301.34 of the Revised~~ 3488
~~Code for the satisfactions of mortgages~~ county recorder's official 3489
records. The county recorder shall charge the fee for the 3490
recording as provided by section 317.32 of the Revised Code for 3491
recording mortgages. 3492

Sec. 5301.32. A mortgage may be assigned or partially 3493
released by a separate instrument of assignment or partial 3494
release, acknowledged as provided by section 5301.01 of the 3495
Revised Code. The separate instrument of assignment or partial 3496
release shall be recorded in the ~~book provided by section 5301.34~~ 3497
~~of the Revised Code for the recording of satisfactions of~~ 3498
~~mortgages~~ county recorder's official records. The county recorder 3499
shall be entitled to charge the fee for that recording as provided 3500
by section 317.32 of the Revised Code for recording deeds. The 3501
signature of a person on the assignment or partial release may be 3502
a facsimile of that person's signature. A facsimile of a signature 3503
on an assignment or partial release is equivalent to and 3504
constitutes the written signature of the person for all 3505
requirements regarding mortgage assignments or partial releases. 3506

In a county in which the county recorder has determined to 3507
use the microfilm process as provided by section 9.01 of the 3508
Revised Code, the county recorder may require that all assignments 3509
and partial releases of mortgages be by separate instruments. The 3510
original instrument bearing the proper endorsement may be used as 3511
the separate instrument. 3512

An assignment of a mortgage shall contain the then current 3513
mailing address of the assignee. 3514

Sec. 5301.33. Except in counties where deeds or other 3515
separate instruments are required as provided in this section, a 3516

lease, whether or not renewable forever, that is recorded in any 3517
county recorder's office, may be canceled or partially released by 3518
the lessor and lessee, or assigned by either of them, by writing 3519
the cancellation, partial release, or assignment on the original 3520
lease, or upon the margin of the record of the original lease, and 3521
by signing it. That cancellation, partial release, or assignment 3522
need not be acknowledged, but if written on the margin of the 3523
record, the signing shall be attested to by the county recorder. 3524
The assignment by the lessee, whether it is upon the lease, or 3525
upon the margin of the record of the lease, or by separate 3526
instrument, shall transfer all interest held by the lessee under 3527
the lease in the premises described in the lease, unless otherwise 3528
stated in the lease or in the assignment. For copying the 3529
cancellation, partial release, or assignment upon the margin of 3530
the record, if written upon the original instrument, or for 3531
attesting it, if written upon the margin of the record, the county 3532
recorder shall charge the fee provided by section 317.32 of the 3533
Revised Code for recording the assignment and satisfaction of 3534
mortgages. 3535

A lease, whether or not renewable forever, that is recorded 3536
in any county recorder's office, also may be canceled, partially 3537
released, or assigned by deed or by other separate instrument 3538
acknowledged as provided in section 5301.01 of the Revised Code. 3539
Unless in the form of a deed, a separate instrument of 3540
cancellation, partial release, or assignment shall be recorded in 3541
the ~~record of leases~~ official records provided for by section 3542
317.08 of the Revised Code. The county recorder shall charge the 3543
fee for that recording as provided in section 317.32 of the 3544
Revised Code for recording deeds. 3545

If a lease has been canceled, partially released, or assigned 3546
by deed or by other separate instrument and that deed or other 3547
separate instrument recites the county recorder's file number of 3548

the original lease or the volume and page of the record in which 3549
the original lease is recorded, the county recorder shall note on 3550
the margin of the record of the original lease the county 3551
recorder's file number of the deed or other separate instrument or 3552
the volume and page of the record in which the same is recorded. 3553

"Lessor" and "lessee" as used in this section include an 3554
assignee of the interest of either. "Lease" as used in this 3555
section includes a memorandum of lease provided for by section 3556
5301.251 of the Revised Code. This section does not permit the 3557
assignment of any lease if the assignment is prohibited by the 3558
terms of the lease. 3559

In a county in which the county recorder has determined to 3560
use the microfilm process as provided by section 9.01 of the 3561
Revised Code, the county recorder may require that all 3562
cancellations, partial releases, and assignments of leases be by 3563
deed or other separate instrument. The original instrument bearing 3564
the proper endorsement may be used as such separate instrument. 3565

Sec. 5301.331. Except in counties where deeds or other 3566
instruments are required as provided in this section, a land 3567
contract that is recorded in the office of the county recorder may 3568
be cancelled, partially released by the vendor and vendee, or 3569
assigned by either of them by writing the cancellation, partial 3570
release, or assignment on the original land contract or upon the 3571
margin of the record of the original land contract, and by signing 3572
it. That cancellation, partial release, or assignment need not be 3573
acknowledged, but if written on the margin of the record, the 3574
signing shall be attested to by the county recorder. The 3575
assignment by the vendee, whether it is on the land contract or 3576
upon the margin of the record of that contract, or by separate 3577
instrument, shall transfer the right held by the vendee under the 3578
land contract in the premises described in the contract unless 3579

otherwise stated in the land contract or in the assignment. For 3580
copying the cancellation, partial release, or assignment upon the 3581
margin of the record, or for attesting it, if written upon the 3582
margin of the record, the county recorder shall charge the fee 3583
provided by section 317.32 of the Revised Code for recording the 3584
assignment and satisfaction of mortgages. 3585

A land contract that is recorded in the office of the county 3586
recorder may also be cancelled, partially released, or assigned by 3587
deed or by other separate instrument, acknowledged as provided in 3588
section 5301.01 of the Revised Code. Unless in the form of a deed, 3589
a separate instrument of cancellation, partial release, or 3590
assignment shall be recorded in the ~~book provided by section~~ 3591
~~5301.34 of the Revised Code for recording satisfactions of~~ 3592
~~mortgages~~ county recorder's official records. The county recorder 3593
shall charge the fee for that record as provided for in section 3594
317.32 of the Revised Code for record fees. 3595

If a land contract has been cancelled, partially released, or 3596
assigned by deed or other separate instrument, and that deed or 3597
other separate instrument recites the county recorder's file 3598
number of the original land contract or the volume and page of the 3599
record in which the original land contract is recorded, the county 3600
recorder shall note on the margin of the original land contract 3601
the county recorder's file number of the deed or other separate 3602
instrument or the volume and page of the record in which the same 3603
is recorded. 3604

"Vendor" and "vendee" as used in this section include an 3605
assignee of the interest of either. This section does not permit 3606
the assignment of any land contract if the assignment is 3607
prohibited by the terms of the land contract. 3608

In a county where the county recorder has determined to use 3609
the microfilm process as provided by section 9.01 of the Revised 3610
Code, the county recorder may require that all cancellations, 3611

partial releases, and assignments of land contracts be by deed or 3612
other separate instrument. The original instrument bearing the 3613
proper endorsement may be used as such separate instrument. 3614

