

AN ACT

To amend sections 317.20, 1923.06, 3953.01, 3953.04, 3953.07, 5309.01, 5309.06, 5309.09, 5309.24, 5309.28, 5309.33, 5309.36, 5309.38, 5309.40, and 5309.76 and to enact sections 765.01 to 765.04, 1901.183, 3953.29, and 5309.281 of the Revised Code to aid in the eradication of urban and rural blight by authorizing municipal corporations within the jurisdiction of the environmental division of a municipal court to establish noncriminal land use infractions and provide civil enforcement procedures for those infractions and by granting the environmental division of a municipal court additional jurisdiction to enforce nuisance abatement and other environmental laws and to enforce its judgments, to modify the procedure by which service is effected in an eviction action, and to eliminate references in title insurance policies and certain documents involving registered land transactions to racial and other restrictive covenants that, if exercised, honored, or included in a transfer, rental, or lease of housing accommodations, constitute an unlawful discriminatory practice.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 317.20, 1923.06, 3953.01, 3953.04, 3953.07, 5309.01, 5309.06, 5309.09, 5309.24, 5309.28, 5309.33, 5309.36, 5309.38, 5309.40, and 5309.76 be amended and sections 765.01, 765.02, 765.03, 765.04, 1901.183, 3953.29, and 5309.281 of the Revised Code be enacted to read as follows:

Sec. 317.20. (A) When, in the opinion of the board of county commissioners, sectional indexes are needed; and it so directs, in addition to

the alphabetical indexes provided for in section 317.18 of the Revised Code, the board may provide for making, in books prepared for that purpose, sectional indexes to the records of all real estate in the county; beginning with some designated year and continuing through such the period of years ~~as it specified, by placing that the board specifies.~~ The sectional indexes shall place under the heads of the original surveyed sections or surveys, ~~or~~ parts of a section or survey, squares, subdivisions, ~~or the~~ permanent parcel numbers provided for under section 319.28 of the Revised Code, or lots, on the left-hand page; or on the upper portion of such that page of the index book, the following:

(A) ~~The~~ name of the grantor;

(B) ~~Next to the right,~~ then the name of the grantee;

(C) ~~The,~~ then the number and page of the record ~~where in which~~ the instrument is found recorded;

(D) ~~The,~~ then the character of the instrument, ~~to be followed by~~ and then a pertinent description of the interest in property conveyed by the deed, lease, or assignment of lease;

(E) ~~On the opposite~~ and shall place under similar headings on the right-hand page; or on the lower portion of ~~the same that~~ that page of the index book, beginning at the bottom, ~~in like manner,~~ all the mortgages, liens, notices ~~as~~ provided for in sections 5301.51, 5301.52, and 5301.56 of the Revised Code, or other encumbrances affecting such the real estate.

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

(C) ~~If~~ the board of county commissioners decides to have such sectional ~~index~~ indexes made, it shall advertise for three consecutive weeks in one newspaper of general circulation in the county for sealed proposals to do such the work ~~as~~ provided for in this section, shall ~~let the work to~~ contract with the lowest and best bidder, and shall require ~~him~~ the successful bidder to give a bond for the faithful performance of the contract; in such the sum ~~as that the board fixes, and such.~~ The work shall be done to the acceptance of the auditor of state upon allowance by such the board. The board may reject any and all bids for the work, provided that no more than five cents shall be paid for each entry of each tract or lot of land.

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

(E)(1) As used in division (E) of this section, "housing accommodations" and "restrictive covenant" have the same meanings as in

section 4112.01 Of the Revised Code.

(2) In connection with any transfer of registered land that occurs on and after the effective date of this amendment 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. 765.01. As used in this chapter:

(A) "Land use infraction" means a violation of any municipal zoning code provisions that regulate parking on private property, a motor vehicle service or repair business in residential districts, or signage and other graphics displays, and any municipal ordinance, resolution, or other regulation dealing with the display of house numbers on buildings.

(B) "Law enforcement officer" means a law enforcement officer as defined in section 2901.01 Of the Revised Code, code enforcement officer, building inspector, or other officer authorized to enforce any code, ordinance, resolution, or regulation described in division (A) of this section.

Sec. 765.02. (A) A municipal corporation within the jurisdiction of the environmental division of a municipal court may enact an ordinance stating that specified land use infractions shall not be considered a criminal offense for any purpose if a ticket is issued for the specific land use infraction under Chapter 765. of the Revised Code, that a person who commits any infraction specified on the ticket shall not be arrested as a result of the commission of the infraction, and that ticketed infractions shall be handled pursuant to this chapter. Adoption of an ordinance under this section does not preclude the enforcement of any land use infraction code, ordinance, resolution, or regulation in any manner otherwise provided by law as long as no ticket is issued under this chapter, but instead provides an additional method of enforcing such laws.

