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Sub. H. B. No. 9

Representative Stautberg

**Cosponsors: Representatives Celebrezze, Hayes, Letson, Pillich, Winburn,
Adams, J., Adams, R., Antonio, Barborak, Beck, Blair, Boose, Brown, Buchy,
Budish, Burkley, Butler, Carney, Damschroder, Derickson, Duffey, Foley,
Green, Hackett, McClain, Milkovich, O'Brien, Patterson, Pelanda, Perales,
Rogers, Romanchuk, Rosenberger, Schuring, Sears, Slaby, Slesnick, Smith,
Sprague, Szollosi Speaker Batchelder**

Senator Coley

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A B I L L

To amend sections 317.08, 2333.22, 2715.21, 2735.01, 1
2735.02, 2735.04, and 5301.09 and to enact 2
sections 2735.07, 2735.08, and 4928.80 of the 3
Revised Code to add to and clarify the powers of a 4
receiver, to provide a procedure for a receiver's 5
sale of property, to prohibit an electric 6
distribution utility from altering, refusing, or 7
discontinuing service to, or discriminating 8
against, a receiver under certain circumstances, 9
to specify the order of the distribution of the 10
proceeds of the receivership, to address the 11
effect of a receivership on noncompetitive retail 12
electric service, and to specify that a lease of 13
natural gas and petroleum is an interest in real 14
estate. 15

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

Section 1. That sections 317.08, 2333.22, 2715.21, 2735.01, 16
2735.02, 2735.04, and 5301.09 be amended and sections 2735.07, 17
2735.08, and 4928.80 of the Revised Code be enacted to read as 18
follows: 19

Sec. 317.08. (A) Except as provided in divisions (C), (D), 20
and (E) of this section, the county recorder shall keep six 21
separate sets of records as follows: 22

(1) A record of deeds, in which shall be recorded all deeds 23
and other instruments of writing for the absolute and 24
unconditional sale or conveyance of lands, tenements, and 25
hereditaments; all notices as provided in sections 5301.47 to 26
5301.56 of the Revised Code; all judgments or decrees in actions 27
brought under section 5303.01 of the Revised Code; all 28
declarations and bylaws, and all amendments to declarations and 29
bylaws, as provided in Chapter 5311. of the Revised Code; 30
affidavits as provided in sections 5301.252 and 5301.56 of the 31
Revised Code; all certificates as provided in section 5311.17 of 32
the Revised Code; all articles dedicating archaeological preserves 33
accepted by the director of the Ohio historical society under 34
section 149.52 of the Revised Code; all articles dedicating nature 35
preserves accepted by the director of natural resources under 36
section 1517.05 of the Revised Code; all conveyances of 37
conservation easements and agricultural easements under section 38
5301.68 of the Revised Code; all instruments extinguishing 39
agricultural easements under section 901.21 or 5301.691 of the 40
Revised Code or pursuant to terms of such an easement granted to a 41
charitable organization under section 5301.68 of the Revised Code; 42
all instruments or orders described in division (B)(2)(b) of 43
section 5301.56 of the Revised Code; all no further action letters 44
issued under section 122.654 or 3746.11 of the Revised Code; all 45
covenants not to sue issued under section 3746.12 of the Revised 46

Code, including all covenants not to sue issued pursuant to 47
section 122.654 of the Revised Code; any restrictions on the use 48
of property contained in a no further action letter issued under 49
section 122.654 of the Revised Code, any restrictions on the use 50
of property identified pursuant to division (C)(3)(a) of section 51
3746.10 of the Revised Code, and any restrictions on the use of 52
property contained in a deed or other instrument as provided in 53
division (E) or (F) of section 3737.882 of the Revised Code; any 54
easement executed or granted under section 3734.22, 3734.24, 55
3734.25, or 3734.26 of the Revised Code; any environmental 56
covenant entered into in accordance with sections 5301.80 to 57
5301.92 of the Revised Code; all memoranda of trust, as described 58
in division (A) of section 5301.255 of the Revised Code, that 59
describe specific real property; and all agreements entered into 60
under division (A) of section 1506.44 of the Revised Code; 61

(2) A record of mortgages, in which shall be recorded all of 62
the following: 63