Sec. 5301.332. (A)(1) Whenever leases of natural gas and oil 3615
lands recorded under section 5301.09 of the Revised Code 3616
concerning lands upon which there are no producing or drilling oil 3617
or gas wells become forfeited for failure of the lessee, ~~his~~ or 3618
the lessee's successors or assigns, to abide by specifically 3619
described covenants provided for in the lease, or because the term 3620
of the lease has expired, the lessor, ~~his~~ or the lessor's 3621
successors or assigns, may file for record an affidavit of 3622
forfeiture with the county recorder after serving notice by 3623
certified mail, return receipt requested, to the lessee, ~~his~~ or 3624
the lessee's successors or assigns, at ~~his~~ the lessee's or the 3625
lessee's successors' or assigns' last known address, or if service 3626
is not obtained by certified mail, by giving notice by publication 3627
at least once in a newspaper of general circulation in the county 3628
in which the land is located of the lessor's intent to declare the 3629
lease forfeited. 3630

(2) The notice or publication shall be addressed to the 3631
lessee, ~~his~~ or the lessee's successors or assigns, and shall 3632
contain the name of the lessee; a general description of the land; 3633
the number of acres; the date of the lease; the volume and page of 3634
the lease record where the lease is recorded; the cause of the 3635
forfeiture; and shall state the intention of the lessor to file 3636
for record an affidavit of forfeiture with the county recorder if 3637
the lessee does not have the lease released of record within 3638
thirty days from the date of receipt of the notice or of 3639
publication. 3640

(B) After thirty days and not more than sixty days from the 3641
date of proof of mailing or publication of the notice, the lessor, 3642

~~his~~ or the lessor's successors or assigns, may file with the 3643
county recorder an affidavit of forfeiture setting forth that he 3644
such person is the lessor of an oil or gas lease; the file number 3645
or volume and page of the lease record where the oil or gas lease 3646
is recorded; that the lessee, ~~his~~ or the lessee's successors or 3647
assigns, ~~has~~ have failed and neglected to comply with specifically 3648
described covenants provided for in the lease, reciting the facts 3649
constituting such failure, or that the term of the lease has 3650
expired; that there are no producing or drilling oil or gas wells 3651
on the leased premises; that the lease has been forfeited and is 3652
void; and that notice was served on the lessee, ~~his~~ or the 3653
lessee's successors or assigns, or that publication was made, and 3654
the manner and time thereof. 3655

(C) If the lessee, ~~his~~ or the lessee's successors or assigns, 3656
claims that the lease is in full force and effect, the lessee, ~~his~~ 3657
or the lessee's successors or assigns, shall, within sixty days 3658
after the mailing or publication of the notice of the lessor of 3659
~~his~~ the lessor's intention to declare the lease forfeited, notify 3660
the person who filed the affidavit of forfeiture of the claim, and 3661
file for record an affidavit with the office of the county 3662
recorder of the county in which the land is situated stating that 3663
the lease has not been forfeited and that the lessee, ~~his~~ or the 3664
lessee's successors or assigns, still claim that the lease is in 3665
full force and effect. 3666

(D) If the lessee, ~~his~~ or the lessee's successors or assigns, 3667
~~does~~ do not give such notice in writing to the lessor at any time 3668
prior to the sixtieth day after the mailing or publication of the 3669
notice of the lessor of ~~his~~ the lessor's intention to declare the 3670
lease forfeited, then the lessor shall ~~cause~~ file for record with 3671
the county recorder ~~to note upon the margin of the record of the~~ 3672
~~lease the following:~~ a notice of failure to file. The notice shall 3673
contain all of the following: 3674

(1) A statement that the person filing the notice is the lessor or the lessor's successors or assigns; 3675
3676

(2) The document number or volume and page of the lease record where the oil or gas lease is recorded; 3677
3678

(3) A general description of the land; 3679

(4) The statement: "This lease cancelled pursuant to 3680
affidavit of forfeiture recorded ~~in~~ as Document Number, or 3681
Official Record/Lease Vol., Page" ~~Thereafter~~ 3682

Thereafter, the record of the lease shall not be notice to 3683
the public of the existence of the lease or of any interest 3684
therein or rights thereunder and the record shall not be received 3685
in evidence in any court of the state on behalf of the lessee, ~~his~~ 3686
or the lessee's successors or assigns, or against the lessor, ~~his~~ 3687
or the lessor's successors or assigns. 3688

(E) For recording the affidavit of forfeiture, ~~for noting~~ 3689
~~such cancellation upon the margin of the record, and for recording~~ 3690
the affidavit giving notice that the lease has not been forfeited, 3691
and the notice of failure to file, the county recorder shall 3692
charge the fees provided by section 317.32 of the Revised Code. 3693

~~In a county in which the county recorder has determined to~~ 3694
~~use the microfilm process as provided by section 9.01 of the~~ 3695
~~Revised Code, the recorder may, where applicable, require that the~~ 3696
~~notation "This lease cancelled pursuant to affidavit of forfeiture~~ 3697
~~recorded in Lease Vol., Page" be entered on the~~ 3698
~~affidavit, and that the affidavit be recorded in the record of~~ 3699
~~leases provided for by section 317.08 of the Revised Code. The~~ 3700
~~recorder shall charge the fee for such recording as provided by~~ 3701
~~section 317.32 of the Revised Code for the recording of deeds. The~~ 3702
~~record of the lease is not notice to the public of the existence~~ 3703
~~of the lease or of any interests therein or rights thereunder and~~ 3704
~~the record shall not be received in evidence in any court of the~~ 3705

~~state on behalf of the lessee, his successors or assigns, against~~ 3706
~~the lessor, his successors or assigns.~~ 3707

Sec. 5301.34. A mortgage shall be discharged upon the record 3708
of the mortgage by the county recorder when there is presented to 3709
the county recorder a certificate executed by the mortgagee or the 3710
mortgagee's assigns, acknowledged as provided in section 5301.01 3711
of the Revised Code, or when there is presented to the recorder a 3712
deed of release executed by the governor as provided in section 3713
5301.19 of the Revised Code, certifying that the mortgage has been 3714
fully paid and satisfied. In addition to the discharge on the 3715
records by the county recorder, such certificate shall be recorded 3716
in ~~a book~~ the official records kept ~~for that purpose~~ by the county 3717
recorder. The county recorder is entitled to the fees for such 3718
recording as provided by section 317.32 of the Revised Code for 3719
recording deeds. 3720

Sec. 5301.35. The priority of the lien of a mortgage may be 3721
waived to the extent specified by the holder of the lien in favor 3722
of any lien, mortgage, lease, easement, or other interest in the 3723
property covered by the mortgage, by writing the waiver of 3724
priority on the original mortgage and signing it, by writing the 3725
waiver of priority upon the margin of the record of that mortgage 3726
and signing it, or by a separate instrument acknowledged as 3727
provided by section 5301.01 of the Revised Code. That waiver, when 3728
recorded upon the margin of the record of the mortgage, or when 3729
recorded as a separate instrument, is constructive notice to all 3730
persons dealing with either the property described in that 3731
mortgage or the mortgage itself from the date of filing the waiver 3732
for record. The waiver, if written upon the mortgage or upon the 3733
margin of the record of the mortgage, need not be acknowledged, 3734
but if written upon the margin of the record, the signing shall be 3735
attested by the county recorder. 3736

If the waiver of priority is by separate instrument, it shall 3737
be recorded in the ~~book provided by section 5301.34 of the Revised~~ 3738
~~Code for the recording of satisfactions of mortgages~~ official 3739
records of the county recorder. For the recording, the county 3740
recorder may charge the fee as provided by section 317.32 of the 3741
Revised Code for recording deeds. For entering any waiver of 3742
priority upon the margin of the record of the mortgage, or for 3743
attesting it, the county recorder is entitled to the fees for 3744
recording those waivers of priority that are charged for 3745
assignments or satisfactions of mortgages under section 317.32 of 3746
the Revised Code. 3747

