

Amendment No. am_136_1491

Am. S. B. No. 101

As Passed by the Senate

_____ moved to amend the amendment labeled AM1317 as follows:

In line 347 of the amendment, delete " <u>a creditor</u> " and insert " <u>any</u>	1
<u>other individual or entity that may obtain an interest in the residential</u>	2
<u>real estate</u> "	3
In line 367 of the amendment, delete " <u>(B) (1)</u> " and insert " <u>(B)</u> "	4
In line 370 of the amendment, delete " <u>the clerk of the court shall</u>	5
<u>enter upon the record of</u> "	6
Delete lines 371 through 373 of the amendment	7
In line 374 of the amendment, delete " <u>recorded</u> " and insert " <u>any</u>	8
<u>party with an interest in the residential real estate may obtain a</u>	9
<u>certified copy of the judgment declaring the service agreement, notice, or</u>	10
<u>memorandum to be unenforceable and present the certified copy of the</u>	11
<u>judgment to the county recorder's office for recording within the chain of</u>	12
<u>title to the property</u> "	13
Delete lines 375 through 380 of the amendment	14



The motion was _____ agreed to.

<u>SYNOPSIS</u>	15
Unfair service agreement notice	16
R.C. 5301.77(C)	17
Provides that a recording of an unfair service agreement	18
or a notice or memorandum of an unfair service agreement in	19
violation of the bill does not provide actual or constructive	20
notice to <i>any other individual or entity that may obtain an</i>	21
<i>interest in the residential real estate, rather than a creditor</i>	22
under the current amendment.	23
Action following unfair service agreement order	24
R.C. 5301.78(B)	25
Modifies the actions that may be taken following a	26
judicial declaration that an unfair service agreement or notice	27
or memorandum of an unfair service agreement is unenforceable	28
by:	29
- Removing the requirement that the clerk of the court	30
must enter a memorandum of the character of the proceedings upon	31
the record of the service agreement, and allowing the clerk to	32
tax associated fees in the bill of costs;	33
- Adding that any party with an interest in the	34
residential real estate may obtain a certified copy of the	35
judgment and present the certified copy to the county recorder's	36
office for recording within the chain of title to the property.	37