(a) All mortgages, including amendments, supplements, 64
modifications, and extensions of mortgages, or other instruments 65
of writing by which lands, tenements, or hereditaments are or may 66
be mortgaged or otherwise conditionally sold, conveyed, affected, 67
or encumbered; 68

(b) All executory installment contracts for the sale of land 69
executed after September 29, 1961, that by their terms are not 70
required to be fully performed by one or more of the parties to 71
them within one year of the date of the contracts; 72

(c) All options to purchase real estate, including 73
supplements, modifications, and amendments of the options, but no 74
option of that nature shall be recorded if it does not state a 75
specific day and year of expiration of its validity; 76

(d) Any tax certificate sold under section 5721.33 of the 77

Revised Code, or memorandum of it, that is presented for filing of record.	78 79
(3) A record of powers of attorney, including all memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that do not describe specific real property;	80 81 82
(4) A record of plats, in which shall be recorded all plats and maps of town lots, of the subdivision of town lots, and of other divisions or surveys of lands, any center line survey of a highway located within the county, the plat of which shall be furnished by the director of transportation or county engineer, and all drawings and amendments to drawings, as provided in Chapter 5311. of the Revised Code;	83 84 85 86 87 88 89
(5) A record of leases, <u>including a lease described in section 5301.09 of the Revised Code</u> , in which shall be recorded all leases, memoranda of leases, and supplements, modifications, and amendments of leases and memoranda of leases;	90 91 92 93
(6) A record of declarations executed pursuant to section 2133.02 of the Revised Code and durable powers of attorney for health care executed pursuant to section 1337.12 of the Revised Code.	94 95 96 97
(B) All instruments or memoranda of instruments entitled to record shall be recorded in the proper record in the order in which they are presented for record. The recorder may index, keep, and record in one volume unemployment compensation liens, internal revenue tax liens and other liens in favor of the United States as described in division (A) of section 317.09 of the Revised Code, personal tax liens, mechanic's liens, agricultural product liens, notices of liens, certificates of satisfaction or partial release of estate tax liens, discharges of recognizances, excise and franchise tax liens on corporations, broker's liens, and liens provided for in sections 1513.33, 1513.37, 3752.13, 5164.56, and	98 99 100 101 102 103 104 105 106 107 108

5311.18 of the Revised Code. 109

The recording of an option to purchase real estate, including 110
any supplement, modification, and amendment of the option, under 111
this section shall serve as notice to any purchaser of an interest 112
in the real estate covered by the option only during the period of 113
the validity of the option as stated in the option. 114

(C) In lieu of keeping the six separate sets of records 115
required in divisions (A)(1) to (6) of this section and the 116
records required in divisions (D) and (E) of this section, a 117
county recorder may record all the instruments required to be 118
recorded by this section in two separate sets of record books. One 119
set shall be called the "official records" and shall contain the 120
instruments listed in divisions (A)(1), (2), (3), (5), and (6) and 121
(D) and (E) of this section. The second set of records shall 122
contain the instruments listed in division (A)(4) of this section. 123

(D) Except as provided in division (C) of this section, the 124
county recorder shall keep a separate set of records containing 125
all corrupt activity lien notices filed with the recorder pursuant 126
to section 2923.36 of the Revised Code and a separate set of 127
records containing all medicaid fraud lien notices filed with the 128
recorder pursuant to section 2933.75 of the Revised Code. 129

(E)(1) The county recorder shall keep a separate set of 130
records containing all transfers, conveyances, or assignments of 131
any type of tangible or intangible personal property or any rights 132
or interests in that property if and to the extent that any person 133
wishes to record that personal property transaction and if the 134
applicable instrument is acknowledged before a notary public. If 135
the transferor is a natural person, the notice of personal 136
property transfer shall be recorded in the county in this state in 137
which the transferor maintains the transferor's principal 138
residence. If the transferor is not a natural person, the notice 139
of personal property transfer shall be recorded in the county in 140

this state in which the transferor maintains its principal place 141
of business. If the transferor does not maintain a principal 142
residence or a principal place of business in this state and the 143
transfer is to a trustee of a legacy trust formed pursuant to 144
Chapter 5816. of the Revised Code, the notice of personal property 145
transfer shall be recorded in the county in this state where that 146
trustee maintains a principal residence or principal place of 147
business. In all other instances, the notice of personal property 148
transfer shall be recorded in the county in this state where the 149
property described in the notice is located. 150