(B) Each municipal corporation that enacts an ordinance under this section shall adopt a ticket to be used by its law enforcement officers in all cases in which a person is issued a ticket for committing a land use infraction in its jurisdiction. This ticket shall consist of two parts. The first part shall be notice of the land use infraction charged, and shall include the information specified in division (A) of section 765.03 of the Revised Code. The notice shall specify a reasonable time period within which the infraction

must be corrected or a summons and complaint will be served. The first part of the ticket shall also state that if the person corrects the infraction within the specified time period, the ticket will be voided. The second part of the ticket shall be the summons and complaint for purposes of this chapter, to be issued if the infraction is not corrected within the time period specified in the first part of the ticket. The second part of each ticket shall contain provisions that advise the person upon whom it is served that the person must answer in relation to the infraction charged in the ticket and that certain civil penalties may result from a failure to timely answer, indicate that the person will be afforded a hearing if the person denies in the answer that the person committed the infraction, specify the entity to which, the time within which, and the allowable manners in which the answer must be made, indicate the penalties that may result from failure to timely answer and the fine that arises from the land use infraction, warn that failure to timely answer or to appear at a requested hearing will be considered an admission of the land use infraction, and warn that a default civil judgment potentially may be entered against the person.

Sec. 765.03. (A) A law enforcement officer who issues a ticket for a land use infraction under this chapter shall complete the ticket by identifying the land use infraction charged and indicating the date, time, and place of the infraction. The officer shall sign the ticket and affirm the facts it contains. If the offender is present, the officer also shall record on the ticket the name of the offender in a space provided on the ticket for identification of the offender, and then shall serve the first part of the ticket in accordance with the service requirements of the Rules of Civil Procedure. If the infraction is not corrected within the time period specified on the first part of the ticket, the law enforcement officer shall serve the second part of the ticket in accordance with the service requirements of the Rules of Civil Procedure.

(B) The original of a ticket issued under this section or any true copy of it shall be considered a record kept in the ordinary course of business of the municipal corporation and of the law enforcement agency whose officer issued it, and shall be prima-facie evidence of the facts it contains.

(C) When a ticket is issued for a land use infraction and is served under this section, the offender whose act or omission resulted in the infraction for which the ticket was issued is liable for the infraction and for any fine or penalty arising out of the infraction under an ordinance enacted by the municipal corporation under division (A) of section 765.02 of the Revised Code.

(D) No person upon whom a ticket charging a land use infraction is

served under this section shall be arrested as a result of the commission of the land use infraction.

Sec. 765.04. The provisions of this chapter are in addition to, and not in abrogation of, any other jurisdiction the environmental division of any municipal court has to enforce any code, ordinance, resolution, or regulation described in division (A) of section 765.01 of the Revised Code.

Sec. 1901.183. In addition to jurisdiction otherwise granted in this chapter, the environmental division of a municipal court shall have jurisdiction within its territory in all of the following actions or proceedings and to perform all of the following functions:

(A) Notwithstanding any monetary limitations in section 1901.17 of the Revised Code, in all actions and proceedings for the sale of real or personal property under lien of a judgment of the environmental division of the municipal court, or a lien for machinery, material, fuel furnished, or labor performed, irrespective of amount, and, in those cases, the environmental division may proceed to foreclose and marshal all liens and all vested or contingent rights, to appoint a receiver, and to render personal judgment irrespective of amount in favor of any party;

(B) In all actions for the foreclosure of a mortgage on real property given to secure the payment of money, or the enforcement of a specific lien for money or other encumbrance or charge on real property, when the real property is situated within the territory, and, in those cases, the environmental division of the municipal court may proceed to foreclose all liens and all vested and contingent rights and proceed to render judgments, and make findings and orders, between the parties, in the same manner and to the same extent as in similar cases in the court of common pleas;

(C) In all actions for the recovery of real property situated within the territory to the same extent as courts of common pleas have jurisdiction;

(D) In all actions for injunction to prevent or terminate violations of the ordinances and regulations of any municipal corporation within its territory enacted or promulgated under the police power of that municipal corporation pursuant to Section 3 of Article XVIII, Ohio Constitution, over which the court of common pleas has or may have jurisdiction, and, in those cases, the environmental division of the municipal court may proceed to render judgments, and make findings and orders, in the same manner and to the same extent as in similar cases in the court of common pleas;

(E) In all actions for injunction to prevent or terminate violations of the resolutions and regulations of any political subdivision within its territory enacted or promulgated under the power of that political subdivision pursuant to Article X of the Ohio Constitution, over which the court of

common pleas has or may have jurisdiction, and, in those cases, the environmental division of the municipal court may proceed to render judgments, and make findings and orders, in the same manner and to the same extent as in similar cases in the court of common pleas;

(E) In any civil action to enforce any provision of Chapter 3704., 3714., 3734., 3737., 3767., or 6111. of the Revised Code over which the court of common pleas has or may have jurisdiction, and, in those actions, the environmental division of the municipal court may proceed to render judgments, and make findings and orders, in the same manner and to the same extent as in similar actions in the court of common pleas;

(G) In all actions and proceedings in the nature of creditors' bills, and in aid of execution to subject the interests of a judgment debtor in real or personal property to the payment of a judgment of the division, and, in those actions and proceedings, the environmental division may proceed to marshal and foreclose all liens on the property irrespective of the amount of the lien, and all vested or contingent rights in the property;

(H) Concurrent jurisdiction of all criminal actions or proceedings related to the pollution of the air, ground, or water within the territory of the environmental division of the municipal court, for which a sentence of death cannot be imposed under Chapter 2903. of the Revised Code;

(I) In any review or appeal of any final order of any administrative officer, agency, board, department, tribunal, commission, or other instrumentality that relates to a local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation, in the same manner and to the same extent as in similar appeals in the court of common pleas.

Sec. 1923.06. (A) ~~Except as otherwise provided in this section, the~~ Any summons in an action ~~under~~ pursuant to this chapter shall be issued, be in the form specified, and be served and returned as ~~in the Rules of Civil Procedure provided in this section.~~ Such service shall be at least ~~five~~ ten days before the day set for trial.

