

As Passed by the House

134th General Assembly

Regular Session

2021-2022

Am. Sub. S. B. No. 202

Senators Hackett, Antonio

Cosponsors: Senators Maharath, Cirino, Craig, Brenner, Romanchuk, Yuko, Manning, Blessing, Gavarone, Hottinger, Johnson, Kunze, Peterson, Rulli, Schaffer, Schuring, Thomas, Wilson Representatives Hillyer, Galonski, Carruthers, Click, Kick, Ray, Seitz, West

A BILL

To amend sections 107.43, 167.05, 309.09, 517.23, 1
517.24, 517.25, 1901.06, 1907.13, 2107.52, 2
2108.82, 2111.18, 2117.06, 2117.07, 2131.09, 3
2301.01, 2501.02, 2503.01, and 5301.071 and to 4
enact sections 2131.03, 2131.031, 2131.032, 5
2131.033, 2131.034, 2131.035, 2131.036, 5801.20, 6
5801.21, 5801.22, 5801.23, and 5801.24 of the 7
Revised Code and to amend Section 3 of H.B. 518 8
of the 134th General Assembly to prohibit a 9
person's disability from being the basis to deny 10
or limit custody, parenting time, visitation, 11
adoption, or service as a guardian or foster 12
caregiver, regarding a minor, to provide that a 13
civil action to challenge a state administrative 14
order issued in a state of emergency be brought 15
in the Court of Claims or an appropriate local 16
court depending on the nature of the action, to 17
make changes concerning the validity of real 18
property instruments and fiduciary signature 19
errors, to make changes to the law related to 20
the disinterment of bodies buried in cemeteries, 21

presentment of claims against an estate, 22
Guardianship Law, and the Ohio Trust Law, to 23
create the Task Force on Bail, to allow a county 24
prosecutor to provide legal services to certain 25
entities, to convey state-owned land in Lucas 26
County, to modify the qualifications for office 27
for judges of municipal courts, county courts, 28
courts of common pleas, courts of appeals, and 29
justices of the Supreme Court, and to convert 30
one part-time judgeship of the Fulton County 31
County Court to a full-time judgeship effective 32
January 1, 2023, until that court is abolished 33
on January 1, 2024. 34

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 107.43, 167.05, 309.09, 1901.06, 35
1907.13, 2301.01, 2501.02, 2503.01, and 5301.071 be amended and 36
sections 2131.03, 2131.031, 2131.032, 2131.033, 2131.034, 37
2131.035, and 2131.036 of the Revised Code be enacted to read as 38
follows: 39

Sec. 107.43. (A) As used in this section: 40

"Administrative department" means a department listed 41
under section 121.02 of the Revised Code. 42

"Administrative department head" means a department head 43
listed under section 121.03 of the Revised Code. 44

"Internal management rule" means any rule, regulation, or 45
standard governing the day-to-day staff procedures and staff 46

operations within an administrative department or state agency, 47
or within the office of an administrative department head or 48
statewide elected officer. 49

"Rule" means, unless the context dictates otherwise, any 50
rule, regulation, or standard adopted, promulgated, and enforced 51
by a statewide elected officer, administrative department, 52
administrative department head, or state agency under the 53
authority of the laws governing such officer, department, 54
department head, or state agency. "Rule" does not include an 55
internal management rule. 56

"State agency" means any organized body, office, agency, 57
commission, board, institution, or other entity established by 58
the laws of the state for the exercise of any function of state 59
government. "State agency" does not include a court. 60

"State of emergency" has the meaning defined in section 61
107.42 of the Revised Code. 62

"Statewide elected officer" means the governor, lieutenant 63
governor, secretary of state, auditor of state, attorney 64
general, and treasurer of state. 65

(B) Beginning the day the governor declares a state of 66
emergency, the governor and the department of health promptly 67
shall report to the president of the senate and the speaker of 68
the house of representatives every action the governor or 69
department takes in response to the state of emergency, 70
including actions by the department or director of health under 71
sections 3701.13 and 3701.14 of the Revised Code. 72

(C) (1) If the governor declares a state of emergency, the 73
general assembly may do any of the following by adopting a 74
concurrent resolution: 75

(a) Rescind, in whole or in part, any order or rule issued 76
or adopted by an administrative department, administrative 77
department head, state agency, or statewide elected officer in 78
response to a state of emergency, including an order to 79
authorize an agency to adopt, amend, or rescind rules under 80
division (G) of section 119.03 of the Revised Code. This 81
division does not apply to an order issued to declare a state of 82
emergency. 83

(b) Invalidate, in whole or in part, an emergency rule 84
adopted or amended by an agency in response to the state of 85
emergency and pursuant to an emergency order the governor issues 86
under division (G) (1) of section 119.03 of the Revised Code; 87

(c) Authorize a rule rescinded by an agency under division 88
(G) (1) of section 119.03 of the Revised Code in response to the 89
state of emergency to be readopted, in whole or in part; 90

(d) Invalidate, in whole or in part, an emergency rule 91
adopted by an agency in response to the state of emergency 92
pursuant to division (B) (2) of section 111.15 of the Revised 93
Code. 94

(2) If the general assembly rescinds an order or rule, or 95
a portion thereof, the administrative department, administrative 96
department head, state agency, or statewide elected officer 97
shall not reissue that order or rule, the rescinded portion, a 98
substantially similar order, rule, or portion, or any 99
restriction contained in the rescinded order or rule or 100
rescinded portion, for a period of sixty calendar days following 101
the adoption of the concurrent resolution by the general 102
assembly, except as provided in division (C) (3) of this section. 103

(3) (a) Within sixty calendar days of the general assembly 104

rescinding an order or rule under division (C)(1) of this 105
section, the governor, on behalf of an administrative 106
department, an administrative department head, or a state 107
agency, may submit a request to the general assembly to 108
authorize an administrative department, an administrative 109
department head, or a state agency to reissue a rescinded order 110
or rule, rescinded portion thereof, a substantially similar 111
order, rule, or portion, or any restriction contained in the 112
rescinded order or rule or rescinded portion issued or adopted 113
by an administrative department, administrative department head, 114
or state agency. Upon review, the general assembly may adopt a 115
concurrent resolution authorizing the request, in whole or in 116
part. 117

(b) Within sixty calendar days of the general assembly 118
rescinding an order or rule under division (C)(1) of this 119
section, a statewide elected officer may submit a request to the 120
general assembly to reissue a rescinded order or rule, rescinded 121
portion thereof, a substantially similar order, rule, or 122
portion, or any restriction contained in the rescinded order or 123
rule or rescinded portion issued or adopted by the statewide 124
elected officer. Upon review, the general assembly may adopt a 125
concurrent resolution authorizing the request, in whole or in 126
part. 127

(D)(1) Notwithstanding any other provision of the Revised 128
Code, a person who challenges an order or rule adopted by an 129
administrative department, administrative department head, state 130
agency, or statewide elected officer that is issued or adopted 131
in response to a state of emergency, in a civil action for 132
damages, declaratory judgment, injunctive relief, or other 133
appropriate relief may do so in whichever of the following 134
courts is applicable regarding the action: 135

(a) If the civil action is for damages, the action may be 136
brought only in the court of claims. 137

(b) If the civil action is for declaratory judgment, 138
injunctive relief, or other appropriate relief other than 139
damages, the action may be brought in an appropriate court 140
located in the county where the person's residence or business 141
is located or in the court of claims. 142

(c) If the civil action is for damages and also is for 143
declaratory judgment, injunctive relief, or other appropriate 144
relief, the action may be brought only in the court of claims. 145

(2) If a person successfully challenges an order or rule 146
adopted by an administrative department, administrative 147
department head, state agency, or statewide elected officer that 148
is issued or adopted in response to a state of emergency, the 149
administrative department, administrative department head, state 150
agency, or statewide elected officer shall pay the person's 151
reasonable attorney's fees and court costs. 152

(E) An order or rule issued or adopted in violation of 153
this section is invalid and has no legal effect. 154

Sec. 167.05. The council may employ such staff and 155
contract for the services of such consultants and experts, and 156
may purchase or lease or otherwise provide for such supplies, 157
materials, equipment, and facilities as it deems necessary and 158
appropriate in the manner and under procedures established in 159
the by-laws of the council. 160

The council may contract with the prosecuting attorney of 161
a county, as provided in section 309.09 of the Revised Code, to 162
obtain legal services from the prosecuting attorney. 163

Sec. 309.09. (A) The prosecuting attorney shall be the 164

legal adviser of the board of county commissioners, board of 165
elections, all other county officers and boards, and all tax- 166
supported public libraries, and any of them may require written 167
opinions or instructions from the prosecuting attorney in 168
matters connected with their official duties. The prosecuting 169
attorney shall prosecute and defend all suits and actions that 170
any such officer, board, or tax-supported public library directs 171
or to which it is a party, and no county officer may employ any 172
other counsel or attorney at the expense of the county, except 173
as provided in section 305.14 of the Revised Code. 174

(B) (1) The prosecuting attorney shall be the legal adviser 175
for all township officers, boards, and commissions, unless, 176
subject to division (B) (2) of this section, the township has 177
adopted a limited home rule government pursuant to Chapter 504. 178
of the Revised Code and has not entered into a contract to have 179
the prosecuting attorney serve as the township law director, in 180
which case, subject to division (B) (2) of this section, the 181
township law director, whether serving full-time or part-time, 182
shall be the legal adviser for all township officers, boards, 183
and commissions. When the board of township trustees finds it 184
advisable or necessary to have additional legal counsel, it may 185
employ an attorney other than the township law director or the 186
prosecuting attorney of the county, either for a particular 187
matter or on an annual basis, to represent the township and its 188
officers, boards, and commissions in their official capacities 189
and to advise them on legal matters. No such legal counsel may 190
be employed, except on the order of the board of township 191
trustees, duly entered upon its journal, in which the 192
compensation to be paid for the legal services shall be fixed. 193
The compensation shall be paid from the township fund. 194

Nothing in this division confers any of the powers or 195

duties of a prosecuting attorney under section 309.08 of the Revised Code upon a township law director.