In a county in which the county recorder has determined to 3748
use the microfilm process as provided by section 9.01 of the 3749
Revised Code, the county recorder may require that all waivers of 3750
priority of mortgages be made by separate instrument. The original 3751
instrument bearing the proper endorsement may be used as such 3752
separate instrument. 3753

Sec. 5301.52. (A) To be effective and entitled to recording, 3754
the notice referred to in section 5301.51 of the Revised Code 3755
shall satisfy all of the following: 3756

(1) Be in the form of an affidavit; 3757

(2) State the nature of the claim to be preserved and the 3758
names and addresses of the persons for whose benefit the notice is 3759
being filed; 3760

(3) Contain an accurate and full description of all land 3761
affected by the notice, which description shall be set forth in 3762
particular terms and not by general inclusions, except that if the 3763
claim is founded upon a recorded instrument, the description in 3764
the notice may be the same as that contained in such recorded 3765
instrument; 3766

(4) State the name of each record owner of the land affected 3767
by the notice, at the time of its recording, together with the 3768
recording information of the instrument by which each record owner 3769
acquired title to the land; 3770

(5) Be made by any person who has knowledge of the relevant 3771
facts or is competent to testify concerning them in court. 3772

(B) The notice shall be filed for record in the office of the 3773
county recorder of the county or counties where the land described 3774
in it is situated. The county recorder of each county shall accept 3775
all such notices presented ~~to him which~~ that describe land 3776
situated ~~in~~ within the county ~~in which he serves,~~ and shall enter 3777
and record them in the ~~deed~~ official records of that county, and 3778
shall index each notice in the ~~grantee-deed~~ direct index under the 3779
names of the claimants appearing in that notice and in the ~~grantor~~ 3780
~~deed~~ reverse index under the names of the record owners appearing 3781
in that notice. ~~Such~~ If the county recorder maintains indexes 3782
under section 317.20 of the Revised Code, the notices also shall 3783
be indexed under the description of the real estate involved ~~in a~~ 3784
~~book set apart for that purpose to be known as the "Notice Index."~~ 3785
~~Each~~ The county recorder ~~may~~ shall charge the same fees for the 3786
recording of such notices as are charged for recording deeds. 3787

(C) A notice prepared, executed, and recorded in conformity 3788
with the requirements of this section, or a certified copy of it, 3789
shall be accepted as evidence of the facts stated insofar as they 3790
affect title to the land affected by that notice. 3791

(D) Any person who knowingly makes any false statement in a 3792
notice executed under this section is guilty of perjury under 3793
section 2921.11 of the Revised Code. 3794

Sec. 5301.56. (A) As used in this section: 3795

(1) "Holder" means the record holder of a mineral interest, 3796

and any person who derives the person's rights from, or has a common source with, the record holder and whose claim does not indicate, expressly or by clear implication, that it is adverse to the interest of the record holder.

(2) "Drilling or mining permit" means a permit issued under Chapter 1509., 1513., or 1514. of the Revised Code to the holder to drill an oil or gas well or to mine other minerals.

(3) "Mineral interest" means a fee interest in at least one mineral regardless of how the interest is created and of the form of the interest, which may be absolute or fractional or divided or undivided.

(4) "Mineral" means gas, oil, coal, coalbed methane gas, other gaseous, liquid, and solid hydrocarbons, sand, gravel, clay, shale, gypsum, halite, limestone, dolomite, sandstone, other stone, metalliferous or nonmetalliferous ore, or another material or substance of commercial value that is excavated in a solid state from natural deposits on or in the earth.

(5) "Owner of the surface of the lands subject to the interest" includes the owner's successors and assignees.

(B) Any mineral interest held by any person, other than the owner of the surface of the lands subject to the interest, shall be deemed abandoned and vested in the owner of the surface of the lands subject to the interest if the requirements established in division (E) of this section are satisfied and none of the following applies:

(1) The mineral interest is in coal, or in mining or other rights pertinent to or exercisable in connection with an interest in coal, as described in division (E) of section 5301.53 of the Revised Code. However, if a mineral interest includes both coal and other minerals that are not coal, the mineral interests that are not in coal may be deemed abandoned and vest in the owner of

the surface of the lands subject to the interest. 3828

(2) The mineral interest is held by the United States, this 3829
state, or any political subdivision, body politic, or agency of 3830
the United States or this state, as described in division (G) of 3831
section 5301.53 of the Revised Code. 3832

(3) Within the twenty years immediately preceding the date on 3833
which notice is served or published under division (E) of this 3834
section, one or more of the following has occurred: 3835

(a) The mineral interest has been the subject of a title 3836
transaction that has been filed or recorded in the office of the 3837
county recorder of the county in which the lands are located. 3838

(b) There has been actual production or withdrawal of 3839
minerals by the holder from the lands, from lands covered by a 3840
lease to which the mineral interest is subject, from a mine a 3841
portion of which is located beneath the lands, or, in the case of 3842
oil or gas, from lands pooled, unitized, or included in unit 3843
operations, under sections 1509.26 to 1509.28 of the Revised Code, 3844
in which the mineral interest is participating, provided that the 3845
instrument or order creating or providing for the pooling or 3846
unitization of oil or gas interests has been filed or recorded in 3847
the office of the county recorder of the county in which the lands 3848
that are subject to the pooling or unitization are located. 3849

(c) The mineral interest has been used in underground gas 3850
storage operations by the holder. 3851

(d) A drilling or mining permit has been issued to the 3852
holder, provided that an affidavit that states the name of the 3853
permit holder, the permit number, the type of permit, and a legal 3854
description of the lands affected by the permit has been filed or 3855
recorded, in accordance with section 5301.252 of the Revised Code, 3856
in the office of the county recorder of the county in which the 3857
lands are located. 3858

(e) A claim to preserve the mineral interest has been filed 3859
in accordance with division (C) of this section. 3860

(f) In the case of a separated mineral interest, a separately 3861
listed tax parcel number has been created for the mineral interest 3862
in the county auditor's tax list and the county treasurer's 3863
duplicate tax list in the county in which the lands are located. 3864

(C)(1) A claim to preserve a mineral interest from being 3865
deemed abandoned under division (B) of this section may be filed 3866
for record by its holder. Subject to division (C)(3) of this 3867
section, the claim shall be ~~filed and~~ recorded in accordance with 3868
division (H) of this section and sections 317.18 to ~~317.201~~ 317.20 3869
and 5301.52 of the Revised Code, and shall consist of a notice 3870
that does all of the following: 3871

(a) States the nature of the mineral interest claimed and any 3872
recording information upon which the claim is based; 3873

(b) Otherwise complies with section 5301.52 of the Revised 3874
Code; 3875

(c) States that the holder does not intend to abandon, but 3876
instead to preserve, the holder's rights in the mineral interest. 3877

(2) A claim that complies with division (C)(1) of this 3878
section or, if applicable, divisions (C)(1) and (3) of this 3879
section preserves the rights of all holders of a mineral interest 3880
in the same lands. 3881