(2) The records described in division (E)(1) of this section 151
shall be maintained in or as part of the "official records" under 152
division (C) of this section. 153

Sec. 2333.22. (A) In proceedings under sections 2333.09 to 154
2333.27, ~~inclusive,~~ of the Revised Code, the judge by order may 155
appoint the sheriff of the proper county, or other suitable 156
person, a receiver of the property of the judgment debtor. ~~Such~~ 157

(B) The judge also who appointed the receiver under division 158
(A) of this section, by order, may forbid a transfer, or other 159
disposition of or interference with, the property of the judgment 160
debtor not exempt by law. 161

(C) Under the control of the judge who appointed a receiver 162
under division (A) of this section and except as ordered by the 163
judge under division (B) of this section, the receiver may do any 164
of the acts specified in section 2735.04 of the Revised Code. 165

Sec. 2715.21. (A) The receiver appointed under section 166
2715.20 of the Revised Code shall take possession of all notes, 167
due bills, books of account, accounts, and other evidences of 168
debt, that have been taken by the levying officer as the property 169
of the defendant in attachment, and proceed to settle and collect 170

them. For that purpose, the receiver may commence and maintain 171
actions in ~~his~~ the receiver's own name, as receiver, but no right 172
of defense ~~therein~~ in the action shall be impaired or affected. 173

(B) Under the control of the court that appointed the 174
receiver under section 2715.20 of the Revised Code, the receiver 175
may do any of the acts specified in section 2735.04 of the Revised 176
Code. 177

Sec. 2735.01. (A) A receiver may be appointed by the supreme 178
court or a judge thereof, the court of appeals or a judge thereof 179
in ~~his~~ the judge's district, the court of common pleas or a judge 180
thereof in ~~his~~ the judge's county, or the probate court, in causes 181
pending in such courts respectively, in the following cases: 182

~~(A)~~(1) In an action by a vendor to vacate a fraudulent 183
purchase of property, or by a creditor to subject property or a 184
fund to ~~his~~ the creditor's claim, or between partners or others 185
jointly owning or interested in any property or fund, on the 186
application of the plaintiff, or of a party whose right to or 187
interest in the property or fund, or the proceeds ~~thereof~~ of the 188
property or fund, is probable, and when it is shown that the 189
property or fund is in danger of being lost, removed, or 190
materially injured; 191

~~(B)~~(2) In an action by a mortgagee, for the foreclosure of 192
~~his~~ the mortgagee's mortgage and sale of the ~~mortgage~~ mortgaged 193
property, when it appears that the mortgaged property is in danger 194
of being lost, removed, ~~or~~ materially injured, diminished in 195
value, or squandered, or that the condition of the mortgage has 196
not been performed, and ~~the~~ either of the following applies: 197

(a) The property is probably insufficient to discharge the 198
mortgage debt. 199

(b) The mortgagor has consented in writing to the appointment 200

<u>of a receiver.</u>	201
<u>(3) To enforce a contractual assignment of rents and leases;</u>	202
(C) <u>(4) After judgment, to carry the judgment into effect;</u>	203
(D) <u>(5) After judgment, to dispose of the property according</u>	204
<u>to the judgment, or to preserve it during the pendency of an</u>	205
<u>appeal, or when an execution has been returned unsatisfied and the</u>	206
<u>judgment debtor refuses to apply the property in satisfaction of</u>	207
<u>the judgment;</u>	208
(E) <u>(6) When a corporation, limited liability company,</u>	209
<u>partnership, limited partnership, or other entity has been</u>	210
<u>dissolved, or is insolvent, or is in imminent danger of</u>	211
<u>insolvency, or has forfeited its corporate, limited liability</u>	212
<u>company, partnership, limited partnership, or other entity rights;</u>	213
(F) <u>(7) In all other cases in which receivers have been</u>	214
<u>appointed by the usages of equity.</u>	215
<u>(B) A receiver appointed under division (A)(1), (2), (3), or</u>	216
<u>(5) of this section shall be appointed only with respect to the</u>	217
<u>particular property that is the subject of the action in which the</u>	218
<u>appointment of a receiver is sought.</u>	219
<u>(C) A receiver appointed under division (A)(6) of this</u>	220
<u>section may be appointed to manage all the affairs of the</u>	221
<u>corporation, limited liability company, partnership, limited</u>	222
<u>partnership, or other entity with respect to which the appointment</u>	223
<u>of a receiver is sought.</u>	224
<u>(D) A receiver appointed under division (A)(4) or (7) of this</u>	225
<u>section may be appointed to manage all the affairs of the</u>	226
<u>corporation, limited liability company, partnership, limited</u>	227
<u>partnership, or other entity, or only with respect to particular</u>	228
<u>property as determined by the court.</u>	229
Sec. 2735.02. No party, attorney <u>for a party</u> , or person	230

