



Real Estate Law Alert

A Corporate Department Publication

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This Real Estate Law Alert is intended to provide general information for clients or interested individuals and should not be relied upon as legal advice. Please consult an attorney for specific advice regarding your particular situation.

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If you prepare loan documents such as mortgages and assignments of rents and leases, you should be aware of a new Ohio statute. This law, Ohio Revised Code Section 317.114, enacted January 6, 2009 and effective April 6, 2009, provides very specific requirements for the format of instruments to be filed with the County Recorder's Office. Documents that do not comply with the new law will still be recordable, but will be subject to an extra filing fee of \$10 for the recorder's services and \$10 for a housing trust fund fee.

The new statute is set forth below.

Sec. 317.114. (A) Except as otherwise provided in division (B) of this section, an instrument or document presented for recording to the county recorder shall have been prepared in accordance with all of the following requirements:

- (1) Print size not smaller than a computer font size of ten;
- (2) Minimum paper size of eight and one-half inches by eleven inches;
- (3) Maximum paper size of eight and one-half inches by fourteen inches;
- (4) Black or blue ink only;
- (5) No use of highlighting;
- (6) Margins of one-inch width on each side of each page of the instrument or document;
- (7) A margin of one-inch width across the bottom of each page of the instrument or document;
- (8) 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, as may be required by law, with the right half of that margin being reserved for the indorsement of the county recorder required by section 317.12 of the Revised Code; and
- (9) A one and one-half-inch margin across the top of each of the remaining pages of the instrument or document.

The county recorder shall accept for recording an instrument or document that does not conform to the foregoing requirements but shall charge and collect the following additional fees for each such instrument or document: an additional base fee for the recorder's services of ten dollars and a housing trust fund fee of ten dollars, which shall be collected pursuant to section 317.36 of the Revised Code.

(B) This section does not apply to any of the following:

- (1) Any document that originates with any court or taxing authority;
- (2) Any document authorized to be recorded under section 317.24 of the Revised Code;
- (3) Any plat, as defined in section 711.001 of the Revised Code, that is required or authorized by the Revised Code to be recorded;
- (4) Any document authorized to be recorded that originates from any state or federal agency;
- (5) Any document executed before the effective date of this section.