(3) Any holder of an interest for use in underground gas 3882
storage operations may preserve the holder's interest, and those 3883
of any lessor of the interest, by a single claim, that defines the 3884
boundaries of the storage field or pool and its formations, 3885
without describing each separate interest claimed. The claim is 3886
prima-facie evidence of the use of each separate interest in 3887
underground gas storage operations. 3888

(D)(1) A mineral interest may be preserved indefinitely from 3889
being deemed abandoned under division (B) of this section by the 3890
occurrence of any of the circumstances described in division 3891
(B)(3) of this section, including, but not limited to, successive 3892
filings of claims to preserve mineral interests under division (C) 3893
of this section. 3894

(2) The filing of a claim to preserve a mineral interest 3895
under division (C) of this section does not affect the right of a 3896
lessor of an oil or gas lease to obtain its forfeiture under 3897
section 5301.332 of the Revised Code. 3898

(E) Before a mineral interest becomes vested under division 3899
(B) of this section in the owner of the surface of the lands 3900
subject to the interest, the owner of the surface of the lands 3901
subject to the interest shall do both of the following: 3902

(1) Serve notice by certified mail, return receipt requested, 3903
to each holder or each holder's successors or assignees, at the 3904
last known address of each, of the owner's intent to declare the 3905
mineral interest abandoned. If service of notice cannot be 3906
completed to any holder, the owner shall publish notice of the 3907
owner's intent to declare the mineral interest abandoned at least 3908
once in a newspaper of general circulation in each county in which 3909
the land that is subject to the interest is located. The notice 3910
shall contain all of the information specified in division (F) of 3911
this section. 3912

(2) At least thirty, but not later than sixty days after the 3913
date on which the notice required under division (E)(1) of this 3914
section is served or published, as applicable, file in the office 3915
of the county recorder of each county in which the surface of the 3916
land that is subject to the interest is located an affidavit of 3917
abandonment that contains all of the information specified in 3918
division (G) of this section. 3919

(F) The notice required under division (E)(1) of this section shall contain all of the following:	3920 3921
(1) The name of each holder and the holder's successors and assignees, as applicable;	3922 3923
(2) A description of the surface of the land that is subject to the mineral interest. The description shall include the volume and page number of the recorded deed or other recorded instrument under which the owner of the surface of the lands claims title or otherwise satisfies the requirements established in division (A)(3) of section 5301.52 of the Revised Code.	3924 3925 3926 3927 3928 3929
(3) A description of the mineral interest to be abandoned. The description shall include the volume and page number of the recorded instrument on which the mineral interest is based.	3930 3931 3932
(4) A statement attesting that nothing specified in division (B)(3) of this section has occurred within the twenty years immediately preceding the date on which notice is served or published under division (E) of this section;	3933 3934 3935 3936
(5) A statement of the intent of the owner of the surface of the lands subject to the mineral interest to file in the office of the county recorder an affidavit of abandonment at least thirty, but not later than sixty days after the date on which notice is served or published, as applicable.	3937 3938 3939 3940 3941
(G) An affidavit of abandonment shall contain all of the following:	3942 3943
(1) A statement that the person filing the affidavit is the owner of the surface of the lands subject to the interest;	3944 3945
(2) The volume and page number of the recorded instrument on which the mineral interest is based;	3946 3947
(3) A statement that the mineral interest has been abandoned pursuant to division (B) of this section;	3948 3949

(4) A recitation of the facts constituting the abandonment;	3950
(5) A statement that notice was served on each holder or each holder's successors or assignees or published in accordance with division (E) of this section.	3951 3952 3953
(H)(1) If a holder or a holder's successors or assignees claim that the mineral interest that is the subject of a notice under division (E) of this section has not been abandoned, the holder or the holder's successors or assignees, not later than sixty days after the date on which the notice was served or published, as applicable, shall file in the office of the county recorder of each county where the land that is subject to the mineral interest is located one of the following:	3954 3955 3956 3957 3958 3959 3960 3961
(a) A claim to preserve the mineral interest in accordance with division (C) of this section;	3962 3963
(b) An affidavit that identifies an event described in division (B)(3) of this section that has occurred within the twenty years immediately preceding the date on which the notice was served or published under division (E) of this section.	3964 3965 3966 3967
The holder or the holder's successors or assignees shall notify the person who served or published the notice under division (E) of this section of the filing under this division.	3968 3969 3970
(2) If a holder or a holder's successors or assignees who claim that the mineral interest that is the subject of a notice under division (E) of this section has not been abandoned fails to file a claim to preserve the mineral interest, files such a claim more than sixty days after the date on which the notice was served or published under division (E) of this section, fails to file an affidavit that identifies an event described in division (B)(3) of this section that has occurred within the twenty years immediately preceding the date on which the notice was served or published under division (E) of this section, or files such an affidavit	3971 3972 3973 3974 3975 3976 3977 3978 3979 3980

more than sixty days after the date on which the notice was served 3981
or published under that division, the owner of the surface of the 3982
lands subject to the interest who is seeking to have the interest 3983
deemed abandoned and vested in the owner shall ~~cause the county~~ 3984
~~recorder of each applicable county to memorialize the record on~~ 3985
~~which the severed mineral interest is based with the following:~~ 3986
file in the office of the county recorder of each county where the 3987
land that is subject to the mineral interest is located a notice 3988
of failure to file. The notice shall contain all of the following: 3989

(a) A statement that the person filing the notice is the 3990
owner of the surface of the lands subject to the mineral interest; 3991

(b) A description of the surface of the land that is subject 3992
to the mineral interest; 3993

(c) The statement: "This mineral interest abandoned pursuant 3994
to affidavit of abandonment recorded in volume , page" 3995

Immediately after the ~~county recorder memorializes the record~~ 3996
notice of failure to file a mineral interest is recorded, the 3997
mineral interest shall vest in the owner of the surface of the 3998
lands formerly subject to the interest, and the record of the 3999
mineral interest shall cease to be notice to the public of the 4000
existence of the mineral interest or of any rights under it. In 4001
addition, the record shall not be received as evidence in any 4002
court in this state on behalf of the former holder or the former 4003
holder's successors or assignees against the owner of the surface 4004
of the lands formerly subject to the interest. However, the 4005
abandonment and vesting of a mineral interest pursuant to 4006
divisions (E) to (I) of this section only shall be effective as to 4007
the property of the owner that filed the affidavit of abandonment 4008
under division (E) of this section. 4009

(I) For purposes of a recording under this section, a county 4010
recorder shall charge the fee established under section 317.32 of 4011

the Revised Code. 4012

~~A county recorder who uses microfilm as provided under 4013
section 9.01 of the Revised Code may require the memorial "This 4014
mineral interest abandoned pursuant to affidavit of abandonment 4015
recorded in volume, page" to be located on the 4016
affidavit of abandonment instead of the record on which the 4017
severed mineral interest is based, and the affidavit may be 4018
recorded under section 317.08 of the Revised Code. 4019~~