interested in an action shall be appointed receiver ~~therein in the~~ 231
action except by consent of all of the parties to the action and 232
all other persons holding a recorded ownership interest in or a 233
recorded or filed lien on the property that is subject to the 234
action. No person except a resident of this state shall be 235
appointed or act as receiver of a ~~railroad or other~~ corporation 236
within, partnership, limited liability company, or other entity 237
created under the laws of this state. In selecting a receiver, 238
priority consideration shall be afforded to any of the qualified 239
persons nominated by the party seeking the receivership. No 240
nomination of qualified persons for the receivership is binding 241
upon the court. 242

Sec. 2735.04. (A) The powers of a receiver shall be set forth 243
in the order of the court that appointed the receiver as those 244
powers may be modified by the court or as otherwise approved by 245
the court upon application of the receiver or a party to the 246
action. 247

(B) Under the control of the court ~~which that~~ appointed ~~him,~~ 248
the receiver as provided in section 2735.01 of the Revised Code, a 249
the receiver may ~~bring~~ do any of the following: 250

(1) Bring and defend actions in ~~his~~ the receiver's own name 251
as receiver, ~~take;~~ 252

(2) Take and keep possession of real or personal property, 253
~~receive;~~ 254

(3) Collect rents, ~~collect,~~ compound for and other 255
obligations, and compromise demands, ~~make;~~ 256

(4) Enter into contracts, including, but not limited to 257
contracts of sale, lease, or, so long as existing lien rights will 258
not be impacted, contracts for construction and for the completion 259
of construction work; 260

<u>(5) Sell and make transfers, and generally of real or</u>	261
<u>personal property;</u>	262
<u>(6) Execute deeds, leases, or other documents of conveyance</u>	263
<u>of real or personal property;</u>	264
<u>(7) Open and maintain deposit accounts in the receiver's</u>	265
<u>name;</u>	266
<u>(8) Generally do such any other acts respecting the property</u>	267
<u>as that the court authorizes.</u>	268
<u>(C) Any funds that are expended by or on behalf of the</u>	269
<u>receiver, including receivership fees, fees for professionals</u>	270
<u>assisting the receivership, and those expended in entering into or</u>	271
<u>performing contracts under division (B)(4) of this section,</u>	272
<u>including those for the completion of construction work authorized</u>	273
<u>by the court, shall be taxed as court costs or otherwise treated</u>	274
<u>as an administrative expense of the action. The court may require</u>	275
<u>an additional deposit to cover funds that would be expended by the</u>	276
<u>receiver under a contract entered into under division (B)(4) of</u>	277
<u>this section only from the parties that have requested or</u>	278
<u>expressly consented to the receiver incurring those expenses.</u>	279
<u>(D)(1)(a) Subject to the approval and supervision of the</u>	280
<u>court and the requirements of this section, a receiver may sell</u>	281
<u>property free and clear of liens by private sale pursuant to a</u>	282
<u>written contract between the receiver and the prospective</u>	283
<u>purchaser, by private auction, by public auction, or by any other</u>	284
<u>method that the court determines is fair to the owner of the</u>	285
<u>property and all other parties with an interest in the property,</u>	286
<u>is reasonable under the circumstances, and will maximize the</u>	287
<u>return from the property to the receivership estate, taking into</u>	288
<u>account the potential cost of holding and operating the property.</u>	289
<u>(b) Before entering an order authorizing the sale of the</u>	290
<u>property by the receiver, the court may require that the receiver</u>	291

provide evidence of the value of the property. That valuation may 292
be provided by any evidence that the court determines is 293
appropriate. In a public or private auction, the court may 294
establish a minimum bid. 295

