

H. B. No. 209  
As Introduced

**Topic:** Written consent of spouse pertaining to principal home 1

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, delete "and"; after "2106.24" insert ", and 2  
5301.04" 3

In line 2 of the title, after "dower" insert "and to generally 4  
require both spouses to sign and certify conveyancing and other 5  
instruments pertaining to the marital residence owned by one spouse" 6

In line 3, delete "and"; after "2106.24" insert ", and 5301.04" 7

After line 50, insert: 8

~~"Sec. 5301.04. A deed, mortgage, or lease of any interest 9  
of a married person in real property shall be signed, 10  
acknowledged, and certified as provided in section 5301.01 of 11  
the Revised Code. (A) This section applies to the following: 12~~

(1) Real property that is the marital residence of both 13  
spouses and is individually owned by or titled to one of the 14  
spouses regardless of the time when the individual spouse 15  
acquired the property; 16



(2) Instruments described in division (B) of this section 17  
evidencing transactions that occur during the marriage of the 18  
spouses. 19

(B) Subject to division (C) of this section, a deed, 20  
mortgage, land contract as referred to in division (A) (21) of 21  
section 317.08 of the Revised Code, or lease of any interest in 22  
real property and a memorandum of trust as described in division 23  
(A) of section 5301.255 of the Revised Code, pertaining to real 24  
property described in division (A) (1) of this section, shall be 25  
signed, acknowledged, and certified by both spouses as provided 26  
in section 5301.01 of the Revised Code. 27

(C) The spouse who does not own or is not titled to the 28  
real property described in division (A) (1) of this section is 29  
not required to sign, acknowledge, and certify any of the 30  
instruments described in division (B) of this section if any of 31  
the following circumstances apply: 32

(1) (a) Subject to division (C) (1) (b) of this section, that 33  
spouse voluntarily abandons the marital residence for a period 34  
of at least one year. 35

(b) Division (C) (1) (a) of this section does not apply to a 36  
spouse under that division who abandons the marital residence 37  
for any of the following reasons: 38

(i) The spouse is a victim of domestic violence. 39

(ii) The spouse is forced to abandon the marital residence 40  
due to a natural disaster or any other circumstance that has 41  
made the residence uninhabitable for that spouse. 42

(2) The spouse takes up residence in another state for any 43  
reason for a period of one year." 44

In line 51, delete "and" 45

In line 52, after "2106.24" insert ", and 5301.04" 46

The motion was \_\_\_\_\_ agreed to.