Sec. 5302.15. An instrument containing a form or forms of 4020
covenants, conditions, obligations, powers, and other clauses of a 4021
mortgage, may be recorded in the ~~record of mortgages~~ official 4022
records of any county. Every such instrument shall be entitled 4023
"Master Mortgage Form Recorded By (name of the person causing the 4024
instrument to be recorded)" and shall be dated and signed by the 4025
person causing it to be recorded, but need not be acknowledged. 4026
Upon presentation for record and payment of the fees provided in 4027
section 317.32 of the Revised Code, the county recorder shall 4028
record any such master mortgage form in the ~~record of mortgages~~ 4029
official records of the county and shall index it in the ~~general~~ 4030
~~alphabetical index of grantees~~ direct and reverse indexes under 4031
the name appearing in the title, in the same manner as mortgages 4032
of real property. 4033

Sec. 5302.17. A deed conveying any interest in real property 4034
to two or more persons, and in substance following the form set 4035
forth in this section, when duly executed in accordance with 4036
Chapter 5301. of the Revised Code, creates a survivorship tenancy 4037
in the grantees, and upon the death of any of the grantees, vests 4038
the interest of the decedent in the survivor, survivors, or the 4039
survivor's or survivors' separate heirs and assigns. 4040

"SURVIVORSHIP DEED 4041

..... (marital status), of County, 4042
..... for valuable consideration paid, 4043
grant(s), (covenants, if any), to 4044
(marital status) and (marital status), for 4045
their joint lives, remainder to the survivor of them, whose 4046
tax-mailing addresses are, the following real 4047
property: 4048

(description of land or interest therein and encumbrances, 4049
reservations, and exceptions, if any) 4050

Prior Instrument Reference: 4051

....., wife (husband) of the grantor, releases all 4052
rights of dower therein. 4053

Executed this day of 4054
..... 4055
(Signature of Grantor) 4056

(Execution in accordance with Chapter 5301. of the Revised 4057
Code)" 4058

Any persons who are the sole owners of real property, prior 4059
to April 4, 1985, as tenants with a right of survivorship under 4060
the common or statutory law of this state or as tenants in common 4061
may create in themselves and in any other person or persons a 4062
survivorship tenancy in the real property by executing a deed as 4063
provided in this section conveying their entire, separate 4064
interests in the real property to themselves and to the other 4065
person or persons. 4066

Except as otherwise provided in this section, when a person 4067
holding real property as a survivorship tenant dies, the transfer 4068
of the interest of the decedent may be recorded by presenting to 4069
the county auditor and filing with the county recorder either a 4070
certificate of transfer as provided in section 2113.61 of the 4071
Revised Code, or an affidavit accompanied by a certified copy of a 4072

death certificate. The affidavit shall recite the names of the 4073
other survivorship tenant or tenants, the address of the other 4074
survivorship tenant or tenants, the date of death of the decedent, 4075
and a description of the real property. The county recorder shall 4076
~~make index reference to record~~ any certificate or affidavit so 4077
filed in the ~~record of deeds~~ official records. When a person 4078
holding real property as a survivorship tenant dies and the title 4079
to the property is registered pursuant to Chapter 5309. of the 4080
Revised Code, the procedure for the transfer of the interest of 4081
the decedent shall be pursuant to section 5309.081 of the Revised 4082
Code. 4083

Sec. 5302.171. Upon the death, resignation, removal, or other 4084
event terminating the appointment of a trustee of a trust, which 4085
trustee holds title to real property, the successor trustee or any 4086
co-trustee of the trust shall file with the county auditor and the 4087
county recorder of the county in which the real property is 4088
located, as soon as is practical, an affidavit reciting the name 4089
of the immediately preceding trustee and any co-trustees, the 4090
addresses of all trustees, a reference to the deed or other 4091
instrument vesting title in the trustees, and a legal description 4092
of the real property. The affidavit shall be ~~indexed and~~ recorded 4093
in the ~~record of deeds~~ official records of the county recorder, 4094
and indexed in the direct and reverse indexes provided for in 4095
section 317.18 of the Revised Code. 4096

The affidavit described in this section shall not be required 4097
if the original trust instrument naming the trustees and 4098
successors and containing relevant facts pertaining to the 4099
succession of trustees, or if a memorandum of trust in compliance 4100
with section 5301.255 of the Revised Code that contains relevant 4101
facts pertaining to the succession of trustees, is recorded in the 4102
office of the county recorder. 4103

Failure to file the affidavit required by this section does 4104
not affect title to real property in the one or more trustees. 4105

Sec. 5302.222. (A) The transfer of a deceased owner's real 4106
property or interest in real property as designated in a transfer 4107
on death designation affidavit provided in section 5302.22 of the 4108
Revised Code shall be recorded by presenting to the county auditor 4109
of the county in which the real property is located and filing 4110
with the county recorder of that county an affidavit of 4111
confirmation executed by any transfer on death beneficiary to whom 4112
the transfer is made. The affidavit of confirmation shall be 4113
verified before a person authorized to administer oaths and shall 4114
be accompanied by a certified copy of the death certificate for 4115
the deceased owner. The affidavit of confirmation shall contain 4116
all of the following information: 4117

(1) The name and address of each transfer on death 4118
beneficiary who survived the deceased owner or that is in 4119
existence on the date of death of the deceased owner. If a named 4120
beneficiary was designated as a transfer on death beneficiary 4121
solely in that person's capacity as a trustee of a trust and that 4122
trustee subsequently has been replaced by a successor trustee, the 4123
affidavit of confirmation shall include the name and address of 4124
the successor trustee and shall be accompanied by a copy of the 4125
recorded successor trustee affidavit described in section 5302.171 4126
of the Revised Code. 4127

(2) The date of death of the deceased owner; 4128

(3) A description of the subject real property or interest in 4129
real property; 4130

(4) The name of each transfer on death beneficiary who has 4131
not survived the deceased owner or that is not in existence on the 4132
date of death of the deceased owner. 4133

(B) The affidavit of confirmation shall be accompanied by a 4134
certified copy of the death certificate for each transfer on death 4135
beneficiary who has not survived the deceased owner. 4136

(C) The county recorder shall ~~make an index reference in the~~ 4137
~~record of deeds to~~ in the official records any affidavit of 4138
confirmation filed ~~with the county recorder~~ under this section. 4139

(D) Upon the death of any individual holding real property or 4140
an interest in real property that is the subject of a transfer on 4141
death designation affidavit as provided in section 5302.22 of the 4142
Revised Code, if the title to the real property is registered 4143
pursuant to Chapter 5309. of the Revised Code, the procedure for 4144
the transfer of the interest of the deceased owner to the transfer 4145
on death beneficiary or beneficiaries designated in the affidavit 4146
shall be pursuant to section 5309.081 of the Revised Code. 4147

(E) Any person who knowingly makes any false statement in an 4148
affidavit of confirmation is guilty of falsification under 4149
division (A)(6) of section 2921.13 of the Revised Code. 4150

Sec. 5309.13. After the filing of the application to register 4151
the title to land or to any interest therein and before 4152
registration, the land described in such application may be dealt 4153
with and instruments relating thereto may be recorded and indexed, 4154
in the same manner as if no such application had been filed. As 4155
soon as an application is disposed of, the clerk of the probate 4156
court or the clerk of the court of common pleas shall make a 4157
memorandum stating the disposition of the case and shall send it 4158
to the county recorder, who shall record ~~and index~~ it ~~with~~ in the 4159
official records of deeds. 4160

Sec. 5309.41. ~~In all cases in which a certificate of title,~~ 4161
~~or any other instrument or memorandum affecting registered land,~~ 4162
~~is wholly canceled, it shall be retained by the county recorder~~ 4163