(c) If the receiver requests authority to sell the property 296
pursuant to a prospective purchase contract and if warranted by 297
the circumstances, the court may require that the receiver solicit 298
and consider additional offers. If the receiver ultimately sells 299
the property to a party other than the original proposed 300
purchaser, if approved by the court, the receiver may pay to the 301
unsuccessful original proposed purchaser a reasonable amount of 302
costs and expenses from the sale proceeds in an amount determined 303
by the court to compensate that proposed purchaser for 304
participation in the sale process to the extent that participation 305
brought value to the receivership. 306

(2) Any sale of real property under division (B)(5) of this 307
section shall be made only after all of the following occur: 308

(a) An application is made by the receiver or the first 309
mortgage holder that requests that the receiver be granted the 310
authority to sell the specific real property and sets forth either 311
of the following: 312

(i) If the receiver has not received a specific offer for 313
sale that the receiver desires to accept, the proposed procedures 314
for the conduct of the sale; 315

(ii) If the receiver has received a specific offer for sale 316
that the receiver desires to accept, the identity of the buyer and 317
the proposed terms of the sale. 318

(b) At least ten days' prior written notice is given in 319
accordance with the Rules of Civil Procedure to all of the owners 320
of the real property, all parties to the action, and all other 321
persons with a recorded or filed lien encumbering the real 322

property to be sold as those persons are identified in a 323
preliminary judicial report or a commitment for an owner's policy 324
of title insurance previously filed with the court pursuant to 325
section 2329.191 of the Revised Code or, if not previously filed, 326
in a preliminary judicial report or a commitment for an owner's 327
policy of title insurance filed with the application of the 328
receiver for authority to sell the real property that otherwise 329
complies with the requirements of section 2329.191 of the Revised 330
Code, unless the lien or interest is barred by lis pendens 331
pursuant to section 2703.26 of the Revised Code. 332

(c) An opportunity is given for a hearing at which all of the 333
parties and persons to whom the notice is given under division 334
(D)(2)(b) of this section may be heard, provided that if no such 335
party or person objects to the proposed sale or requests a hearing 336
within the period provided pursuant to that division, the court 337
may proceed without a hearing. 338

(d) The court issues an order of sale of the real property 339
that sets forth the required procedure for or the terms of the 340
sale. The order of sale is the final appealable order with respect 341
to the matters contained in the order. 342

(3)(a) If requested in the receiver's application for 343
authority to sell the real property under division (D)(2)(a) of 344
this section, upon a finding by the court after notice and an 345
opportunity for a hearing as provided in divisions (D)(2)(b) and 346
(c) of this section that it is in the best interest of the 347
receivership estate that the real property be sold free and clear 348
of liens, the court may order that the real property be sold free 349
and clear of all liens other than the lien of the treasurer of the 350
county in which the real property is located for real estate taxes 351
and assessments. 352

(b) In the event of a sale free and clear of liens, upon the 353
recording of the deed from the receiver to the purchaser, those 354

liens shall be canceled as to the real property and shall be 355
transferred to the proceeds of the sale in the hands of the 356
receiver with the same priority as those liens previously attached 357
to the real property sold. 358

(4) The sale of real property under division (D)(2) of this 359
section is in lieu of a sale pursuant to Chapter 2329. of the 360
Revised Code, and except as provided in division (D)(2)(b) of this 361
section with respect to the applicability of section 2329.191 of 362
the Revised Code and as provided in division (D)(9) of this 363
section with respect to the applicability of section 2329.37 of 364
the Revised Code, the provisions of Chapter 2329. of the Revised 365
Code do not apply to a sale of real property under division (D)(2) 366
of this section. 367

(5) If the contemplated sale of real property is under 368
division (D)(2)(a)(ii) of this section, the court may finally 369
approve the sale, and no separate confirmation order is required. 370

(6) If the contemplated sale of real property is under 371
division (D)(2)(a)(i) of this section, following the sale or 372
auction process described in the application, the receiver or 373
first mortgage holder shall seek an order confirming the sale 374
process and approving the proposed sale. 375