(B) Every summons issued under this section to recover residential premises shall contain the following language printed in a conspicuous manner: "A complaint to evict you has been filed with this court. No person shall be evicted unless ~~his~~ the person's right to possession has ended and no person shall be evicted in retaliation for the exercise of ~~his~~ the person's lawful rights. If you are depositing rent with the clerk of this court you shall continue to deposit such rent until the time of the court hearing. The failure to continue to deposit such rent may result in your eviction. You may request a trial by jury. You have the right to seek legal assistance. If you

cannot afford a lawyer, you may contact your local legal aid or legal service office. If none is available, you may contact your local bar association."

(C) The clerk of the court in which a complaint to evict is filed shall mail any summons by ordinary mail, along with a copy of the complaint, document, or other process to be served to the defendant at the address set forth in the caption of the summons and to any address set forth in any written instructions furnished to the clerk. The mailing shall be evidenced by a certificate of mailing which the clerk shall complete and file.

(D) The clerk shall deliver sufficient copies of the summons, complaint, document, or other process to be served to, and service shall be made by, one of the following persons:

(1) The sheriff of the county in which the premises are located When the process issues from a court of common pleas or county court;

(2) The bailiff of the court for service when process issues from the municipal court;

(3) Any person who is eighteen years of age or older, who is not a party, and who has been designated by order of the court to make service of process when Process issues from any of the courts in divisions (D)(1) and (2) of this section.

(E) The person serving process shall effect service at the premises that are the subject of the forcible entry and detainer action by one of the following means:

(1) By locating the person to be served at the premises to tender a copy of the process and accompanying documents to that person;

(2) By leaving a copy of the summons, complaint, document, or the process with a person of suitable age and discretion found at the premises if the person to be served cannot be found at the time the person making service attempts to serve the summons pursuant to division (E)(1) of this section;

(3) By posting a copy in a conspicuous place on the subject premises if service cannot be made pursuant to divisions (E)(1) and (2) of this section.

(F) Within ten days after receiving the summons, complaint, document, or other process from the clerk for service, the person making service shall return the process to the clerk. The person shall indicate on the process which method described in division (E) of this section was used to serve the summons. The clerk shall make the appropriate entry on the appearance docket.

(G) Service of process shall be deemed complete on the date that either of the following has occurred:

(1) Service is made pursuant to division (E)(1) or (2) of this section.

(2) Both ordinary mail service under division (C) and service by posting pursuant to division (E)(3) of this section have been made.

(H)(1) The claim for restitution of the premises shall be scheduled for hearing in accordance with local court rules, but in no event sooner than the tenth day from the date service is complete.

(2) Answer day for any other claims shall be twenty-eight days from the date service is complete.

Sec. 3953.01. As used in ~~sections 3953.01 to 3953.28, inclusive, of the Revised Code~~ this chapter:

(A) "Title insurance" means insuring, guaranteeing, or indemnifying owners of real property or others interested ~~therein~~ in real property against loss or damage suffered by reason of liens; or encumbrances upon, defect in, or the unmarketability of; the title to ~~such~~ the real property, guaranteeing, warranting, or otherwise insuring by a title insurance company the correctness of searches relating to the title to real property, or doing any business in substance equivalent to any of the foregoing.

(B) "The business of title insurance" means the following:

(1) The making as insurer, guarantor, or surety, or proposing to make as insurer, guarantor, or surety, any contract or policy of title insurance;

(2) The transacting, or proposing to transact, any phase of title insurance, including solicitation, negotiation preliminary to execution, execution of a contract of title insurance, insuring, and transacting matters subsequent to the execution of the contract and arising out of it, including reinsurance;

(3) The doing or proposing to do any business in substance equivalent to any of the foregoing.

(C) "Title insurance company" means any of the following:

(1) Any domestic title guaranty company and domestic title guarantee and trust company to the extent that they are engaged in the business of title insurance ~~as defined in this section~~;

(2) Any domestic company organized under this chapter for the purpose of insuring titles to real property;

(3) Any title insurance company organized under the laws of another state or foreign government;

(4) Any domestic or foreign company ~~having~~ that has the powers and is authorized to insure titles to real estate within this state ~~on the effective date of this section~~ December 12, 1967, and ~~which~~ that meets the requirements of this chapter.

(D) "Applicants for insurance" includes all those, whether or not a prospective insured, who from time to time apply to a title insurance

company; or to its agent; for title insurance; and who at the time of ~~such~~ that application are not agents for a title insurance company.

(E) "Risk premium" for title insurance means that portion of the fee charged by a title insurance company, agent of a title insurance company, or approved attorney of a title insurance company, ~~or any of them~~, to an insured or ~~to~~ an applicant for insurance; for the assumption by the title insurance company of the risk created by the issuance of the title insurance policy.

(F) "Fee" for title insurance means ~~and includes~~ the risk premium, abstracting or searching charge, examination charge, and every other charge, exclusive of settlement, closing, or escrow charges, whether denominated premium or otherwise, made by a title insurance company, agent of a title insurance company, or an approved attorney of a title insurance company, ~~or any of them~~, to an insured or ~~to~~ an applicant for insurance; for any policy or contract for the issuance of title insurance, ~~but "fee."~~ "Fee" does not include any charges paid to and retained by an attorney at law or abstractor acting as an independent contractor whether or not ~~he~~ the attorney or abstractor is acting as an agent of a title insurance company or an approved attorney, ~~or~~ and does not include any charges made for special services not constituting title insurance, even though performed in connection with a title insurance policy or contract.