~~and filed in his office under its proper file number and carefully
preserved.~~ 4164
4165

In all cases where part of the land described in a 4166
certificate of title is ~~only partially~~ transferred, the county 4167
recorder shall issue a new certificate of title to the ~~registered~~ 4168
~~owner,~~ transferee for the part of the land ~~not~~ transferred, and 4169
shall indorse on the transferor's registered ~~certificate~~ and ~~on~~ 4170
the duplicate ~~certificate surrendered~~ certificates, a ~~memorial~~ 4171
notation partially canceling the same, and the reasons therefor, 4172
~~giving stating~~ the ~~volume and folium of the register where the new~~ 4173
~~title is registered, and the number of the new certificate for the~~ 4174
transferred land. The county recorder ~~may cancel the property or~~ 4175
~~estate transferred on the~~ shall maintain as active the 4176
transferor's registered and duplicate certificates for the residue 4177
of the ~~transferor~~ land not transferred without ~~the issue of~~ 4178
issuing a new certificate to the transferor for the residue. 4179

Sec. 5309.64. (A) Whenever registered land is sold to satisfy 4180
any judgment, decree, or order of a court, or the title is 4181
transferred or affected by a decree or judgment of a court, the 4182
purchaser, or the person in whose favor such decree was rendered, 4183
on filing with the county recorder a certificate that the terms of 4184
sale have been complied with and a certified copy of the order of 4185
sale and return thereof and confirmation, or a certified copy of 4186
the decree of the court transferring or affecting the title, as 4187
the case may be, is entitled to have the property transferred to 4188
the purchaser or person in whose favor the decree was rendered and 4189
the title registered accordingly and a new certificate of title 4190
issued therefor. 4191

(B) When registered land is sold by the sheriff under order 4192
of a court, the sheriff shall file with the county recorder a 4193
certificate that the terms of sale have been complied with and a 4194

certified copy of the order of sale and return thereof and 4195
confirmation. The purchaser is thereafter entitled to have the 4196
property transferred to the purchaser and the title registered 4197
accordingly and a new certificate of title issued therefor. 4198

(C) This section and its applications are not superseded, 4199
negated, or amended, in whole or in part, by section 5309.61 of 4200
the Revised Code. 4201

Sec. 5715.701. The county recorder shall discharge a lien 4202
described in section 5715.70 of the Revised Code when the release 4203
described in that section is presented to the county recorder. In 4204
addition to the discharge on the records by the county recorder, 4205
the release shall be recorded in ~~a book~~ the official records kept 4206
~~for that purpose~~ by the county recorder. The county recorder is 4207
entitled to the fees for such recording as provided by section 4208
317.32 of the Revised Code for recording deeds. 4209

Sec. 5719.04. (A) Immediately after each settlement required 4210
by division (D) of section 321.24 of the Revised Code, the county 4211
auditor shall make a tax list and duplicates thereof of all 4212
general personal and classified property taxes remaining unpaid, 4213
as shown by the county treasurer's books and the list of taxes 4214
returned as delinquent by the treasurer to the auditor at such 4215
settlement. The county auditor shall also include in such list all 4216
taxes assessed by the tax commissioner pursuant to law which were 4217
not charged upon the tax lists and duplicates on which such 4218
settlements were made nor previously charged upon a delinquent tax 4219
list and duplicates pursuant to this section, but the auditor 4220
shall not include taxes specifically excepted from collection 4221
pursuant to section 5711.32 of the Revised Code. Such tax list and 4222
duplicates shall contain the name of the person charged and the 4223
amount of such taxes, and the penalty, due and unpaid, and shall 4224
set forth separately the amount charged or chargeable on the 4225

general and on the classified list and duplicate. The auditor 4226
shall deliver one such duplicate to the treasurer on the first day 4227
of December, annually. Upon receipt of the duplicate the treasurer 4228
may prepare and mail tax bills to all persons charged with such 4229
delinquent taxes. Each bill shall include a notice that the 4230
interest charge prescribed by section 5719.041 of the Revised Code 4231
has begun to accrue. 4232

The auditor shall cause a copy of the delinquent personal and 4233
classified property tax list and duplicate provided for in this 4234
division to be published twice within sixty days after delivery of 4235
such duplicate to the treasurer in a newspaper of general 4236
circulation in the county. The newspaper shall meet the 4237
requirements of section 7.12 of the Revised Code. The auditor may 4238
publish the tax list on a ~~pre-printed~~ preprinted insert in the 4239
newspaper. The cost of the second publication of the list shall 4240
not exceed three-fourths of the cost of the first publication of 4241
the list. 4242

Before such publication, the auditor shall cause a display 4243
notice of the forthcoming publication of such delinquent personal 4244
and classified property tax list to be inserted once a week for 4245
two consecutive weeks in a newspaper of general circulation in the 4246
county. Copy for such display notice shall be furnished by the 4247
auditor to the newspaper selected to publish such delinquent tax 4248
lists simultaneously with the delivery of the duplicate to the 4249
treasurer. Publication of the delinquent lists may be made by a 4250
newspaper in installments, provided that complete publication 4251
thereof is made twice during said sixty-day period. 4252

The office of the county treasurer shall be kept open to 4253
receive the payment of delinquent general and classified property 4254
taxes from the day of delivery of the duplicate thereof until the 4255
final publication of the delinquent tax list. The name of any 4256
taxpayer who, prior to seven days before either the first or 4257

second publication of said list, pays such taxes in full or enters 4258
into a delinquent tax contract to pay such taxes in installments 4259
pursuant to section 5719.05 of the Revised Code shall be stricken 4260
from such list, and the taxpayer's name shall not be included in 4261
the list for that publication. 4262

The other such duplicate, from which shall first be 4263
eliminated the names of persons whose total liability for taxes 4264
and penalty is less than one hundred dollars, shall be filed by 4265
the auditor on the first day of December, annually, in the office 4266
of the county recorder, and the same shall constitute a notice of 4267
lien and operate as of the date of delivery as a lien on the lands 4268
and tenements, vested legal interests therein, and permanent 4269
leasehold estates of each person named therein having such real 4270
estate in such county. Such notice of lien and such lien shall not 4271
be valid as against any mortgagee, pledgee, purchaser, or judgment 4272
creditor whose rights have attached prior to the date of such 4273
delivery. Such duplicate shall be kept by the county recorder, 4274
~~designated as the personal tax lien record in the official~~ 4275
records, and indexed under the name of the person charged with 4276
such tax. No fee shall be charged by the county recorder for the 4277
services required under this section. 4278

The auditor shall add to the tax list made pursuant to this 4279
section all such taxes omitted in a previous year when assessed by 4280
the auditor or finally assessed by the tax commissioner pursuant 4281
to law, and by proper certificates cause the same to be added to 4282
the treasurer's delinquent tax duplicate provided for in this 4283
section, and, in proper cases, file notice of the lien with the 4284
recorder, as provided in this section. 4285