(2) (a) If any township in the county served by the prosecuting attorney has adopted any resolution regarding the operation of adult entertainment establishments pursuant to the authority that is granted under section 503.52 of the Revised Code, or if a resolution of that nature has been adopted under section 503.53 of the Revised Code in a township in the county served by the prosecuting attorney, all of the following apply:

(i) Upon the request of a township in the county that has adopted, or in which has been adopted, a resolution of that nature that is made pursuant to division (E) (1) (c) of section 503.52 of the Revised Code, the prosecuting attorney shall prosecute and defend on behalf of the township in the trial and argument in any court or tribunal of any challenge to the validity of the resolution. If the challenge to the validity of the resolution is before a federal court, the prosecuting attorney may request the attorney general to assist the prosecuting attorney in prosecuting and defending the challenge and, upon the prosecuting attorney's making of such a request, the attorney general shall assist the prosecuting attorney in performing that service if the resolution was drafted in accordance with legal guidance provided by the attorney general as described in division (B) (2) of section 503.52 of the Revised Code. The attorney general shall provide this assistance without charge to the township for which the service is performed. If a township adopts a resolution without the legal guidance of the attorney general, the attorney general is not required to provide assistance as described in this division to a prosecuting attorney.

(ii) Upon the request of a township in the county that has adopted, or in which has been adopted, a resolution of that nature that is made pursuant to division (E) (1) (a) of section 503.52 of the Revised Code, the prosecuting attorney shall prosecute and defend on behalf of the township a civil action to enjoin the violation of the resolution in question.

(iii) Upon the request of a township in the county that has adopted, or in which has been adopted, a resolution of that nature that is made pursuant to division (E) (1) (b) of section 503.52 of the Revised Code, the prosecuting attorney shall prosecute and defend on behalf of the township a civil action under Chapter 3767. of the Revised Code to abate as a nuisance the place in the unincorporated area of the township at which the resolution is being or has been violated. Proceeds from the sale of personal property or contents seized pursuant to the action shall be applied and deposited in accordance with division (E) (1) (b) of section 503.52 of the Revised Code.

(b) Division (B) (2) (a) of this section applies regarding all townships, including townships that have adopted a limited home rule government pursuant to Chapter 504. of the Revised Code, and regardless of whether a township that has so adopted a limited home rule government has entered into a contract with the prosecuting attorney as described in division (B) of section 504.15 of the Revised Code or has appointed a law director as described in division (A) of that section.

The prosecuting attorney shall prosecute and defend in the actions and proceedings described in division (B) (2) (a) of this section without charge to the township for which the services are performed.

(C) Whenever the board of county commissioners employs an

attorney other than the prosecuting attorney of the county, 256
without the authorization of the court of common pleas as 257
provided in section 305.14 of the Revised Code, either for a 258
particular matter or on an annual basis, to represent the board 259
in its official capacity and to advise it on legal matters, the 260
board shall enter upon its journal an order of the board in 261
which the compensation to be paid for the legal services shall 262
be fixed. The compensation shall be paid from the county general 263
fund. The total compensation paid, in any year, by the board for 264
legal services under this division shall not exceed the total 265
annual compensation of the prosecuting attorney for that county. 266

(D) The prosecuting attorney and the board of county 267
commissioners jointly may contract with a board of park 268
commissioners under section 1545.07 of the Revised Code for the 269
prosecuting attorney to provide legal services to the park 270
district the board of park commissioners operates. 271

(E) The prosecuting attorney may be, in the prosecuting 272
attorney's discretion and with the approval of the board of 273
county commissioners, the legal adviser of a joint fire district 274
created under section 505.371 of the Revised Code at no cost to 275
the district, or may be the legal adviser to the district under 276
a contract that the prosecuting attorney and the district enter 277
into, and that the board of county commissioners approves, to 278
authorize the prosecuting attorney to provide legal services to 279
the district. 280

(F) The prosecuting attorney may be, in the prosecuting 281
attorney's discretion and with the approval of the board of 282
county commissioners, the legal adviser of a joint ambulance 283
district created under section 505.71 of the Revised Code at no 284
cost to the district, or may be the legal adviser to the 285

district under a contract that the prosecuting attorney and the 286
district enter into, and that the board of county commissioners 287
approves, to authorize the prosecuting attorney to provide legal 288
services to the district. 289

(G) The prosecuting attorney may be, in the prosecuting 290
attorney's discretion and with the approval of the board of 291
county commissioners, the legal adviser of a joint emergency 292
medical services district created under section 307.052 of the 293
Revised Code at no cost to the district, or may be the legal 294
adviser to the district under a contract that the prosecuting 295
attorney and the district enter into, and that the board of 296
county commissioners approves, to authorize the prosecuting 297
attorney to provide legal services to the district. 298

(H) The prosecuting attorney may be, in the prosecuting 299
attorney's discretion and with the approval of the board of 300
county commissioners, the legal adviser of a fire and ambulance 301
district created under section 505.375 of the Revised Code at no 302
cost to the district, or may be the legal adviser to the 303
district under a contract that the prosecuting attorney and the 304
district enter into, and that the board of county commissioners 305
approves, to authorize the prosecuting attorney to provide legal 306
services to the district. 307

(I) The prosecuting attorney may be, in the prosecuting 308
attorney's discretion and with the approval of the board of 309
county commissioners, the legal adviser to the board of trustees 310
of a regional airport authority created under Chapter 308. of 311
the Revised Code or the board of directors of a port authority 312
created under Chapter 4582. of the Revised Code under a contract 313
that the prosecuting attorney and the board of trustees or board 314
of directors enter into. If the regional airport authority or 315

port authority covers territory in more than one county, the 316
board of trustees or board of directors may choose the 317
prosecuting attorney with whom it enters into such contract, 318
with the approval of the board of county commissioners of that 319
county. The contract may provide for the payment of a fee to the 320
prosecuting attorney for legal services agreed to under the 321
contract. 322

(J) The prosecuting attorney may be, in the prosecuting 323
attorney's discretion and with the approval of the board of 324
county commissioners, the legal adviser to a regional planning 325
commission created under section 713.21 of the Revised Code 326
under a contract that the prosecuting attorney and commission 327
enter into. If the regional planning commission covers a region 328
in more than one county, the commission may choose the 329
prosecuting attorney with whom it enters into such contract, 330
with the approval of the board of county commissioners of that 331
county. The contract may provide for the payment of a fee to the 332
prosecuting attorney for legal services agreed to under the 333
contract. 334

(K) The prosecuting attorney may be, in the prosecuting 335
attorney's discretion and with the approval of the board of 336
county commissioners, the legal adviser to a regional council of 337
governments created under Chapter 167. of the Revised Code under 338
a contract that the prosecuting attorney and council enter into. 339
If the regional council of governments covers a region in more 340
than one county, the council may choose the prosecuting attorney 341
with whom it enters into such contract, with the approval of the 342
board of county commissioners of that county. The contract may 343
provide for the payment of a fee to the prosecuting attorney for 344
legal services agreed to under the contract. 345

(L) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser to a metropolitan planning organization or a regional transportation planning organization under a contract that the prosecuting attorney and organization enter into. If the organization covers a region in more than one county, the organization may choose the prosecuting attorney with whom it enters into such contract, with the approval of the board of county commissioners of that county. The contract may provide for the payment of a fee to the prosecuting attorney for legal services agreed to under the contract. 346
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(M) All money received pursuant to a contract entered into under division (D), (E), (F), (G), (H), (I), ~~(J)~~, (K), or (L) of this section shall be deposited into the prosecuting attorney's legal services fund, which shall be established in the county treasury of each county in which such a contract exists. Moneys in that fund may be appropriated only to the prosecuting attorney for the purpose of providing legal services to a park district, joint fire district, joint ambulance district, joint emergency medical services district, fire and ambulance district, regional airport authority, port authority, ~~or~~ regional planning commission, regional council of governments, metropolitan planning organization, or regional transportation planning organization, as applicable, under a contract entered into under the applicable division. 358
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~~(I)~~ (N) The prosecuting attorney shall be the legal adviser of a lake facilities authority as provided in section 353.02 of the Revised Code. 372
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Sec. 1901.06. (A) A municipal judge during the judge's 375

term of office shall be a qualified elector and a resident of 376
the territory of the court to which the judge is elected or 377
appointed. A municipal judge shall have been admitted to the 378
practice of law in this state for at least one year preceding 379
appointment or the commencement of the judge's term and shall 380
have been, for a total of at least six years preceding 381
appointment or the commencement of the judge's term, ~~engaged in~~ 382
~~the practice of law in this state or shall have either served as~~ 383
a judge of a court of record in any jurisdiction in the United 384
States, ~~or both~~ done any of the following: 385