(G) "Approved attorney" means an attorney at law; who is not an employee of a title insurance company or ~~of~~ a title insurance agent; and upon whose examination of title and report ~~thereon~~ on the examination a title insurance company may issue a policy of title insurance.

(H) "Title insurance agent" means a person, partnership, or corporation; authorized in writing by a title insurance company to solicit insurance and collect premiums and to issue or countersign policies ~~in~~ on its behalf. "Title insurance agent" does not include officers and salaried employees of any title insurance company authorized to do a title insurance business within this state.

(I) "Single insurance risk" means the insured amount of any policy or contract of title insurance issued by a title insurance company.

(J) "Foreign title insurance company" means a title insurance company organized under the laws of any state or territory of the United States or the District of Columbia.

(K) "Alien title insurance company" means a title insurance company that is incorporated or organized under the laws of any foreign nation or ~~of~~ any province or territory ~~thereof, of a foreign nation and that is not included under the definition of "~~ a foreign title insurance company."

(L) "Non-directed escrow funds" means any funds delivered to a title insurance agent or title insurance company with instructions to hold or disburse the funds pursuant to a transaction in which a title insurance policy will be issued, but without written instructions to either deposit the funds in an account for the benefit of a specific person; or to pay the interest earned on the funds to a specific person.

(M) "Business day" means any day, other than a Saturday or Sunday, or a legal holiday, on which a bank, savings and loan association, credit union, or savings bank is open to the public for carrying on substantially all of its functions.

(N) "Housing accommodations" and "restrictive covenant" have the same meanings as in section 4112.01 of the Revised Code.

Sec. 3953.04. A title insurance company shall be organized as a stock corporation as provided in Chapters 1701. and 3929. of the Revised Code, except as specified in ~~Chapter 3953. of the Revised Code~~ this chapter. ~~Every~~

~~Every title insurance company, as defined in division (C) of section 3953.01 of the Revised Code,~~ that is authorized to do a title insurance business in this state shall comply with ~~section~~ sections 3929.30 and 3953.29 of the Revised Code.

Sec. 3953.07. No policy or contract of title insurance shall be written unless it ~~be is~~ based upon a reasonable examination of the title ~~and unless~~ a determination of insurability of title has been made in accordance with sound underwriting practices for title insurance companies and unless, on and after the effective date of this amendment, section 3953.29 Of the Revised Code is complied with in connection with registered land. Evidence that ~~such~~ a reasonable examination of a title has been made shall be preserved and retained in the files of the title insurance company or its agents for a period of not less than ten years after the policy or contract of title insurance has been issued. This section does not apply to a company assuming no primary liability in a contract of reinsurance, ~~nor and does not~~ apply to a company acting as a coinsurer if one of the other coinsuring companies has complied with this section.

Sec. 3953.29. On and after the effective date of this section, in connection with any transfer of registered land that occurs on or after that date in accordance with Chapters 5309. and 5310. Of the Revised Code, no title insurance company shall write a policy or contract of title insurance that includes any specific reference 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. On and after the effective date of this section, if a policy or contract of title insurance written by a title insurance company in connection with any transfer of registered land that occurs on or after that date in accordance with Chapters 5309. and 5310. Of the Revised Code includes a general or catch-all reference to easements, estates, liens, encumbrances, charges, rights, or restrictions of record, the general or catch-all reference shall be regarded by the parties to the transfer of the registered land and their successors in interest and shall be deemed for all legal purposes to refer to and incorporate by reference easements, estates, liens, encumbrances, charges, rights, and restrictions of record other than a restrictive covenant the inclusion of which in a transfer, rental, or lease of housing accommodations, the honoring or exercising of which, or the attempt to honor or exercise of which constitutes an unlawful discriminatory practice under division (H)(9) of section 4112.02 Of the Revised Code.

Sec. 5309.01. As used in ~~sections 5309.02 to 5310.21, inclusive, this chapter and Chapter 5310.~~ of the Revised Code:

(A) "Certificate of title" includes all memorials and notations noted ~~thereunder~~ under a certificate of title.

(B) "Trust deed in the nature of a mortgage" is a mortgage and subject to the same rules as a mortgage.

(C) "Probate court" ~~means the court at the time having jurisdiction of has the settlement of estates and testamentary matters whether it is the probate court, or the court of common pleas~~ same meaning as in section 2101.01 Of the Revised Code.

(D) "Registered land" means any land registered under ~~sections 5309.02 to 5310.21, inclusive, this chapter and Chapter 5310.~~ of the Revised Code.

(E) "Housing accommodations" and "restrictive covenant" have the same meanings as in section 4112.01 Of the Revised Code.