If the authority making any assessment believes that the 4286
collection of such taxes will be jeopardized by delay, such 4287
assessing authority shall so certify on the assessment certificate 4288
thereof, and the auditor shall include a certificate of such 4289

jeopardy in the certificate given by the auditor to the treasurer. 4290
In such event, the treasurer shall proceed immediately to collect 4291
such taxes, and to enforce the collection thereof by any means 4292
provided by law, and the treasurer may not accept a tender of any 4293
part of such taxes; but the person or the representatives of the 4294
person against whom such assessment is made may, in the event of 4295
an appeal to the tax commissioner therefrom, obtain a stay of 4296
collection of the whole or any part of the amount of such 4297
assessment by filing with the treasurer a bond in an amount not 4298
exceeding double the amount as to which the stay is desired, with 4299
such surety as the treasurer deems necessary, conditioned upon the 4300
payment of the amount determined to be due by the decision of the 4301
commissioner which has become final, and further conditioned that 4302
if an appeal is not filed within the period provided by law, the 4303
amount of collection which is stayed by the bond will be paid on 4304
notice and demand of the treasurer at any time after the 4305
expiration of such period. The taxpayer may waive such stay as to 4306
the whole or any part of the amount covered by the bond, and if as 4307
the result of such waiver any part of the amount covered by the 4308
bond is paid, then the bond shall be proportionately reduced on 4309
the request of the taxpayer. 4310

(B) Immediately after each settlement required by division 4311
(D) of section 321.24 of the Revised Code, the auditor shall make 4312
a separate list and duplicate, prepared as prescribed in division 4313
(A) of this section, of all general personal and classified 4314
property taxes that remain unpaid but are excepted from collection 4315
pursuant to section 5711.32 of the Revised Code. The duplicate of 4316
such list shall be delivered to the treasurer at the time of 4317
delivery of the delinquent personal and classified property tax 4318
duplicate. 4319

Sec. 5721.35. (A) Upon the sale and delivery of a tax 4320
certificate, the tax certificate vests in the certificate holder 4321

the first lien previously held by the state and its taxing 4322
districts under section 5721.10 of the Revised Code for the amount 4323
of taxes, assessments, interest, and penalty charged against a 4324
certificate parcel, superior to all other liens and encumbrances 4325
upon the parcel described in the tax certificate, in the amount of 4326
the certificate redemption price, except liens for delinquent 4327
taxes that attached to the certificate parcel prior to the 4328
attachment of the lien being conveyed by the sale of such tax 4329
certificate. With respect to the priority as among such first 4330
liens of the state and its taxing districts for different years, 4331
the priority shall be determined by the date such first liens of 4332
the state and its taxing districts attached pursuant to section 4333
323.11 of the Revised Code, with first priority to the earliest 4334
attached lien and each immediately subsequent priority based upon 4335
the next earliest attached lien. 4336

(B)(1) A certificate holder or the county treasurer may 4337
record the tax certificate or memorandum thereof in the office of 4338
the county recorder of the county in which the certificate parcel 4339
is situated, as a mortgage of land under division (A)~~(2)~~(20) of 4340
section 317.08 of the Revised Code. The county recorder shall 4341
index the certificate in the indexes provided for under section 4342
317.18 of the Revised Code. If the lien is subsequently canceled, 4343
the cancellation also shall be recorded by the county recorder. 4344

(2) Notwithstanding Chapter 1309., Title LIII, or any other 4345
provision of the Revised Code, a secured party holding a security 4346
interest in a tax certificate or memorandum thereof may perfect 4347
that security interest only by one of the following methods: 4348

(a) Possession; 4349

(b) Registering the tax certificate with the county treasurer 4350
in the name of the secured party, or its agent or custodian, as 4351
certificate holder; 4352

(c) Recording the name of the secured party in the tax certificate register in the office of the county treasurer of the county in which the certificate parcel is situated.

Sec. 5747.451. (A) The mere retirement from business or voluntary dissolution of a domestic or foreign qualifying entity does not exempt it from the requirements to make reports as required under sections 5747.42 to 5747.44 or to pay the taxes imposed under section 5733.41 or 5747.41 of the Revised Code. If any qualifying entity subject to the taxes imposed under section 5733.41 or 5747.41 of the Revised Code sells its business or stock of merchandise or quits its business, the taxes required to be paid prior to that time, together with any interest or penalty thereon, become due and payable immediately, and the qualifying entity shall make a final return within fifteen days after the date of selling or quitting business. The successor of the qualifying entity shall withhold a sufficient amount of the purchase money to cover the amount of such taxes, interest, and penalties due and unpaid until the qualifying entity produces a receipt from the tax commissioner showing that the taxes, interest, and penalties have been paid, or a certificate indicating that no taxes are due. If the purchaser of the business or stock of goods fails to withhold purchase money, the purchaser is personally liable for the payment of the taxes, interest, and penalties accrued and unpaid during the operation of the business by the qualifying entity. If the amount of those taxes, interest, and penalty unpaid at the time of the purchase exceeds the total purchase money, the tax commissioner may adjust the qualifying entity's liability for those taxes, interest, and penalty, or adjust the responsibility of the purchaser to pay that liability, in a manner calculated to maximize the collection of those liabilities.

(B) Annually, on the last day of each qualifying taxable year

of a qualifying entity, the taxes imposed under section 5733.41 or 4385
5747.41 of the Revised Code, together with any penalties 4386
subsequently accruing thereon, become a lien on all property in 4387
this state of the qualifying entity, whether such property is 4388
employed by the qualifying entity in the prosecution of its 4389
business or is in the hands of an assignee, trustee, or receiver 4390
for the benefit of the qualifying entity's creditors and 4391
investors. The lien shall continue until those taxes, together 4392
with any penalties subsequently accruing, are paid. 4393

Upon failure of such a qualifying entity to pay those taxes 4394
on the day fixed for payment, the treasurer of state shall 4395
thereupon notify the tax commissioner, and the commissioner may 4396
file in the office of the county recorder in each county in this 4397
state in which the qualifying entity owns or has a beneficial 4398
interest in real estate, notice of the lien containing a brief 4399
description of such real estate. No fee shall be charged for such 4400
a filing. The lien is not valid as against any mortgagee, 4401
purchaser, or judgment creditor whose rights have attached prior 4402
to the time the notice is so filed in the county in which the real 4403
estate which is the subject of such mortgage, purchase, or 4404
judgment lien is located. The notice shall be recorded in ~~a book~~ 4405
the official records kept by the county recorder, ~~called the~~ 4406
~~qualifying entity tax lien record~~, and indexed under the name of 4407
the qualifying entity charged with the tax. When the tax, together 4408
with any penalties subsequently accruing thereon, have been paid, 4409
the tax commissioner shall furnish to the qualifying entity an 4410
acknowledgment of such payment that the qualifying entity may 4411
record with the county recorder of each county in which notice of 4412
such lien has been filed, for which recording the county recorder 4413
shall charge and receive a fee of two dollars. 4414

(C) In addition to all other remedies for the collection of 4415
any taxes or penalties due under law, whenever any taxes, 4416

interest, or penalties due from any qualifying entity under 4417
section 5733.41 of the Revised Code or this chapter have remained 4418
unpaid for a period of ninety days, or whenever any qualifying 4419
entity has failed for a period of ninety days to make any report 4420
or return required by law, or to pay any penalty for failure to 4421
make or file such report or return, the attorney general, upon the 4422
request of the tax commissioner, shall file a petition in the 4423
court of common pleas in the county of the state in which such 4424
qualifying entity has its principal place of business for a 4425
judgment for the amount of the taxes, interest, or penalties 4426
appearing to be due, the enforcement of any lien in favor of the 4427
state, and an injunction to restrain such qualifying entity and 4428
its officers, directors, and managing agents from the transaction 4429
of any business within this state, other than such acts as are 4430
incidental to liquidation or winding up, until the payment of such 4431
taxes, interest, and penalties, and the costs of the proceeding 4432
fixed by the court, or the making and filing of such report or 4433
return. 4434