(7) The court's order approving the application by a receiver 376
or first mortgage holder for authority to sell real property under 377
division (D)(2)(a) of this section shall establish a reasonable 378
time, but not less than three days, after the date of the order 379
approving the specific sale or the sale process for the owner and 380
all other parties possessing an equity of redemption in the real 381
property to exercise their equity of redemption in the real 382
property or to have that equity of redemption forever barred. 383
Section 2329.33 of the Revised Code does not apply to a sale by a 384
receiver under this section. 385

(8)(a) Until the date the court sets for the termination of 386
the fee owner's time to redeem the real property, any fee owner of 387
the real property proposed to be sold may redeem the real property 388
from the sale by paying to the receiver by cashier's check or 389
other form of immediately available funds an amount equal to the 390
greater of the following: 391

(i) The sale price at which the real property was sold; 392

(ii) An amount equal to the total of all liens upon the real 393
property that were to be canceled as liens upon the real property 394
by virtue of the sale, including all principal, interest, costs, 395
and other amounts secured by those liens through the date of 396
payment to the receiver. 397

(b) The amount determined under division (D)(8)(a)(i) or (ii) 398
of this section may include interest on the amount of the sale 399
price at a rate that may be fixed by the court, from the date of 400
the sale to the date of the payment of the full amount to the 401
receiver. 402

(c) Upon receipt of the amount determined under divisions 403
(D)(8)(a) and (b) of this section, the receiver shall advise the 404
court and all of the parties and persons to whom notice was given 405
pursuant to division (D)(2)(b) of this section of the receipt of 406
that amount and shall set aside the sale. The fee title to the 407
real property shall remain in the name of the owner of the real 408
property, and the liens upon the real property, except as provided 409
in division (D)(3) of this section, shall be transferred in the 410
same order of priority to the proceeds received by the receiver 411
from the owner of the real property. 412

(9) If the sale of the real property by the receiver under 413
division (D)(2) of this section is conducted in accordance with 414
the terms of the order of the court authorizing the sale, upon 415
closing of the sale the receiver shall execute and deliver a 416

receiver's deed for the real property sold to the purchaser. The 417
receiver's deed has the effect provided for in section 2329.37 of 418
the Revised Code. 419

(10) If the contemplated sale of the real property is under 420
division (D)(2)(a)(ii) of this section, as soon as is reasonably 421
possible following the delivery of the deed to the purchaser under 422
division (D)(9) of this section, the receiver shall file with the 423
court and serve upon all of the parties and persons to whom the 424
notice of the application for the authority to sell the real 425
property was given under division (D)(2)(b) of this section a 426
certificate and report of sale in which the receiver certifies all 427
of the following: 428

(a) That the sale was conducted in accordance with the order 429
authorizing the sale; 430

(b) The date of the sale; 431

(c) The name of the purchaser; 432

(d) The purchase price; 433

(e) The amount of the net proceeds of the sale after payment 434
of all expenses associated with the sale; 435

(f) A copy of the closing statement, if a closing statement 436
was prepared; 437

(g) Any other information that the court may require. 438

Sec. 2735.07. (A) As used in this section, "assurance of 439
payment" means one or more of the following: 440

(1) A cash deposit; 441

(2) A letter of credit; 442

(3) A certificate of deposit; 443

(4) A surety bond; 444

(5) A prepayment of utility consumption; 445

(6) Another form of security that is mutually agreed on 446
between the public utility and the receiver, which may include a 447
provision for services provided by the public utility prior to the 448
date of the appointment of the receiver. 449

(B) The electric distribution utility may alter, refuse, or 450
discontinue service if the receiver, within five days after the 451
date of the appointment of the receiver, does not furnish adequate 452
assurance of payment for service after that date in an amount that 453
is agreeable to the electric distribution utility. 454

Sec. 2735.08. (A) As used in this section, "administrative 455
expenses" includes, but is not limited to, all of the following: 456

(1) The receiver's fees and expenses; 457

(2) Payment of receiver certificates; 458

(3) Expenses incurred by the receiver in operating the entity 459
or property over which the receiver was appointed, including but 460
not limited to, charges by a public utility for service after the 461
date of the appointment of a receiver. 462