Sec. 5309.06. No estate less than a fee simple, ~~nor any and no~~ mortgage, lien, or charge of any kind shall be registered, unless the fee in possession, remainder, or reversion, or other character of fee in and to the ~~same~~ land, has been registered first or is registered at the same time. If the estate of the applicant is subject to any outstanding lesser estate, including life estates, estates for years, conditional limitations, executory devises or uses, springing or shifting uses, or other future estate, interest, or limitation, whether vested or contingent, ~~or is subject to~~ any private easement or other estate or interest of any kind, or is subject to any mortgage, lien, or charge, each lesser estate, private easement, other estate or interest, mortgage, lien,

or charge shall be noted on the certificate of title and duplicate ~~thereof~~ of the certificate of title, except taxes not due ~~and~~, leases for less than three years, and ~~the restrictive covenants described in division (B) of section 5309.24 Of the Revised Code. The title to the estate so registered and certified shall be subject only to such the lesser estates, private easements, other estates or interests, mortgages, liens, and charges as are so noted, except as provided in section 5309.28 of the Revised Code. A perpetual leasehold shall, for the purposes of sections 5309.02 to 5310.24 this chapter and Chapter 5310, of the Revised Code, shall be treated as an estate in fee, and the possible reversion or remainder in fee thereunder under the leasehold shall be treated as the lesser estate.~~

No parcel of land that lies partly in two or more counties shall be registered if one or more of the counties in which the parcel lies have abolished their land registration systems.

Sec. 5309.09. The application to register the title to land or to any interest ~~therein in land~~ shall be signed and sworn to by each applicant or by an authorized person for each applicant. In addition to any other appropriate, relevant, and material matter, the application shall set forth substantially all of the following:

(A) The full name, age, place of residence, and post-office address of the applicant or owner, ~~and the full name, place of residence, and post-office address of any one person acting on behalf of the applicant or owner, and the name of the applicant or owner as it appears in his the muniments of title, whether the applicant or owner is now married or single; and, if married, the full name of the husband or wife applicant's or owner's spouse, whether the applicant or owner has been previously married; and, if so, when, and by what means the marriage relation was terminated; and, if by divorce, dissolution of marriage, or annulment, when, where, and by what court the divorce, dissolution of marriage, or annulment was granted, and what interest in or lien upon the land described in the application the a former husband or wife spouse has; if the application is by a guardian or trustee, the name of the guardian or trustee, how, when, where, and by what court the guardian or trustee was appointed, the full name, nature of disability, and post-office address of his the ward, and with whom such the ward resides; or if made by a corporation, the names and addresses of its president, secretary, and managing officers, when and where it was incorporated, and its principal place of doing business;~~

(B) An accurate and full description of the land as it appears in the muniments of title of the applicant or owner, if it is there so described, or otherwise a pertinent description from which the land can be definitely and

accurately located; and, in all cases, an accurate plat of the land that is drawn to a scale, ~~showing~~ and shows the lines, corners, monuments, courses and distances, streets, public ways or places, highways, private ways, and adjoining lands with names of owners, streams, and other important objects connected with ~~said~~ those lands;

(C) A description of the buildings and improvements on the land;

(D) The applicant's or owner's interest in the land, buildings, and improvements and the source of ~~his~~ the applicant's or owner's title;

(E) For what purpose the land, buildings, or improvements are occupied or used; and, if occupied or used by any person other than the applicant or owner, the name, place of residence, and post-office address of each occupant or user and what interest ~~he~~ each occupant or user has or claims ~~therein~~ in the land, buildings, or improvements;

(F) The nature, amount, date ~~and~~, maturity, and volume and page of record; of all apparent or real liens, charges, and encumbrances of any kind on the land, buildings, or improvements; or any part ~~thereof~~ of the land, buildings, or improvements, including, but not limited to, mortgages, deeds of trust as security, mechanics' ~~or materialmen's~~ liens, judgments, decrees, and executions, home and foreign, ~~and~~ the name, place of residence, and post-office address of each holder ~~thereof~~, of the liens, charges, and encumbrances and of each person shown by the records or known to at any time have had an interest in any ~~such lien of the liens, charge charges, or encumbrance~~ encumbrances, and which of ~~said~~ the apparent liens, charges, and encumbrances are clouds upon the applicant's or owner's title; AND the style, docket number, and character of all suits pending by or against the applicant or owner; or any of ~~his~~ the applicant's or owner's predecessors in title in any court of record, the judgments in which might affect in any way ~~affect~~ the title of the applicant or owner to, or might become liens upon, the lands described in the application; On and after the effective date of this amendment, an application shall not set forth pursuant to this division any restrictive covenant that appears to apply to the land, buildings, or improvements or any part of the land, buildings, or improvements, 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.

(G) Whether any other person to the knowledge or information of the applicant; or owner or as shown by the records; has or claims any interest in the lands, buildings, or improvements, either in law or equity, apparent or

real, or in possession, remainder, reversion, expectancy, or otherwise; the name, place of residence, and post-office address of each ~~such~~ person of that nature and the nature of the ~~interest~~ apparent or real; interest so held or claimed; and which of ~~said those~~ apparent interests are clouds upon the applicant's or owner's title; On and after the effective date of this amendment, an application shall not set forth pursuant to this division any restrictive covenant that appears to apply to the land, buildings, or improvements or any part of the land, buildings, or improvements, 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.