The petition shall be in the name of the state. Any of the 4435
qualifying entities having its principal places of business in the 4436
county may be joined in one suit. On the motion of the attorney 4437
general, the court of common pleas shall enter an order requiring 4438
all defendants to answer by a day certain, and may appoint a 4439
special master commissioner to take testimony, with such other 4440
power and authority as the court confers, and permitting process 4441
to be served by registered mail and by publication in a newspaper 4442
of general circulation in the county, which publication need not 4443
be made more than once, setting forth the name of each delinquent 4444
qualifying entity, the matter in which the qualifying entity is 4445
delinquent, the names of its officers, directors, and managing 4446
agents, if set forth in the petition, and the amount of any taxes, 4447
fees, or penalties claimed to be owing by the qualifying entity. 4448

All or any of the trustees or other fiduciaries, officers, 4449
directors, investors, beneficiaries, or managing agents of any 4450
qualifying entity may be joined as defendants with the qualifying 4451
entity. 4452

If it appears to the court upon hearing that any qualifying 4453
entity that is a party to the proceeding is indebted to the state 4454
for taxes imposed under section 5733.41 or 5747.41 of the Revised 4455
Code, or interest or penalties thereon, judgment shall be entered 4456
therefor with interest; and if it appears that any qualifying 4457
entity has failed to make or file any report or return, a 4458
mandatory injunction may be issued against the qualifying entity, 4459
its trustees or other fiduciaries, officers, directors, and 4460
managing agents, enjoining them from the transaction of any 4461
business within this state, other than acts incidental to 4462
liquidation or winding up, until the making and filing of all 4463
proper reports or returns and until the payment in full of all 4464
taxes, interest, and penalties. 4465

If the trustees or other fiduciaries, officers, directors, 4466
investors, beneficiaries, or managing agents of a qualifying 4467
entity are not made parties in the first instance, and a judgment 4468
or an injunction is rendered or issued against the qualifying 4469
entity, those officers, directors, investors, or managing agents 4470
may be made parties to such proceedings upon the motion of the 4471
attorney general, and, upon notice to them of the form and terms 4472
of such injunction, they shall be bound thereby as fully as if 4473
they had been made parties in the first instance. 4474

In any action authorized by this division, a statement of the 4475
tax commissioner, or the secretary of state, when duly certified, 4476
shall be prima-facie evidence of the amount of taxes, interest, or 4477
penalties due from any qualifying entity, or of the failure of any 4478
qualifying entity to file with the commissioner or the secretary 4479
of state any report required by law, and any such certificate of 4480

the commissioner or the secretary of state may be required in 4481
evidence in any such proceeding. 4482

On the application of any defendant and for good cause shown, 4483
the court may order a separate hearing of the issues as to any 4484
defendant. 4485

The costs of the proceeding shall be apportioned among the 4486
parties as the court deems proper. 4487

The court in such proceeding may make, enter, and enforce 4488
such other judgments and orders and grant such other relief as is 4489
necessary or incidental to the enforcement of the claims and lien 4490
of the state. 4491

In the performance of the duties enjoined upon the attorney 4492
general by this division, the attorney general may direct any 4493
prosecuting attorney to bring an action, as authorized by this 4494
division, in the name of the state with respect to any delinquent 4495
qualifying entities within the prosecuting attorney's county, and 4496
like proceedings and orders shall be had as if such action were 4497
instituted by the attorney general. 4498

(D) If any qualifying entity fails to make and file the 4499
reports or returns required under this chapter, or to pay the 4500
penalties provided by law for failure to make and file such 4501
reports or returns for a period of ninety days after the time 4502
prescribed by this chapter, the attorney general, on the request 4503
of the tax commissioner, shall commence an action in quo warranto 4504
in the court of appeals of the county in which that qualifying 4505
entity has its principal place of business to forfeit and annul 4506
its privileges and franchises. If the court is satisfied that any 4507
such qualifying entity is in default, it shall render judgment 4508
ousting such qualifying entity from the exercise of its privileges 4509
and franchises within this state, and shall otherwise proceed as 4510
provided in sections 2733.02 to 2733.39 of the Revised Code. 4511

Sec. 5815.15. No fiduciary or other person having the 4512
possession or control of any property subject to a power of 4513
appointment, other than the donee or holder of such power, has 4514
notice of a release of the power until a copy of the release is 4515
delivered to the fiduciary or other person having possession or 4516
control. 4517

No purchaser or mortgagee of real property subject to a power 4518
of appointment has notice of a release of the power until a copy 4519
of the release is delivered to the officer charged by law with the 4520
recording of deeds in the county in which the property is 4521
situated. If the property is in this state, the county recorder to 4522
whom a release is delivered shall record the release in the ~~record~~ 4523
~~of powers of attorney~~ official records, and shall charge a fee 4524
computed in the same manner as the fee charged for recording 4525
deeds. 4526

Section 2. That existing sections 135.807, 149.52, 317.02, 4527
317.04, 317.05, 317.07, 317.08, 317.09, 317.10, 317.111, 317.112, 4528
317.12, 317.13, 317.15, 317.17, 317.18, 317.19, 317.20, 317.22, 4529
317.26, 317.28, 317.29, 317.31, 317.32, 317.35, 317.36, 319.203, 4530
323.43, 503.13, 703.16, 707.09, 709.06, 709.32, 709.38, 709.39, 4531
723.04, 723.05, 961.02, 961.05, 971.15, 1311.06, 1311.35, 1311.42, 4532
1337.08, 1513.33, 1513.37, 1701.73, 1701.81, 1701.811, 1702.38, 4533
1702.43, 1702.462, 1705.38, 1705.381, 1729.38, 1776.70, 1776.74, 4534
1782.433, 1782.4310, 2113.62, 2505.13, 2937.27, 3929.18, 4123.76, 4535
4123.78, 4141.23, 4961.39, 5301.01, 5301.14, 5301.21, 5301.25, 4536
5301.255, 5301.28, 5301.32, 5301.33, 5301.331, 5301.332, 5301.34, 4537
5301.35, 5301.52, 5301.56, 5302.15, 5302.17, 5302.171, 5302.222, 4538
5309.13, 5309.41, 5309.64, 5715.701, 5719.04, 5721.35, 5747.451, 4539
and 5815.15 and sections 317.201 and 711.12 of the Revised Code 4540
are hereby repealed. 4541

Section 3. Section 319.203 of the Revised Code is presented 4542

in this act as a composite of the section as amended by both Am. 4543
Sub. S.B. 262 and Am. Sub. S.B. 287 of the 121st General Assembly. 4544
The General Assembly, applying the principle stated in division 4545
(B) of section 1.52 of the Revised Code that amendments are to be 4546
harmonized if reasonably capable of simultaneous operation, finds 4547
that the composite is the resulting version of the section in 4548
effect prior to the effective date of the section as presented in 4549
this act. 4550