(1) Engaged in the practice of law in this state; 386

(2) Practiced in a federal court in this state, regardless 387
of whether at the time of that practice the person was admitted 388
to the practice of law in this state or practiced in the courts 389
of this state; 390

(3) Engaged in the authorized practice of law as in-house 391
counsel for a business in this state or as an attorney for a 392
government entity in this state, regardless of whether at the 393
time of that practice the person was admitted to the practice of 394
law in this state or practiced in the courts of this state. 395

(B) Except as provided in section 1901.08 of the Revised 396
Code, the first election of any newly created office of a 397
municipal judge shall be held at the next regular municipal 398
election occurring not less than one hundred days after the 399
creation of the office. Except as otherwise provided in division 400
(G) of section 1901.01 of the Revised Code, the institution of a 401
new municipal court shall take place on the first day of January 402
next after the first election for the court. 403

Sec. 1907.13. (A) A county court judge, at the time of 404

filing a nominating petition for the office or at the time of 405
appointment to the office and during the judge's term of office, 406
shall be a qualified elector and a resident of the county court 407
district in which the judge is elected or appointed. A county 408
court judge does not have to be a resident of an area of 409
separate jurisdiction in the county court district to which the 410
judge may be assigned pursuant to section 1907.15 of the Revised 411
Code. Every county court judge shall have been admitted to the 412
practice of law in this state for at least one year preceding 413
the judge's appointment or the commencement of the judge's term 414
~~and shall have been engaged, except as otherwise provided in~~ 415
division (B) of this section, for a total of at least six years 416
preceding the judge's appointment or the commencement of the 417
judge's term, shall have done any of the following: 418

(1) Engaged in the practice of law in this state,~~except~~ 419
~~that the;~~ 420

(2) Practiced in a federal court in this state, regardless 421
of whether at the time of that practice the person was admitted 422
to the practice of law in this state or practiced in the courts 423
of this state; 424

(3) Engaged in the authorized practice of law as in-house 425
counsel for a business in this state or as an attorney for a 426
government entity in this state, regardless of whether at the 427
time of that practice the person was admitted to the practice of 428
law in this state or practiced in the courts of this state. 429

(B) The six-year practice requirement specified in 430
division (A) of this section does not apply to a county court 431
judge who is holding office on ~~the effective date of the~~ 432
~~amendment of this section by H.B. 487 of the 129th general~~ 433
~~assembly~~September 10, 2012, and who subsequently is a candidate 434

for that office. 435

(C) Judges of a county court shall be elected by the 436
electors of the county court district at the general election in 437
even-numbered years as set forth in section 1907.11 of the 438
Revised Code for a term of six years commencing on the first day 439
of January following the election for the county court or on the 440
dates specified in section 1907.11 of the Revised Code for 441
particular county court judges. Their successors shall be 442
elected in even-numbered years every six years. 443

All candidates for county court judge shall be nominated 444
by petition. The nominating petition shall be in the general 445
form and signed and verified as prescribed by section 3513.261 446
of the Revised Code and shall be signed by the lesser of fifty 447
qualified electors of the county court district or a number of 448
qualified electors of the county court district not less than 449
one per cent of the number of electors who voted for governor at 450
the most recent regular state election in the district. A 451
nominating petition shall not be accepted for filing or filed if 452
it appears on its face to contain signatures aggregating in 453
number more than twice the minimum aggregate number of 454
signatures required by this section. A nominating petition shall 455
be filed with the board of elections not later than four p.m. of 456
the ninetieth day before the day of the general election. 457

Sec. 2131.03. As used in sections 2131.03 to 2131.036 of 458
the Revised Code: 459

(A) "Disability" has the same meaning as in the "Americans 460
with Disabilities Act of 1990," 42 U.S.C. 12102; 461

(B) "Supportive services" means any service provided 462
through a program or agency at the federal, state, or local 463

level that is intended to assist a person with a disability with 464
day-to-day responsibilities and activities, including those 465
associated with the care and supervision of a minor. 466

Sec. 2131.031. (A) No court, public children services 467
agency, private child placing agency, or private noncustodial 468
agency shall deny or limit a person from any of the following 469
solely on the basis that the person has a disability: 470

(1) Exercising custody, parenting time, or visitation 471
rights with a minor; 472

(2) Adopting a minor; 473

(3) Serving as a foster caregiver for a minor; 474

(4) Appointment as a guardian for a minor. 475

(B) Division (A) of this section shall not be construed to 476
guarantee or grant a person with a disability a right to conduct 477
activities or exercise authority as described in that division. 478

Sec. 2131.032. (A) A court, public children services 479
agency, private child placing agency, or private noncustodial 480
agency, when determining whether to grant a person with a 481
disability the right to conduct activities or exercise authority 482
as described in division (A) of section 2131.031 of the Revised 483
Code, shall determine whether modifications or supportive 484
services designed to assist the person regarding the activities 485
or authority are necessary and reasonable. 486

(B) A public children services agency, private child 487
placing agency, or private noncustodial agency shall provide its 488
reasons for a determination under division (A) of this section. 489

(C) A court shall make specific written findings of fact 490
and conclusions of law providing the basis for its determination 491

under division (A) of this section. 492

Sec. 2131.033. If modifications and supportive services 493
are determined to be necessary and reasonable under section 494
2131.032 of the Revised Code, the court, public children 495
services agency, private child placing agency, or private 496
noncustodial agency that made the determination may require the 497
modifications or services to be implemented to assist the person 498
with a disability to conduct the activities or exercise the 499
authority as described in division (A) of section 2131.031 of 500
the Revised Code. The court, public children services agency, 501
private child placing agency, or private noncustodial agency 502
imposing the modifications or services shall review their 503
continued necessity and reasonableness after a reasonable amount 504
of time. 505

Sec. 2131.034. If modifications and supportive services 506
are not determined reasonable under section 2131.032 of the 507
Revised Code, the court, public children services agency, 508
private child placing agency, or private noncustodial agency 509
that made the determination shall deny or limit conduct of 510
activities or exercise of authority described under division (A) 511
of section 2131.031 of the Revised Code by the person with a 512
disability. 513

Sec. 2131.035. A person with a disability may bring an 514
action or, in the case of a court determination, file a motion, 515
to challenge either of the following: 516

(A) The modifications or supportive services required 517
under section 2131.033 of the Revised Code; 518

(B) The limitation or denial under section 2131.034 of the 519
Revised Code. 520

Sec. 2131.036. A court shall do one of the following 521
regarding an action or motion under section 2131.035 of the 522
Revised Code: 523

(A) Affirm the modifications or supportive services 524
required under section 2131.033 of the Revised Code or 525
limitation or denial under section 2131.034 of the Revised Code 526
and make specific written findings of fact and conclusions of 527
law providing the basis for its decision as to why reasonable 528
modifications or supportive services are necessary in order to 529
conduct the activity or exercise the authority in question or 530
insufficient to alleviate any concerns. With regard to a motion 531
to challenge a court determination, the court shall consider, 532
and address in its decision, any new arguments or evidence 533
provided with the motion. 534

(B) Rescind the modifications or supportive services or 535
limitation or denial and grant the person the right to conduct 536
activities or exercise authority described in section 2131.031 537
of the Revised Code, with or without reasonable modifications or 538
support services. 539

Sec. 2301.01. (A) There shall be a court of common pleas 540
in each county held by one or more judges, each of whom has been 541
admitted to practice as an attorney at law in this state ~~for at~~ 542
least one year preceding the judge's appointment or commencement 543
of the judge's term, resides in the county, is elected by the 544
electors therein, and ~~has,~~ for a total of at least six years 545
preceding the judge's appointment or commencement of the judge's 546
term, ~~engaged in the practice of law in this state or has either~~ 547
served as a judge of a court of record in any jurisdiction in 548
the United States, ~~or both, resides in the county, and is~~ 549
elected by the electors therein ~~done any of the following:~~ 550

<u>(1) Engaged in the practice of law in this state;</u>	551
<u>(2) Practiced in a federal court in this state, regardless</u>	552
<u>of whether at the time of that practice the person was admitted</u>	553
<u>to practice as an attorney at law in this state or practiced in</u>	554
<u>the courts of this state;</u>	555
<u>(3) Engaged in the authorized practice of law as in-house</u>	556
<u>counsel for a business in this state or as an attorney for a</u>	557
<u>government entity in this state, regardless of whether at the</u>	558
<u>time of that practice the person was admitted to practice as an</u>	559
<u>attorney at law in this state or practiced in the courts of this</u>	560
<u>state.</u>	561
<u>(B) Each judge of a court of common pleas shall be elected</u>	562
for six years at the general election immediately preceding the	563
year in which the term, as provided in sections 2301.02 and	564
2301.03 of the Revised Code, commences, and the judge's	565
successor shall be elected at the general election immediately	566
preceding the expiration of that term.	567
Sec. 2501.02. <u>(A) Each judge of a court of appeals shall</u>	568
have been admitted to practice as an attorney at law in this	569
state <u>for at least one year preceding the judge's appointment or</u>	570
<u>commencement of the judge's term and have,</u> for a total of six	571
years preceding the judge's appointment or commencement of the	572
judge's term, engaged in the practice of law in this state or	573
<u>shall have either served as a judge of a court of record in any</u>	574
jurisdiction in the United States, or both <u>done any of the</u>	575
<u>following:</u>	576
<u>(1) Engaged in the practice of law in this state;</u>	577
<u>(2) Practiced in a federal court in this state, regardless</u>	578
<u>of whether at the time of that practice the person was admitted</u>	579

to practice as an attorney at law in this state or practiced in 580
the courts of this state; 581

