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Committees:

- Finance – *Ranking Minority Member*
- Civil Justice – *Ranking Minority Member*
- Agriculture
- Criminal Justice
- Finance – General Government Subcommittee
- State Government and Reform

Before the Senate State & Local Government Committee
Senate Bill 257– Ohio’s Real Property Curative Title Reform Act
Sponsor Testimony by Senators Michael J. Skindell and Bill Seitz
February 23, 2016

Chairman LaRose, Vice Chair Hottinger, Ranking Member Thomas and Members of the Senate State & Local Government Committee, thank you for the opportunity to provide sponsor testimony on Senate Bill 257, which is Ohio’s Real Property Curative Title Reform Act. It is an honor to be a dual sponsor and to have worked with Senator Seitz on this legislation.

This legislation will create a rebuttable presumption--- based on the evidentiary standard of clear and convincing of such factors as undue influence, incompetency and fraud--- that a real property instrument such as a deed is valid and binding. The reduction for curing title in the case of any defects from 21 to four years is much-needed reform and brings Ohio into line with trends of real property law throughout the country. Moreover, the expansion of what defects can be cured in a real property instrument from the limited ones currently outlined in codified law to any potential defect will greatly reduce legal challenges once recorded. Overall, the legislation will provide for efficiencies in real property transactions and conveyances, make our county recorder’s offices more productive and potentially reduce any unnecessary litigation. The legislation specifically states that any retroactive effect it would have would not impact any substantive rights vested from prior transactions; thus, eliminating any constitutional problems based on Art. II Section 28 of the Ohio Constitution. The issues surrounding this legislation were brought to us by the Ohio State Bar Association and the organization is advocating for it.

Chairman LaRose, Vice Chair Hottinger, Ranking Member Thomas and Members of the Senate State & Local Government Committee, thank you for the opportunity today to provide sponsor testimony on this legislation. Senator Seitz and I would be happy to answer any questions.