(H) The name, place of residence, and post-office address of each owner and of each occupant of the adjoining lands so far as shown by the records; and so far as the applicant or owner, upon diligent inquiry and research, is able to ascertain, and the extent and character of ~~such those adjoining~~ lands to be stated;

(I) If this state, ~~or any political subdivision thereof, of the state, any public authority, or any public body corporate;~~ will in any way be affected by a decree of the probate court ~~or the court of common pleas~~ determining or ordering the title of the ~~plaintiff~~ applicant or owner to be registered, the state, ~~or such~~ political subdivision, public authority, or public body corporate; shall be made a ~~party~~ defendant to the application, and proper allegations shall be made as to its interest in the case;

(J) If the applicant or owner desires to have the boundaries of any street, public way, private way, or highway adjacent to or located within ~~said the~~ land; determined, a statement to that effect, describing the street, public way, private way, or highway, the proper public authority having charge and control of ~~such that~~ street, public way, or highway, and the persons interested in ~~such that~~ private way; to. The proper public authorities and interested persons shall be named and made parties defendant, defendants to the application and, as applicable, their places of residence and post-office address addresses shall be given;

(K) ~~Such~~ Any further statements and allegations as that are ~~in any case required by sections 5309.02 to 5310.21, inclusive, this chapter or Chapter 5310. of the Revised Code; or which that~~ may be required by general or special rule or order of the court in which the application is filed;

(L) Any other material facts within the knowledge or information of the applicant or owner relating to the title or possession of the lands, buildings,

or improvements ~~thereon~~, or to any estate ~~therein~~ in the lands, buildings, or improvements, or to any lien, charge, or encumbrance ~~thereon~~; on the land, buildings, or improvements. On and after the effective date of this amendment, an application shall not set forth pursuant to this division any restrictive covenant that appears to apply to the land, buildings, or improvements, 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.

(M) A prayer that all persons mentioned in the application, whether by name or other designation, and all other persons ~~whomsoever~~, may be made and treated as defendants to ~~said the~~ application and properly brought before the court ~~and~~, that the title of the ~~plaintiff applicant~~ or owner may be settled and determined ~~and~~, that all clouds may be removed therefrom and from the title, that the title may be ordered to be registered as set out in the ~~petition application~~, and that all lesser or other estates and interests in, and all liens ~~and~~, charges, and encumbrances upon ~~said the~~ land or any part ~~thereof~~ of the land may be settled and determined by the court and, subject to division (B) of section 5309.24 Of the Revised Code, may be ordered to be registered.

Sec. 5309.24. (A) Every decree of registration in land registration cases shall bear the year, month, day, hour, and minute of its entry and shall be signed by the clerk of the probate court ~~or the clerk of the court of common pleas~~. It shall give the place of residence and post-office address of the owner of the land registered, state whether ~~he or she~~ the owner is married or unmarried, and if the owner is married, the name of the ~~husband or wife~~ owner's spouse. If ~~such the~~ owner is under disability, ~~such the~~ decree shall state the nature of the disability; and, if the owner is a minor, shall state ~~his the~~ the minor's age. ~~Such The~~ decree shall contain an accurate description and plat of each separate parcel of the land as finally determined and adopted by the probate court ~~or the court of common pleas~~, shall set forth the estate of the owner, and, in ~~such a manner as to show that shows~~ their relative priority, but subject to division (B) of this section, shall set forth all particular estates, mortgages, easements, liens, attachments, and other encumbrances, including rights of ~~husband or wife~~ spouses, to which the land or the owner's estate is subject ~~and~~, all suits pending by or against the owner or any of ~~his the~~ the owner's predecessors in title in any court of record in the county; the judgments in which might affect the land or the owner's title ~~thereto to the land~~, and all ~~such~~ suits of that nature elsewhere pending if they were brought to the attention of the probate court ~~or the court of common~~

~~pleas~~ by the pleadings or evidence in the case. ~~Such~~ The decree may contain any other matter properly to be determined by the court ~~in pursuance of sections 5309.02 to 5310.21, inclusive,~~ under this chapter and Chapter 5310. of the Revised Code. The decree shall be stated in a form convenient for transcription upon or binding in the register of certificates of title ~~mentioned described~~ in section 5309.25 of the Revised Code, ~~and shall be~~ in a form suitable to constitute ~~such the~~ decree as a certificate of title, and shall ~~so far~~ give insofar as possible give the full name, place of residence, and post-office address of each owner and holder of any interest in or lien ~~or~~ charge, or encumbrance upon the lands or any part ~~thereof~~ of the lands, except as provided in division (B) of this section. The clerk, under the direction of the court, shall make and keep indexes of all applications and of all decrees of registration.

(B) On and after the effective date of this amendment, a decree of registration in a land registration case shall not set forth pursuant to division (A) of this section any restrictive covenant that appears to apply to the land or any part of the 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. 5309.28. (A) Every applicant in a land registration case who, without fraud on ~~his~~ the applicant's part, receives a certificate of title in pursuance of a decree of registration; and every subsequent purchaser of registered land; who takes a certificate of title for value and in good faith; shall hold ~~such the registered~~ land free from all estates, encumbrances, and rights except those noted on the certificate and except any of the following estates, encumbrances, and rights ~~which that~~ may be existing exist:

~~(A)~~(1) Liens, claims, or rights arising or existing under the laws or constitution of the United States ~~which that~~ the statutes of this state cannot require to appear of record in the county recorder's office;

~~(B)~~(2) Taxes and assessments levied by the United States, this state, or any taxing district of this state;

~~(C)~~(3) Any highway, public way, or private way laid out or acquired by law or otherwise, unless the certificate of title states that the nonexistence of ~~such the~~ way; or the boundaries ~~thereof of the way~~, if ~~the same exists any boundaries exist~~, have been determined by the court;

~~(D)~~(4) Any lease for a term not exceeding three years, when there is actual possession under the lease;

~~(E)~~(5) Right of appeal within thirty days after decree of registration;

~~(F)~~(6) If there are easements or other rights appurtenant to a parcel of registered land ~~which~~ that are not subject to section 5309.281 Of the Revised Code and that for any reason have not been registered, ~~such~~ those easements or rights shall remain appurtenant; notwithstanding ~~such~~ the failure to register; ~~them~~ and shall be held to pass with the land.