(3) Engaged in the authorized practice of law as in-house 582
counsel for a business in this state or as an attorney for a 583
government entity in this state, regardless of whether at the 584
time of that practice the person was admitted to practice as an 585
attorney at law in this state or practiced in the courts of this 586
state. 587

(B) One judge shall be chosen in each court of appeals 588
district every two years, and shall hold office for six years, 589
beginning on the ninth day of February next after the judge's 590
election. 591

(C) In addition to the original jurisdiction conferred by 592
Section 3 of Article IV, Ohio Constitution, the court of appeals 593
shall have jurisdiction upon an appeal upon questions of law to 594
review, affirm, modify, set aside, or reverse judgments or final 595
orders of courts of record inferior to the court of appeals 596
within the district, including the finding, order, or judgment 597
of a juvenile court that a child is delinquent, neglected, 598
abused, or dependent, for prejudicial error committed by such 599
lower court. 600

The court of appeals, on good cause shown, may issue writs 601
of supersedeas in any case, and all other writs, not specially 602
provided for or prohibited by statute, necessary to enforce the 603
administration of justice. 604

Sec. 2503.01. The supreme court shall consist of a chief 605
justice and six justices, each of whom has been admitted to 606
practice as an attorney at law in this state for at least one 607
year preceding appointment or commencement of the justice's term 608

and ~~has~~, for a total of at least six years preceding appointment 609
or commencement of the justice's term, ~~engaged in the practice~~ 610
~~of law in this state or~~ has either served as a judge of a court 611
of record in any jurisdiction of the United States, ~~or both~~ done 612
any of the following: 613

(A) Engaged in the practice of law in this state; 614

(B) Practiced in a federal court in this state, regardless 615
of whether at the time of that practice the person was admitted 616
to practice as an attorney at law in this state or practiced in 617
the courts of this state; 618

(C) Engaged in the authorized practice of law as in-house 619
counsel for a business in this state or as an attorney for a 620
government entity in this state, regardless of whether at the 621
time of that practice the person was admitted to practice as an 622
attorney at law in this state or practiced in the courts of this 623
state. 624

Sec. 5301.071. No instrument conveying real property, or 625
any interest in real property, and of record in the office of 626
the county recorder of the county within this state in which 627
that real property is situated shall be considered defective nor 628
shall the validity of that conveyance be affected because of any 629
of the following: 630

(A) The dower interest of the spouse of any grantor was 631
not specifically released, but that spouse executed the 632
instrument in the manner provided in section 5301.01 of the 633
Revised Code. 634

(B) The officer taking the acknowledgment of the 635
instrument having an official seal did not affix that seal to 636
the certificate of acknowledgment. 637

(C) The certificate of acknowledgment is not on the same 638
sheet of paper as the instrument. 639

(D) The executor, administrator, guardian, assignee, 640
attorney in fact, or trustee making the instrument signed or 641
acknowledged the same individually instead of in a 642
representative or official capacity. 643

(E) (1) The grantor or grantee of the instrument is a trust 644
rather than the trustee or trustees of the trust if the trust 645
named as grantor or grantee has been duly created under the laws 646
of the state of its existence at the time of the conveyance and 647
a memorandum of trust that complies with section 5301.255 of the 648
Revised Code and contains a description of the real property 649
conveyed by that instrument is recorded in the office of the 650
county recorder in which the instrument of conveyance is 651
recorded. Upon compliance with division (E) (1) of this section, 652
a conveyance to a trust shall be considered to be a conveyance 653
to the trustee or trustees of the trust in furtherance of the 654
manifest intention of the parties. 655

(2) Except as otherwise provided in division (E) (2) of 656
this section, division (E) (1) of this section shall be given 657
retroactive effect to the fullest extent permitted under section 658
28 of Article II, Ohio Constitution. Division (E) of this 659
section shall not be given retroactive or curative effect if to 660
do so would invalidate or supersede any instrument that conveys 661
real property, or any interest in the real property, recorded in 662
the office of the county recorder in which that real property is 663
situated prior to the date of recording of a curative memorandum 664
of trust or ~~the effective date of this section~~ March 22, 2012, 665
whichever event occurs later. 666

Section 2. That existing sections 107.43, 167.05, 309.09, 667

1901.06, 1907.13, 2301.01, 2501.02, 2503.01, and 5301.071 of the Revised Code are hereby repealed.

Section 3. That sections 517.23, 517.24, 517.25, 2107.52, 2108.82, 2111.18, 2117.06, 2117.07, and 2131.09 be amended and sections 5801.20, 5801.21, 5801.22, 5801.23, and 5801.24 of the Revised Code be enacted to read as follows:

Sec. 517.23. (A) Subject to divisions (B), (D), and (E) of this section, the board of township trustees, the trustees or directors of a cemetery association, or the other officers having control and management of a cemetery or the officer of a municipal corporation who has control and management of a municipal cemetery shall disinter or grant permission to disinter any remains buried in the cemetery in either of the following circumstances:

~~(1) If the surviving spouse of the decedent is eighteen years of age or older, within~~ Within thirty days after the ~~filing of an application of the surviving spouse made for~~ disinterment is filed with the cemetery in accordance with division (A) of section 517.24 of the Revised Code and payment ~~by the applicant~~ of the reasonable costs and expense of disinterment, is made by the following applicants:

(a) A designated representative, or successor, to whom the decedent had assigned the right of disposition in a written declaration pursuant to section 2108.70 of the Revised Code and who had exercised such right at the time of the declarant's death;

(b) If no designated representative exercised the right of disposition pursuant to section 2108.70 of the Revised Code, the surviving spouse of the decedent who is eighteen years of age or

older. 697

(2) On order of a probate court issued under division (B) 698
of section 517.24 of the Revised Code and payment by the person 699
who applied for the order under that division of the reasonable 700
costs and expense of disinterment. 701

(B) No disinterment shall be made pursuant to this section 702
and section 517.24 of the Revised Code if the decedent died of a 703
contagious or infectious disease until a permit has been issued 704
by the board of health of a general health district or of a city 705
health district. 706

(C) Upon disinterment of remains under division (A) (1) or 707
(2) of this section, the involved board, trustees, directors, 708
other officers, or officer of the municipal corporation shall 709
deliver or cause to be delivered the disinterred remains to the 710
applicant ~~surviving spouse~~ under division (A) (1) of this section 711
or, if the disinterment was pursuant to court order issued under 712
division (B) of section 517.24 of the Revised Code, to the 713
person who applied for the order under that division. 714

(D) The board of township trustees, the trustees or 715
directors of a cemetery association, or the other officers 716
having control and management of a cemetery or the officer of a 717
municipal corporation who has control and management of a 718
municipal cemetery may disinter or grant permission to disinter 719
and, if appropriate, may reinter or grant permission to reinter 720
any remains buried in the cemetery to correct an interment error 721
in the cemetery if the board, trustees, directors, other 722
officers, or officer of the municipal corporation comply with 723
the internal rules of the cemetery pertaining to disinterments 724
and if the board, trustees, directors, other officers, or 725
officer of the municipal corporation provide notice of the 726

disinterment to the ~~decedent's last known next of kin~~person who 727
has been assigned or reassigned the rights of disposition for 728
the deceased person under the provisions of section 2108.70 or 729
2108.81 of the Revised Code. The board, trustees, directors, 730
other officers, or officer of the municipal corporation may 731
correct an interment error under this division without a court 732
order or an application by a person. 733

(E) (1) A person who is an interested party and who is 734
eighteen years of age or older and of sound mind may apply to 735
the probate court of the county in which the decedent is buried 736
for an order to prevent the ~~decedent's surviving spouse~~ 737
applicant under division (A) (1) of this section from having the 738
remains of the decedent disinterred. An application to prevent 739
the disinterment of the remains of the decedent shall be in 740
writing, subscribed and verified by oath, and include all of the 741
following: 742

(a) If applicable, a statement that the applicant assumed 743
financial responsibility for the funeral and burial expenses of 744
the decedent; 745

(b) If division (E) (1) (a) of this section is inapplicable 746
relative to the applicant, a statement that the applicant did 747
not assume financial responsibility for the funeral and burial 748
expenses of the decedent; 749

(c) A statement that the applicant is eighteen years of 750
age or older and of sound mind; 751

(d) The relationship of the applicant to the decedent; 752

(e) A statement of the applicant's reasons to oppose the 753
disinterment of the remains of the decedent. 754

(2) An applicant for an order to prevent the disinterment 755

of the remains of the decedent under division (E) of this 756
section promptly shall give notice of the filing of the 757
application by certified mail, return receipt requested, to the 758
~~decedent's surviving spouse~~ applicant under division (A) (1) of 759
this section. The notice shall indicate that the applicant has 760
filed an application for an order to prevent the disinterment of 761
the remains of the decedent. 762

(F) As used in this section and in section 517.24 of the 763
Revised Code: 764

(1) "Cemetery" and "interment" have the same meanings as 765
in section 1721.21 of the Revised Code. 766

