



Bill Analysis

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Legislative Service Commission

Am. Sub. H.B. 525 127th General Assembly (As Passed by the House)

Reps. Combs, J. McGregor, Peterson, Setzer, Harwood, Szollosi, Raussen, Chandler, Uecker, Adams, Batchelder, Blessing, Boyd, Brown, Ciafardini, Coley, Domenick, Dyer, Evans, Flowers, Gardner, Gerberry, Hite, Huffman, Letson, Lundy, Mecklenborg, Nero, Patton, Schneider, Stebelton

BILL SUMMARY

- Establishes standard format requirements for documents to be recorded by a county recorder.
- Specifies that a single instrument that combines separate instruments that convey or affect an interest in crude oil or natural gas is recordable.

CONTENT AND OPERATION

Requirements for instruments or documents recorded with county recorder

(R.C. 317.114(A))

Current law does not prescribe format requirements for instruments or documents recorded with the county recorder. However, format-type requirements do exist for certain instruments or documents. For example, an instrument conveying title to property must contain legible signatures or names and the name of the instrument's preparer and must be of a particular quality of paper and sufficiently legible to permit reproduction. (R.C. 317.11, 317.111, and 317.112, none in the bill.) Also, current law requires a deed or other instrument that is in a language other than English to be accompanied by a certified English translation (R.C. 317.113, not in the bill).

Under the bill, except for the exceptions described below, an instrument or document that is presented for recording must comply with the following standard format requirements:

- Print size not smaller than a computer font size of ten;
- Minimum paper size of 8½inches by 11 inches;
- Maximum paper size of 8½ inches by 14 inches;
- Black or blue ink only;
- No use of highlighting;
- Margins of one-inch width on each side of each page of the instrument or document;
- A margin of one-inch width across the bottom of each page of the instrument or document;
- A three-inch margin of blank space across the top of the first page of each instrument or document to accommodate any certification or indorsement of the county engineer, county auditor, or county recorder, with the right half of that margin being reserved for the county recorder to indorse the date, the precise time of presentation, and a file number; and
- A one and one-half-inch margin across the top of each of the remaining pages of the instrument or document.

The bill requires the county recorder to accept for recording an instrument or document that does not conform to these requirements, but requires the recorder to charge and collect fees in addition to the regular recording fees.¹ The additional fees consist of a \$10 base fee for the recorder's services and a \$10 housing trust fund fee.

¹ Current law requires, for each document or instrument recorded, the county recorder to charge and collect base fees for the recorder's services and also housing trust fund fees. The amount charged and collected depends on the document or instrument recorded. (R.C. 317.32, not in the bill.) The housing trust fund fee generally is equal to the amount of any base fee collected and is certified by the recorder into the county treasury as housing trust fund fees (R.C. 317.36).

Exceptions to recording requirements

(R.C. 317.114(B))

The requirements described above do not apply to the following documents recorded with the county recorder:

- Any document that originates with any court or taxing authority;
- Any record of discharge of a discharged member of the United States armed forces or of any person who served during World War I or World War II as a member of any armed force of the government of Poland or Czechoslovakia, participated in armed conflict with a United States enemy, and has been a United States citizen for at least ten years;
- Any plat, which is a map of a tract or parcel of land, that is required or authorized by the Revised Code to be recorded;
- Any document authorized to be recorded that originates from any state or federal agency; and
- Any document executed before the bill's effective date.

Multiple transactions pertaining to oil and gas

(R.C. 317.37)

For purposes of county recording law for property interests, the bill defines "separate instrument" to mean either the recording of an entirely new instrument or a written and signed entry on the margin of the original instrument bearing proper endorsement that is recorded distinct and apart from the original instrument. The bill specifies that for instruments that convey or affect an interest in crude oil or natural gas, such as a lease, assignment, easement, lien, or right-of way, in a county in which the county recorder requires an assignment, release, partial release, satisfaction, cancellation, or waiver of priority to be made by separate instrument, that the county recorder cannot limit the number of assignments, releases, partial releases, satisfactions, cancellations, or waivers of priority that can be executed and recorded by means of a single instrument.

Effective date

(Section 3)

The bill specifies that its provisions take effect on July 1, 2009.

HISTORY

ACTION	DATE
Introduced	04-03-08
Reported, H. Local & Municipal Gov't & Urban Revitalization	05-19-08
Passed House (91-2)	11-13-08

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