(B) This section shall be printed or written on all duplicate certificates of title before delivery by the county recorder.

Sec. 5309.281. On and after the effective date of this section, no county recorder shall do any of the following:

(A) Transcribe or bind in the register of titles and, if applicable, file a certified copy of a decree of registration sent by the clerk of a probate court pursuant to section 5309.25 Of the Revised Code, if the decree sets forth any restrictive covenant that appears to apply to the land involved and 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;

(B) Make and deliver to the owner of land or that owner's authorized attorney an owner's duplicate certificate pursuant to section 5309.25 Of the Revised Code, if division (A) of this section prohibits the transcribing or binding of the certified copy of the decree of registration in the register of titles;

(C) Issue any duplicate certificate of title to registered land, any certified copy of a lost or destroyed duplicate certificate of title to registered land, or any new certificate of title to registered land under any provision of this chapter and Chapter 5310. Of the Revised Code and under circumstances not described in division (B) of this section, without first deleting in the duplicate certificate of title, certified copy of the lost or destroyed duplicate certificate of title, or new certificate of title any reference to any restrictive covenant described in division (A) of this section;

(D) Initially enter any memorial, notation, or memorandum to the extent that it refers to any restrictive covenant described in division (A) of this section;

(E) Notwithstanding any contrary provision of this chapter or Chapter 5310. Of the Revised Code, carry forward in connection with the registration of a transfer of registered land any memorial, notation, or memorandum to the extent that it refers to any restrictive covenant described in division (A) of this section;

(F) Notwithstanding any contrary provision of this chapter, file any instrument or paper that relates to registered land and that refers to any restrictive covenant described in division (A) of this section;

(G) Notwithstanding any contrary provision of this chapter, enter and index any instrument or paper with a reference to a certificate of title, if the instrument or paper refers to any restrictive covenant described in division (A) of this section.

Sec. 5309.33. (A) The county recorder shall keep tract indexes if the board of county commissioners orders ~~him~~ the recorder to do so and provides the proper records for ~~such~~ those indexes. In ~~such~~ those indexes ~~such~~, the recorder shall enter the lands registered in the numerical order of the townships, ranges, and sections, or original surveys, and, in the case of subdivisions, the blocks and lots ~~therein, and in the subdivisions;~~ the name of the owners, ~~with;~~ and a reference to the volume and folium of the register in which the lands are registered. ~~Each~~ The recorder shall keep alphabetical indexes; in which shall be entered in alphabetical order the names of all registered owners and all other persons interested in, or holding charges upon, registered land, a short description of the land, ~~and the~~ the nature of the dealing, ~~with~~ and a reference to the volume and folium of the register in which the land is registered.

(B) In connection with any transfer of registered land that occurs on and after the effective date of this amendment in accordance with this chapter and Chapter 5310. Of the Revised Code, the county recorder shall delete from the 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. 5309.36. ~~Whenever~~ Subject to division (E) of section 5309.281 Of the Revised Code, if a memorial or notation has been entered as permitted by ~~sections 5309.02 to 5310.21, inclusive, this chapter and Chapter 5310. of the Revised Code, the county recorder shall carry~~ such ~~the~~ memorial or notation forward upon all certificates of title until ~~such~~ those certificates are canceled in some manner authorized by ~~such sections this chapter or Chapter 5310. Of the Revised Code.~~

Sec. 5309.38. Each county recorder shall keep an entry book in which ~~he~~ the recorder shall enter and number in the order of their reception all deeds and other voluntary instruments ~~and,~~ all involuntary instruments, and

copies of writs or other papers ~~that are~~ filed with ~~him which~~ the recorder and that relate to registered land. ~~He~~ Except as provided in section 5309.281 Of the Revised Code, the recorder shall note in such the entry book the year, month, day, hour, and minute of reception of all instruments or papers in the order in which they are received; and shall enter at the same time enter the number of the an instrument or paper in the appropriate blank space on the registered certificate of title for the land to which it relates. Such Except as provided in section 5309.281 Of the Revised Code, the instruments and papers shall be regarded as registered and become effective for the purposes intended from the time they are so filed and noted, and certificates of title and the memorials memorial of each instrument or paper when made on the registered certificate certificate of title or duplicate certificate of title to which it relates shall bear the same date, except as provided in sections 5309.02 to 5310.21, inclusive, this chapter and Chapter 5310. of the Revised Code.

Every deed or other ~~instrument~~, voluntary or involuntary; instrument and every paper ~~which that~~ is filed with the recorder; shall be numbered and endorsed over the official signature of the recorder with the time of filing and, subject to section 5309.281 Of the Revised Code, shall be entered and indexed with a reference to the proper certificate of title. All records, instruments, and papers relative to registered land in the office of the recorder shall be open to the public in the same manner as other public records, subject to such reasonable regulations as that the recorder makes under the direction of the probate court or the court of common pleas.