(2) "Disinterment" means the recovery of human remains by 767
exhumation, disentombment, or disinurnment. "Disinterment" does 768
not include the raising and lowering of remains to accommodate 769
two interments within a single grave and does not include the 770
repositioning of an outside burial container that encroaches an 771
adjoining burial space. 772

Sec. 517.24. (A) An application by ~~a surviving spouse~~ an 773
applicant for disinterment under section 517.23 of the Revised 774
Code shall be in writing and shall state ~~that whether~~ the 775
applicant is the designated representative to whom the decedent 776
has assigned the right of disposition of the decedent's body in 777
a written declaration pursuant to section 2108.70 of the Revised 778
Code and exercised such right at the time of the declarant's 779
death or, if none, the surviving spouse of the decedent, that 780
the applicant is eighteen years of age or older and of sound 781
mind, the disease of which the decedent died, and the place at 782
which the remains shall be reinterred. ~~The application shall be~~ 783
~~subscribed and verified by oath~~ If the applicant is the 784
designated representative to whom the decedent has assigned the 785

right of disposition in a written declaration pursuant to 786
section 2108.70 of the Revised Code, a copy of the declaration 787
that appointed the applicant shall be attached to the 788
application. If the applicant is the surviving spouse, the 789
application shall state one of the following: 790

(1) That to the best of the applicant's knowledge the 791
decedent did not sign a declaration of assignment pursuant to 792
section 2108.72 of the Revised Code or it is not available to 793
the applicant; 794

(2) That to the best of the applicant's knowledge the 795
assignee pursuant to a declaration of assignment pursuant to 796
section 2108.72 of the Revised Code did not exercise the right 797
of disposition. 798

(B) (1) A person who is eighteen years of age or older and 799
of sound mind and who is not ~~the surviving spouse of the~~ 800
~~decedent involved~~ qualified to file an application to disinter 801
pursuant to division (A) (1) of section 517.23 of the Revised 802
Code may obtain a court order under this division for the 803
disinterment of the remains of the decedent. Any person who is 804
eighteen years of age or older and of sound mind, including, but 805
not limited to, the person who assumed financial responsibility 806
for the funeral and burial expenses of the decedent, and who 807
wishes to obtain a court order for the disinterment of the 808
remains of the decedent may file an application in the probate 809
court of the county in which the decedent is buried requesting 810
the court to issue an order for the disinterment of the remains 811
of the decedent. The application shall be in writing, subscribed 812
and verified by oath, and include all of the following: 813

(a) If applicable, a statement that the applicant assumed 814
financial responsibility for the funeral and burial expenses of 815

the decedent;	816
(b) If division (B) (1) (a) of this section is inapplicable relative to the applicant, a statement that the applicant did not assume financial responsibility for the funeral and burial expenses of the decedent;	817 818 819 820
(c) A statement that the applicant is eighteen years of age or older and of sound mind;	821 822
(d) The relationship of the applicant to the decedent;	823
(e) A statement of the place at which the remains will be reinterred;	824 825
(f) The name, the relationship to the decedent, and the address of the decedent's surviving spouse; <u>of the person who has been assigned the rights of disposition for the deceased person under the provisions of sections 2108.70 to 2108.90 of the Revised Code;</u> of all persons who would have been entitled to inherit from the decedent under Chapter 2105. of the Revised Code if the decedent had died intestate; and, if the decedent had a will, of all legatees and devisees named in the decedent's will;	826 827 828 829 830 831 832 833 834
<u>(g) A true and correct copy of the decedent's written declaration of assignment pursuant to section 2108.70 of the Revised Code, if any, or one of the following:</u>	835 836 837
<u>(i) A statement that to the best of the applicant's knowledge the decedent did not sign a written declaration of assignment or it is not available to the applicant;</u>	838 839 840
<u>(ii) A statement that to the best of the applicant's knowledge the assignee pursuant to a declaration of assignment pursuant to section 2108.72 of the Revised Code did not exercise</u>	841 842 843

the right of disposition. 844

(2) (a) Subject to division (B) (2) (b) of this section, upon 845
the filing of an application for an order for disinterment of 846
remains under division (B) of this section, the applicant 847
promptly shall give notice as described in this division by 848
certified mail, return receipt requested, to the decedent's 849
surviving spouse; to the person who has been assigned the rights 850
of disposition for the deceased person under the provisions of 851
sections 2108.70 to 2108.90 of the Revised Code; to all persons 852
who would have been entitled to inherit from the decedent under 853
Chapter 2105. of the Revised Code if the decedent had died 854
intestate; if the decedent had a will, to all legatees and 855
devisees named in the decedent's will; and to the board of 856
township trustees, the trustees or directors of a cemetery 857
association, or the other officers having control and management 858
of the cemetery in which the remains of the decedent are 859
interred or to the officer of a municipal corporation who has 860
control and management of a municipal cemetery in which the 861
remains of the decedent are interred. The notice shall indicate 862
that an application for disinterment of the remains of the 863
decedent has been filed. 864

(b) A person entitled to be given the notice described in 865
division (B) (2) (a) of this section may waive the right to 866
receive the notice by filing a written waiver of that right in 867
the probate court. 868

(c) The fact that the notice required by division (B) (2) 869
(a) of this section has been given, subject to division (B) (2) 870
(d) of this section, to all persons described in division (B) (2) 871
(a) of this section who have not waived their right to receive 872
the notice and, if applicable, the fact that certain persons 873

described in that division have waived their right to receive 874
the notice in accordance with division (B) (2) (b) of this section 875
shall be evidenced by an affidavit of the applicant for the 876
order for disinterment, and the applicant shall file the 877
affidavit in the probate court. 878

(d) An applicant for an order for disinterment is not 879
required to give a notice pursuant to division (B) (2) (a) of this 880
section to persons whose names or places of residence are 881
unknown and cannot with reasonable diligence be ascertained, and 882
the applicant shall file an affidavit in the probate court 883
specifying any persons who were not given notice pursuant to 884
division (B) (2) (a) of this section and the reason for not giving 885
notice to those persons. 886

(3) (a) Except as otherwise provided in division (B) (3) (b) 887
of this section, upon the filing of an application for 888
disinterment of remains and the giving of the required notice 889
under division (B) (2) of this section, the probate court 890
promptly shall conduct a hearing to determine whether to issue 891
an order for disinterment of the remains of the decedent, taking 892
into account the provisions of section 2108.82 of the Revised 893
Code. ~~Except as otherwise provided in division (B) (3) (a) of this~~ 894
~~section, at the hearing, the court, in its discretion, may issue~~ 895
~~an order for disinterment of the decedent's remains if good~~ 896
~~cause for disinterment is shown. If a person who is an~~ 897
~~interested party and who is eighteen years of age or older and~~ 898
~~of sound mind establishes by a preponderance of the evidence at~~ 899
~~the hearing that the issuance of an order for disinterment of~~ 900
~~the decedent's remains under division (B) (3) of this section~~ 901
~~would be against the decedent's religious beliefs or~~ 902
~~ascertainable desires, the court shall not issue the requested~~ 903
~~order unless the court finds a compelling reason to issue it. If~~ 904

the court ~~is not so prohibited from issuing the requested order~~ 905
~~and exercises its discretion to issue issues~~ the requested order 906
for disinterment of the decedent's remains in accordance with 907
division (B) (3) of this section, the court promptly shall 908
deliver the order to the applicant. An order of the court for 909
disinterment of the decedent's remains shall specify that the 910
board of township trustees, the trustees or board of the 911
cemetery association, or other officers having control and 912
management of the cemetery or the officer of a municipal 913
corporation who has control and management of the municipal 914
cemetery shall have a period of at least thirty days from the 915
receipt of the order to perform the ordered disinterment. 916

(b) The court is not required to conduct a hearing under 917
division (B) (3) (a) of this section if each person entitled to be 918
given the notice described in division (B) (2) (a) of this section 919
has waived that right by filing a written waiver of the right to 920
receive the notice in the probate court. 921

Sec. 517.25. If the board of township trustees, the 922
trustees or board of a cemetery association, or the other 923
officers in charge of a cemetery refuse to disinter or grant 924
permission for disinterment after a ~~surviving spouse person~~ 925
makes application under ~~sections~~ division (A) (1) of section 926
517.23 and or under division (B) (1) of section 517.24 of the 927
Revised Code, the probate court of the county in which the 928
decedent is buried shall issue a writ of mandamus requiring the 929
officers to disinter the remains or to grant permission for 930
their disinterment. 931

Sec. 2107.52. (A) As used in this section: 932

(1) "Class member" means an individual who fails to 933
survive the testator but who would have taken under a devise in 934

the form of a class gift had the individual survived the 935
testator. 936

(2) "Descendant of a grandparent" means an individual who 937
qualifies as a descendant of a grandparent of the testator or of 938
the donor of a power of appointment under either of the 939
following: 940

(a) The rules of construction applicable to a class gift 941
created in the testator's will if the devise or the exercise of 942
the power of appointment is in the form of a class gift; 943

(b) The rules for intestate succession if the devise or 944
the exercise of the power of appointment is not in the form of a 945
class gift. 946

(3) (a) "Devise" means an includes a primary devise, an 947
alternative devise, a devise in the form of a class gift, ~~or~~ and 948
an exercise of a power of appointment. 949