(B) The receiver shall make distributions from the 463
receivership in the following order of priority: 464

(1) First, to holders of actual, necessary administrative 465
expenses of the receivership, which shall be paid in full in the 466
ordinary course of business unless otherwise agreed to by the 467
receiver and the provider of the necessary expenses; 468

(2) Second, to secured creditors that hold liens on the 469
property subject to the receivership, in the order of their 470
priority; 471

(3) Third, pro rata, to each public utility for services 472
provided to the property subject to the receivership prior to the 473

date of the appointment of the receiver; 474

(4) Fourth, unsecured claims arising against the owner of the 475
property subject to the receivership prior to the date of the 476
appointment of the receiver that are recognized under the law of 477
this state or of the United States as having priority over other 478
unsecured creditors. 479

(5) Fifth, pro rata, to all other unsecured creditors for 480
claims arising against the owner of the property subject to the 481
receivership prior to the date of the appointment of the receiver; 482

(6) Sixth, if all amounts payable under divisions (B)(1) to 483
(5) of this section have been paid in full by the receiver, any 484
remaining property that is subject to the receivership shall be 485
returned to the person or entity that owned the property subject 486
to the receivership. 487

Sec. 4928.80. (A) An electric distribution utility to which a 488
customer owes unpaid charges for retail electric service provided 489
prior to the date of the appointment of the receiver shall 490
continue to provide noncompetitive retail electric service to the 491
customer if both of the following apply: 492

(1) The customer or the property being serviced by the 493
electric distribution utility is under the control of a receiver 494
appointed under section 2333.22, 2715.20, or 2735.01 of the 495
Revised Code. 496

(2) The receiver described in division (A)(1) of this section 497
obtains competitive retail electric service from another provider 498
or providers of competitive retail electric service. 499

(B) The public utilities commission shall adopt rules 500
necessary to implement the provisions of this section and sections 501
2735.07 and 2735.08 of the Revised Code not later than ninety days 502
after the effective date of this section. The rules adopted under 503

this section shall not prohibit the denial or disconnection of 504
nonresidential service for reasons other than nonpayment for 505
services provided prior to the date of the appointment of the 506
receiver. 507

Sec. 5301.09. ~~All~~ In recognition that such leases and 508
licenses create an interest in real estate, all leases, licenses, 509
and assignments thereof, or of any interest therein, given or made 510
concerning lands or tenements in this state, by which any right is 511
granted to operate or to sink or drill wells thereon for natural 512
gas and petroleum or either, or pertaining thereto, shall be filed 513
for record and recorded in such lease record without delay, and 514
shall not be removed until recorded. No such lease or assignment 515
thereof shall be accepted for record after September 24, 1963, 516
unless it contains the mailing address of both the lessor and 517
lessee or assignee. If the county in which the land subject to any 518
such lease is located maintains permanent parcel numbers or 519
sectional indexes pursuant to section 317.20 of the Revised Code, 520
no such lease shall be accepted for record after December 31, 521
1984, unless it contains the applicable permanent parcel number 522
and the information required by section 317.20 of the Revised Code 523
to index such lease in the sectional indexes; and, in the event 524
any such lease recorded after December 31, 1984, is subsequently 525
assigned in whole or in part, and the county in which the land 526
subject thereto is located maintains records by microfilm or other 527
microphotographic process, the assignment shall contain the same 528
descriptive information required to be included in the original 529
lease by this sentence, but the omission of the information 530
required by this section does not affect the validity of any 531
lease. Whenever any such lease is forfeited for failure of the 532
lessee, ~~his~~ the lessee's successors or assigns to abide by 533
specifically described covenants provided for in the lease, or 534
because the term of the lease has expired, the lessee, ~~his~~ the 535

lessee's successors or assigns, shall have such lease released of 536
record in the county where such land is situated without cost to 537
the owner thereof. 538

No such lease or license is valid until it is filed for 539
record, except as between the parties thereto, unless the person 540
claiming thereunder is in actual and open possession. 541

Section 2. That existing sections 317.08, 2333.22, 2715.21, 542
2735.01, 2735.02, 2735.04, and 5301.09 of the Revised Code are 543
hereby repealed. 544