Sec. 5309.40. A registered owner in fee of real property, in order to transfer ~~his the owner's~~ whole interest in ~~such the~~ property or in any part thereof, of the property or to transfer any undivided interest therein, in the property shall execute to the intended transferee a deed or instrument of conveyance which that, in case of transfer of the whole of the land and property, may be on the duplicate certificate of title; The deed or instrument of conveyance may be in any form authorized by law. When such the transferee presents such the deed or instrument of conveyance to the county recorder of the county where in which the land and property is situated, such the recorder shall file the same deed or instrument of conveyance, and, if he the recorder finds that such the transferor is entitled to make the transfer as provided in sections 5309.02 to 5310.21, inclusive, under this chapter and Chapter 5310. of the Revised Code, the recorder shall register the title, in accordance with such the deed or instrument of conveyance, in the name of the transferee; upon a new folium in the register of titles, and shall enter thereon on the new folium in a manner consistent with section 5309.281 Of

the Revised Code all memorials, notations, and ~~memorandums~~, memoranda to which the ~~land~~ property is subject at the time of the transfer, and shall issue a new certificate of title to the transferee, ~~stating therein his~~ that states the transferee's full name, place of residence, and post-office address, whether the transferee is married, and, if ~~so~~ THE TRANSFEREE IS MARRIED, the name of ~~husband or wife~~ the transferee's spouse. If the transferee is a minor, ~~his~~ the transferee's exact age must be given on the new certificate of title, or, if the transferee is under ~~other~~ another disability, the nature and character of ~~such that~~ that disability must be stated on the new certificate of title. Before a transfer can be registered, the transferor or the transferee ~~must~~ shall deliver to the recorder the duplicate certificate of title of the transferor, and the recorder shall enter upon the folium of the register ~~where such~~ in which the title of the transferor is registered, and upon the duplicate certificate of title, a memorial or memorandum canceling ~~the same~~ it, in whole or in part, as the interest of the transferee may appear from the deed or other instrument of ~~transfer~~ conveyance, with ~~such the~~ the particulars of the transfer ~~as that~~ that may be necessary for identification, ~~together with~~ the date of transfer, the name ~~and~~ place of residence, and post-office address of the transferee, and THE volume and folium of the register in which the transferee's title is registered.

Sec. 5309.76. (A) After a title is registered and a certificate of title is issued ~~therefor~~, for the registered land or after a memorandum, notation, or memorial is made on the register of titles and attested, no alteration or erasure shall be made ~~therein in the register~~ except in the manner provided in this section and as required by section 5309.281 Of the Revised Code.

(B) A person whose name ~~was changed since~~ changes after the issuing of a registered certificate of title ~~or~~, who ~~was~~ is registered as married but ~~the~~ whose marriage has terminated, or whose name by mistake is wrongly stated in a registered certificate of title, ~~must~~, upon satisfying the county recorder of the facts, shall surrender ~~his that person's~~ that person's duplicate certificate of title and take out a new ~~one~~ certificate of title in ~~his that person's~~ that person's correct or changed name, ~~and~~. The recorder shall enter and attest on the register of titles a memorandum of ~~such that~~ that change or correction, ~~giving the and its date thereof, must be entered and attested by the recorder~~. This paragraph division applies to every person holding a registered interest in or upon land, and no transfer or assignment shall be registered until ~~such a~~ a change or correction described in this division is made.

(C) When it appears that there is an error or omission in any certificate of title, ~~or~~ memorandum, or memorial, ~~or~~ that any memorandum or memorial was made, entered, and ~~indorsed~~, endorsed or any certificate of

title was entered or issued by mistake, or that any certificate of title ~~was~~, memorandum, or memorial by mistake or otherwise ~~was~~ improperly canceled or improperly removed from the ~~record~~ register of titles, the county recorder ~~may~~, on ~~his~~ the recorder's own motion; or upon the application of any ~~person~~ interested; person, may summon all persons registered as interested in the lands to which ~~such the~~ certificate of title, memorandum, or memorial relates; to appear at an appointed time; and to produce their certificates of title or registered instruments; ~~and if. If~~, at the appointed time, the recorder finds ~~such an~~ error, or omission, or mistake, ~~or such~~ improper cancellation, or improper removal ~~of a certificate of title exists, as described in this division~~ and that no rights of bona fide purchasers or ~~lien holders~~ lienholders for value have intervened by which their estate or interest will be impaired by the correction of ~~such the~~ error, omission, or mistake; or by the restoration to the register of any ~~such~~ improperly canceled or improperly removed certificate of title, ~~he~~ memorandum, or memorial, the recorder shall correct ~~such the~~ error or mistake, or supply the omission, ~~and may~~ correct the cancellation of ~~any the~~ certificate of title or registered instrument, or any memorandum, or memorial ~~entered upon the registration book, or indorsed upon the registered instrument or certificate of title, by mistake, or restore to the register such the~~ improperly canceled or improperly removed certificate of title, memorandum, or memorial, provided that, in correcting any ~~such~~ error or mistake, the original words shall not be erased or rendered illegible. The recorder shall attest ~~such the~~ corrections and restorations by affixing ~~his~~ the recorder's initials or name and the date ~~thereof~~ of the corrections or restorations.

SECTION 2. That existing sections 317.20, 1923.06, 3953.01, 3953.04, 3953.07, 5309.01, 5309.06, 5309.09, 5309.24, 5309.28, 5309.33, 5309.36, 5309.38, 5309.40, and 5309.76 of the Revised Code are hereby repealed.

SECTION 3. Chapter 765. of the Revised Code shall be known as "Noncriminal Land Use Infractions."

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____