(b) Except as otherwise provided in this division, the 950
amendment to division (A) (3) (a) of this section in this act 951
shall be given retroactive effect to the fullest extent 952
permitted under Ohio Constitution, Article II, Section 28. The 953
amendment shall not be given retroactive effect in those 954
instances where doing so would invalidate or supersede any 955
instrument that conveys real property or any interest in the 956
real property, recorded in the office of the county recorder in 957
which that real property is situated. 958

(4) "Devisee" means any of the following: 959

(a) A class member if the devise is in the form of a class 960
gift; 961

(b) An individual or class member who was deceased at the 962

time the testator executed the testator's will or an individual 963
or class member who was then living but who failed to survive 964
the testator; 965

(c) An appointee under a power of appointment exercised by 966
the testator's will. 967

(5) "Per stirpes" means that the shares of the descendants 968
of a devisee who does not survive the testator are determined in 969
the same way they would have been determined under division (A) 970
of section 2105.06 of the Revised Code if the devisee had died 971
intestate and unmarried on the date of the testator's death. 972

(6) "Stepchild" means a child of the surviving, deceased, 973
or former spouse of the testator or of the donor of a power of 974
appointment and not of the testator or donor. 975

(7) "Surviving devisee" or "surviving descendant" means a 976
devisee or descendant, whichever is applicable, who survives the 977
testator by at least one hundred twenty hours. 978

(8) "Testator" includes the donee of a power of 979
appointment if the power is exercised in the testator's will. 980

(B) (1) As used in "surviving descendants" in divisions (B) 981
(2) (a) and (b) of this section, "descendants" means the 982
descendants of a deceased devisee or class member under the 983
applicable division who would take under a class gift created in 984
the testator's will. 985

(2) Unless a contrary intent appears in the will, if a 986
devisee fails to survive the testator and is a grandparent, a 987
descendant of a grandparent, or a stepchild of either the 988
testator or the donor of a power of appointment exercised by the 989
testator's will, either of the following applies: 990

(a) If the devise is not in the form of a class gift and the deceased devisee leaves surviving descendants, a substitute gift is created in the devisee's surviving descendants. The surviving descendants take, per stirpes, the property to which the devisee would have been entitled had the devisee survived the testator.

(b) If the devise is in the form of a class gift, other than a devise to "issue," "descendants," "heirs of the body," "heirs," "next of kin," "relatives," or "family," or a class described by language of similar import that includes more than one generation, a substitute gift is created in the surviving descendants of any deceased devisee. The property to which the devisees would have been entitled had all of them survived the testator passes to the surviving devisees and the surviving descendants of the deceased devisees. Each surviving devisee takes the share to which the surviving devisee would have been entitled had the deceased devisees survived the testator. Each deceased devisee's surviving descendants who are substituted for the deceased devisee take, per stirpes, the share to which the deceased devisee would have been entitled had the deceased devisee survived the testator. For purposes of division (B) (2) (b) of this section, "deceased devisee" means a class member who failed to survive the testator by at least one hundred twenty hours and left one or more surviving descendants.

(C) For purposes of this section, each of the following applies:

(1) Attaching the word "surviving" or "living" to a devise, such as a gift "to my surviving (or living) children," is not, in the absence of other language in the will or other evidence to the contrary, a sufficient indication of an intent

to negate the application of division (B) of this section. 1021

(2) Attaching other words of survivorship to a devise, 1022
such as "to my child, if my child survives me," is, in the 1023
absence of other language in the will or other evidence to the 1024
contrary, a sufficient indication of an intent to negate the 1025
application of division (B) of this section. 1026

(3) A residuary clause is not a sufficient indication of 1027
an intent to negate the application of division (B) of this 1028
section unless the will specifically provides that upon lapse or 1029
failure the nonresiduary devise, or nonresiduary devises in 1030
general, pass under the residuary clause. 1031

(4) Unless the language creating a power of appointment 1032
expressly excludes the substitution of the descendants of an 1033
appointee for the appointee, a surviving descendant of a 1034
deceased appointee of a power of appointment may be substituted 1035
for the appointee under this section, whether or not the 1036
descendant is an object of the power of appointment. 1037

(D) Except as provided in division (A), (B), or (C) of 1038
this section, each of the following applies: 1039

(1) A devise, other than a residuary devise, that fails 1040
for any reason becomes a part of the residue. 1041

(2) If the residue is devised to two or more persons, the 1042
share of a residuary devisee that fails for any reason passes to 1043
the other residuary devisee, or to other residuary devisees in 1044
proportion to the interest of each in the remaining part of the 1045
residue. 1046

(3) If a residuary devise fails for any reason in its 1047
entirety, the residue passes by intestate succession. 1048

(E) This section applies only to outright devises and 1049
appointments. Devises and appointments in trust, including to a 1050
testamentary trust, are subject to section 5808.19 of the 1051
Revised Code. 1052

(F) This section applies to wills of decedents who die on 1053
or after March 22, 2012. 1054

Sec. 2108.82. (A) Notwithstanding section 2108.81 of the 1055
Revised Code and in accordance with division (B) of this 1056
section, the probate court for the county in which the declarant 1057
or deceased person resided at the time of death may, on its own 1058
motion or the motion of another person, assign to any person the 1059
right of disposition for a declarant or deceased person. 1060

(B) In making a determination for purposes of division (A) 1061
of this section and division (C) of section 2108.79 of the 1062
Revised Code, the court shall consider the following: 1063

(1) Whether evidence presented to, or in the possession of 1064
the court, demonstrates that the person who is the subject of 1065
the motion and the declarant or deceased person had a close 1066
personal relationship; 1067

(2) The reasonableness and practicality of any plans that 1068
the person who is the subject of the motion may have for the 1069
declarant's or deceased person's funeral, burial, cremation, ~~or~~ 1070
final disposition, redisposition, or disinterment, including the 1071
degree to which such plans allow maximum participation by all 1072
persons who wish to pay their final respects to the deceased 1073
person; 1074

(3) The willingness of the person who is the subject of 1075
the motion to assume the responsibility to pay for the 1076
declarant's or deceased person's funeral, burial, cremation, ~~or~~ 1077

final disposition, redisposition, or disinterment, and the 1078
desires of that person; 1079

(4) The convenience and needs of other ~~families~~ family 1080
members and friends wishing to pay their final respects to the 1081
declarant or deceased person; 1082

(5) The express written desires of the declarant or 1083
deceased person; 1084

(6) The religious beliefs or other evidence of the desires 1085
of the declarant or deceased person; 1086

(7) The conduct of the persons involved in the proceedings 1087
related to the circumstances concerning the deceased person, the 1088
deceased person's estate, and other family members; 1089

(8) The length of time that has elapsed since the original 1090
or last disposition; 1091

(9) Whether there is a change of circumstances, including, 1092
but not limited to, any of the following: 1093

(a) A change to the physical or environmental conditions 1094
of the cemetery or other location of the deceased person's 1095
bodily remains or the surrounding area; 1096

(b) A change to the financial condition of the cemetery 1097
operator or organization containing the deceased person's bodily 1098
remains; 1099

(c) A change related to the residence of the deceased 1100
person's family members; 1101

(d) A change to the burial arrangements for the deceased 1102
person's family members. 1103

A change of circumstances does not include a mere change 1104

of the representative who has been assigned the right to direct 1105
the disposition of the deceased person's bodily remains. 1106

(C) There shall be no disinterment or other change of the 1107
original or last disposition unless the court makes a finding of 1108
compelling reasons based upon the factors listed in division (B) 1109
of this section. 1110

(D) Except to the extent considered under division (B) (3) 1111
of this section, the following persons do not have a greater 1112
claim to the right of disposition than such persons otherwise 1113
have pursuant to law: 1114

(1) A person who is willing to assume the responsibility 1115
to pay for the declarant's or deceased person's funeral, burial, 1116
cremation, or final disposition; 1117

(2) The personal representative of the declarant or 1118
deceased person. 1119

Sec. 2111.18. If personal injury, damage to tangible or 1120
intangible property, or damage or loss on account of personal 1121
injury or damage to tangible or intangible property is caused to 1122
a ward by wrongful act, neglect, or default that would entitle 1123
the ward to maintain an action and recover damages for the 1124
injury, damage, or loss, and when any ward is entitled to 1125
maintain an action for damages or any other relief based on any 1126
claim or is subject to any claim to recover damages or any other 1127
relief based on any claim, the guardian of the estate of the 1128
ward may adjust and settle the claim with the advice, approval, 1129
and consent of the probate court. If it is proposed that a claim 1130
be settled for the net amount of twenty-five thousand dollars or 1131
less after payment of fees and expenses as allowed by the court, 1132
the court, upon application by any suitable person whom the 1133

court may authorize to receive and receipt for the settlement, 1134
may authorize the settlement without the appointment of a 1135
guardian and authorize the delivery of the moneys as provided in 1136
section 2111.05 of the Revised Code. The court may authorize the 1137
person receiving the moneys to execute a complete release on 1138
account of the receipt. The payment shall be a complete and 1139
final discharge of that claim. In the settlement, if the ward is 1140
a minor, the parent or parents of the minor may waive all claim 1141
for damages on account of loss of service of the minor, and that 1142
claim may be included in the settlement. If the claimant is a 1143
minor, records of proceedings pursuant to this section are not 1144
subject to disclosure to any person who is not a party to the 1145
settlement, or made available for publication or inspection, 1146
except upon motion and show of good cause. 1147

Sec. 2117.06. (A) All creditors having claims against an 1148
estate, including claims arising out of contract, out of tort, 1149
on cognovit notes, or on judgments, whether due or not due, 1150
secured or unsecured, liquidated or unliquidated, shall present 1151
their claims in one of the following manners: 1152

(1) After the appointment of an executor or administrator 1153
and prior to the filing of a final account or a certificate of 1154
termination, in one of the following manners: 1155

(a) To the executor or administrator, or to an attorney 1156
who is identified as counsel for the executor or administrator 1157
in the probate court records for the estate of the decedent, in 1158
a writing; 1159

(b) ~~To the executor or administrator in a writing, and to~~ 1160
~~the probate court by filing in a copy of the writing with it that~~ 1161
includes the probate court case number of the decedent's estate; 1162

(c) In a writing ~~that is sent by ordinary mail addressed~~ 1163
~~to the decedent and~~ that is actually received by the executor or 1164
administrator, or by an attorney who is identified as counsel 1165
for the executor or administrator in the probate court records 1166
for the estate of the decedent, within the appropriate time 1167
specified in division (B) of this section and without regard to 1168
whom the writing is addressed. For purposes of this division, if 1169
an executor or administrator is not a natural person, the 1170
writing shall be considered as being actually received by the 1171
executor or administrator only if the person charged with the 1172
primary responsibility of administering the estate of the 1173
decedent actually receives the writing within the appropriate 1174
time specified in division (B) of this section. 1175

(2) If the final account or certificate of termination has 1176
been filed, in a writing to those distributees of the decedent's 1177
estate who may share liability for the payment of the claim. 1178

(B) Except as provided in section 2117.061 of the Revised 1179
Code, all claims shall be presented within six months after the 1180
death of the decedent, whether or not the estate is released 1181
from administration or an executor or administrator is appointed 1182
during that six-month period. Every claim presented shall set 1183
forth the claimant's address. 1184

(C) Except as provided in section 2117.061 of the Revised 1185
Code, a claim that is not presented within six months after the 1186
death of the decedent shall be forever barred as to all parties, 1187
including, but not limited to, devisees, legatees, and 1188
distributees. No payment shall be made on the claim and no 1189
action shall be maintained on the claim, except as otherwise 1190
provided in sections 2117.37 to 2117.42 of the Revised Code with 1191
reference to contingent claims. 1192

(D) In the absence of any prior demand for allowance, the 1193
executor or administrator shall allow or reject all claims, 1194
except tax assessment claims, within thirty days after their 1195
presentation, provided that failure of the executor or 1196
administrator to allow or reject within that time shall not 1197
prevent the executor or administrator from doing so after that 1198
time and shall not prejudice the rights of any claimant. Upon 1199
the allowance of a claim, the executor or the administrator, on 1200
demand of the creditor, shall furnish the creditor with a 1201
written statement or memorandum of the fact and date of the 1202
allowance. 1203

(E) If the executor or administrator has actual knowledge 1204
of a pending action commenced against the decedent prior to the 1205
decedent's death in a court of record in this state, the 1206
executor or administrator shall file a notice of the appointment 1207
of the executor or administrator in the pending action within 1208
ten days after acquiring that knowledge. If the administrator or 1209
executor is not a natural person, actual knowledge of a pending 1210
suit against the decedent shall be limited to the actual 1211
knowledge of the person charged with the primary responsibility 1212
of administering the estate of the decedent. Failure to file the 1213
notice within the ten-day period does not extend the claim 1214
period established by this section. 1215

(F) This section applies to any person who is required to 1216
give written notice to the executor or administrator of a motion 1217
or application to revive an action pending against the decedent 1218
at the date of the death of the decedent. 1219

(G) Nothing in this section or in section 2117.07 of the 1220
Revised Code shall be construed to reduce the periods of 1221
limitation or periods prior to repose in section 2125.02 or 1222

Chapter 2305. of the Revised Code, provided that no portion of 1223
any recovery on a claim brought pursuant to that section or any 1224
section in that chapter shall come from the assets of an estate 1225
unless the claim has been presented against the estate in 1226
accordance with Chapter 2117. of the Revised Code. 1227

(H) Any person whose claim has been presented and has not 1228
been rejected after presentment is a creditor as that term is 1229
used in Chapters 2113. to 2125. of the Revised Code. Claims that 1230
are contingent need not be presented except as provided in 1231
sections 2117.37 to 2117.42 of the Revised Code, but, whether 1232
presented pursuant to those sections or this section, contingent 1233
claims may be presented in any of the manners described in 1234
division (A) of this section. 1235

(I) If a creditor presents a claim against an estate in 1236
accordance with division (A) (1) (b) of this section, the probate 1237
court shall not close the administration of the estate until 1238
that claim is allowed or rejected. 1239

(J) The probate court shall not require an executor or 1240
administrator to make and return into the court a schedule of 1241
claims against the estate. 1242

(K) If the executor or administrator makes a distribution 1243
of the assets of the estate pursuant to section 2113.53 of the 1244
Revised Code and prior to the expiration of the time for the 1245
presentation of claims as set forth in this section, the 1246
executor or administrator shall provide notice on the account 1247
delivered to each distributee that the distributee may be liable 1248
to the estate if a claim is presented prior to the filing of the 1249
final account and may be liable to the claimant if the claim is 1250
presented after the filing of the final account up to the value 1251
of the distribution and may be required to return all or any 1252

part of the value of the distribution if a valid claim is 1253
subsequently made against the estate within the time permitted 1254
under this section. 1255

Sec. 2117.07. An executor or administrator may accelerate 1256
the bar against claims against the estate established by section 1257
2117.06 of the Revised Code by giving written notice to a 1258
potential claimant that identifies the decedent by name, states 1259
the date of the death of the decedent, identifies the executor 1260
or administrator by name and mailing address, and informs the 1261
potential claimant that any claims the claimant may have against 1262
the estate are required to be presented to the executor or 1263
administrator in a writing in the manner provided in section 1264
2117.06 of the Revised Code within the earlier of thirty days 1265
after receipt of the notice by the potential claimant or six 1266
months after the date of the death of the decedent. A claim of 1267
that potential claimant that is not presented in the manner 1268
provided by section 2117.06 of the Revised Code within the 1269
earlier of thirty days after receipt of the notice by the 1270
potential claimant or six months after the date of the death of 1271
the decedent is barred by section 2117.06 of the Revised Code in 1272
the same manner as if it was not presented within six months 1273
after the date of the death of the decedent. 1274

Sec. 2131.09. (A) A trust of real or personal property 1275
created by an employer as part of a stock bonus plan, pension 1276
plan, disability or death benefit plan, or profit-sharing plan, 1277
for the benefit of some or all of the employees, to which 1278
contributions are made by the employer or employees, or both, 1279
for the purpose of distributing to the employees or their 1280
beneficiaries the earnings or the principal, or both earnings 1281
and principal, of the fund so held in trust is not invalid as 1282
violating the rule against perpetuities, any other existing law 1283

against perpetuities, or any law restricting or limiting the 1284
duration of trusts; but the trust may continue for the time that 1285
is necessary to accomplish the purposes for which it was 1286
created. 1287

The income arising from any trust within the 1288
classifications mentioned in this division may be accumulated in 1289
accordance with the terms of the trust for as long a time as is 1290
necessary to accomplish the purposes for which the trust was 1291
created, notwithstanding any law limiting the period during 1292
which trust income may be accumulated. 1293

No rule of law against perpetuities or the suspension of 1294
the power of alienation of the title to property invalidates any 1295
trust within the classifications mentioned in this division 1296
unless the trust is terminated by decree of a court in a suit 1297
instituted within two years after June 25, 1951. 1298

(B) (1) No rule of law against perpetuities or suspension 1299
of the power of alienation of the title to property, any other 1300
existing law against perpetuities, or any law restricting or 1301
limiting the duration of trusts shall apply with respect to any 1302
interest in real or personal property held in trust if both of 1303
the following apply: 1304

(a) The instrument creating the trust specifically states 1305
that the rule against perpetuities or the provisions of division 1306
(A) of section 2131.08 of the Revised Code shall not apply to 1307
the trust. 1308

(b) The trustee has unlimited power, or one or more 1309
persons have the unlimited power to direct the trustee or to 1310
approve the trustee's decision, either to sell all trust assets 1311
or to terminate the entire trust. 1312

(2) Division (B)(1) of this section shall apply to the interpretation of a testamentary or inter vivos trust instrument that creates an interest in real or personal property in relation to which one or more of the following conditions apply:

(a) The instrument creating the testamentary or inter vivos trust is executed in this state.

(b) The sole trustee or one of the trustees is domiciled in this state.

(c) The testamentary or inter vivos trust is administered in this state or the situs of a substantial portion of the assets subject to the testamentary portion of the testamentary or inter vivos trust is in this state, even though some part or all of those assets are physically deposited for safekeeping in a state other than this state.

(d) The instrument creating the testamentary or inter vivos trust states that the law of this state is to apply.

(3) Subject to division (C) of this section, division (B) of this section shall be effective with respect to all of the following:

(a) An interest in real or personal property in trust created under the terms of a will of a decedent dying on or after March 22, 1999;

(b) An interest in real or personal property created under the terms of an inter vivos or testamentary trust instrument executed on or after March 22, 1999;

(c) An interest in real or personal property in trust created by the exercise of a general power of appointment on or after March 22, 1999;

(d) An interest in real or personal property in trust 1341
created by the exercise of a nongeneral power of appointment 1342
over any portion of a trust that meets the requirements of 1343
division (B) of this section, but only if the date of creation 1344
of that nongeneral power of appointment is on or after ~~the~~ 1345
~~effective date of this section~~ March 27, 2013. 1346

(C) The exercise of a nongeneral power of appointment 1347
granted over any portion of a trust to which the rule against 1348
perpetuities does not apply because the terms of the trust meet 1349
the requirements of division (B) of this section shall 1350
nevertheless be subject to section 2131.08 of the Revised Code, 1351
except that interests created pursuant to the exercise of a 1352
nongeneral power of appointment that has a date of creation on 1353
or after ~~the effective date of this section~~ March 27, 2013, 1354
shall be required to vest not later than one thousand years 1355
after the date of creation of that power. 1356

(D) For purposes of this section, the instrument creating 1357
a trust subject to a power reserved by the grantor to amend, 1358
revoke, or terminate the trust shall include the original 1359
instrument establishing the trust and all amendments to the 1360
instrument made prior to the time at which the reserved power 1361
expires by reason of the death of the grantor, by release of the 1362
power, or otherwise. 1363

(E) The amendment of division (B) (1) of this section and 1364
divisions (D) and (F) of this section are intended to clarify 1365
the provisions of divisions (B) and (C) of this section as 1366
originally enacted and apply to trust instruments that are in 1367
existence prior to, on, or after ~~the effective date of this~~ 1368
~~section~~ March 22, 1999. 1369

(F) For purposes of this section: 1370

(1) "General power of appointment" means a power that is exercisable in favor of the individual possessing the power, the individual's estate, the individual's creditors, or the creditors of the individual's estate other than either of the following:

(a) A power that is limited by an ascertainable standard as defined in section 5801.01 of the Revised Code;

(b) A power of withdrawal held by an individual, but only to the extent that it does not exceed the amount specified in section 2041(b) (2) or 2514(e) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1 et seq., as amended.

(2) "Nongeneral power of appointment" means any power of appointment that is not a general power of appointment.

(3) The "date of creation" of a nongeneral power of appointment created by the exercise of one or more powers of appointment, except by the exercise of a general power of appointment exercisable by deed, shall be the date of creation of the first of those powers of appointment to be exercised.

(4) "Exercisable by deed" has the same meaning as in section 2131.08 of the Revised Code.

Sec. 5801.20. As used in sections 5801.20 to 5801.24 of the Revised Code:

(A) (1) "Applicable reporting period" means either of the following, as applicable:

(a) The most recent four years, as of the date of preparation of a notice authorized under division (B) of section 5801.22 or division (B) of section 5801.23 of the Revised Code;

(b) If the trust became irrevocable during such four-year

period, the period from the date the trust became irrevocable to 1399
the date of preparation of the notice. 1400

(2) If the trustee sending the notice accepted the 1401
trusteeship during the period described in division (A) (1) of 1402
this section, the "applicable reporting period" shall be from 1403
the date of the trustee's acceptance to the date of preparation 1404
of the notice. 1405

(B) "Departing trustee" means a trustee who is resigning 1406
or has been removed as trustee of a trust. 1407

(C) "Distributions objection period" means a forty-five- 1408
day period for providing the trustee of the noticing trust with 1409
objections under division (D) of section 5801.22 of the Revised 1410
Code. The period commences with the date the notice and 1411
trustee's reports described in division (B) of section 5801.22 1412
of the Revised Code are served on the recipient. 1413

(D) "Noticing trust" means a trust whose trustee is 1414
serving or has served a notice and trustee reports under section 1415
5801.22 or 5801.23 of the Revised Code. 1416

(E) "Resignation or removal necessary parties" means the 1417
following persons: 1418

(1) In the case of a trustee resignation: 1419

(a) If the trust terms identify one or more persons to 1420
whom notice of the trustee's resignation must be provided, the 1421
persons so identified and any other persons who are current 1422
beneficiaries of the trust, determined as of the date of the 1423
notice described in division (B) of section 5801.23 of the 1424
Revised Code; 1425

(b) If the trust terms do not identify any persons to whom 1426

notice of the trustee's resignation must be provided, the 1427
qualified beneficiaries of the trust, determined as of the date 1428
of the notice described in division (B) of section 5801.23 of 1429
the Revised Code. 1430

(2) In the case of a trustee removal, the persons, if any, 1431
to whom notice of trustee removal is required to be provided 1432
under the trust terms and any other persons who are current 1433
beneficiaries of the trust, determined as of the date of the 1434
notice described in division (B) of section 5801.23 of the 1435
Revised Code. 1436

(3) Any co-trustee of the trust; 1437

(4) The successor trustee if one has been appointed or 1438
designated as provided in the trust terms or otherwise 1439
appointed, as provided in division (C) of section 5807.04 of the 1440
Revised Code or pursuant to other applicable law. 1441

(F) "Successor trustee" means a person, not previously 1442
serving as a co-trustee, who is to replace the departing trustee 1443
following the departing trustee's resignation or removal. 1444

(G) "Terminating distributions necessary parties" means: 1445

(1) The current beneficiaries of the trust, determined as 1446
of the date of the notice described in division (B) of section 1447
5801.22 of the Revised Code; 1448

(2) If the trust-terminating distributions include one or 1449
more mandatory distributions under the terms of the trust, all 1450
other persons living at the date of the notice who were current 1451
beneficiaries of the trust immediately prior to the triggering 1452
event that is the basis for the mandatory distributions; 1453

(3) Any co-trustee of the trust. 1454

(H) "Triggering event" means any event, such as a death, age attainment or other circumstance, that has occurred and that is the basis for a mandatory distribution under the terms of the trust. 1455
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(I) "Trust-terminating distributions" means distributions that, when completed, will distribute the remaining net assets of a trust and thereby effectively terminate the trust, including any such distributions that are made pursuant to section 5808.18 of the Revised Code or under any similar statutory or common law applicable to the trust. 1459
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(J) "Trustee indemnification clause" means a provision that indemnifies the trustee against loss arising from a claim relating to the trustee's administration of the trust. 1465
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(K) "Trustee's report" means a report as described in division (C) of section 5808.13 of the Revised Code. 1468
1469

(L) "Trustee succession objection period" means a forty-five-day period for providing to the departing trustee objections under division (D) of section 5801.23 of the Revised Code. The period commences with the date the notice and trustee's reports described in division (B) of section 5801.23 of the Revised Code are served on the recipient. 1470
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Sec. 5801.21. (A) A trustee may, but is not required to, use the process prescribed in sections 5801.22 and 5801.23 of the Revised Code, as applicable, when concluding the trustee's administration of an irrevocable trust. 1476
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(B) Sections 5801.20 to 5801.24 of the Revised Code do not apply to a testamentary trust subject to the supervision of a probate court. 1480
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(C) Except as otherwise provided in the Revised Code or 1483

other applicable law, including the common law, the provisions 1484
of sections 5801.22 and 5801.23 of the Revised Code may be used 1485
in combination with or in lieu of other options or proceedings 1486
available under the Revised Code or other applicable law, 1487
including the common law. 1488

(D) A trustee's substantial good-faith compliance with the 1489
requirements concerning the contents of the notices described in 1490
division (B) of section 5801.22 and division (B) of section 1491
5801.23 of the Revised Code is deemed sufficient. 1492

Sec. 5801.22. (A) When a trust is to terminate as a result 1493
of trust-terminating distributions and the trustee elects to use 1494
the provisions of this section, the trustee shall serve on the 1495
terminating distributions necessary parties the documents and 1496
information described in division (B) of this section. The 1497
trustee also may serve those documents and that information on 1498
other persons who the trustee reasonably believes may have an 1499
interest in the trust. Service shall be made within a reasonable 1500
period of time after the event or determination that requires or 1501
authorizes such distributions. 1502

(B) The documents and information to be served include 1503
both of the following: 1504

(1) A written notice, executed by or on behalf of the 1505
trustee, that includes the following information: 1506

(a) The date of the notice, corresponding to the date the 1507
notice is being sent; 1508

(b) A description of the terms of the trust that require 1509
or authorize the trust-terminating distributions or a citation 1510
to any statute that requires or authorizes the distributions; 1511

(c) If the terms of the trust require any of the proposed 1512

trust-terminating distributions, a description of any triggering 1513
event that is the basis for each mandatory distribution; 1514

(d) A description of the proposed trust-terminating 1515
distributions that includes the names of the proposed 1516
distributees and a description, in general or specific terms, of 1517
the assets proposed for distribution to each; 1518

(e) A description of the distributions objection period 1519
and the name, mailing address, electronic address if available, 1520
and telephone number of the person or office associated with the 1521
trustee to which any written objections should be sent; 1522

(f) A description of the process, described in division 1523
(C) of this section, that will be followed if the trustee 1524
receives no written objections within the distributions 1525
objection period; 1526

(g) A description of the process, described in division 1527
(D) of this section, that will be followed if the trustee 1528
receives a written objection within the distributions objection 1529
period; 1530

(h) A statement of the impending bar of claims against the 1531
trustee, as described in division (F) of this section, that will 1532
result if an objection is not timely made; 1533

(i) A statement that the trustee may rely upon the written 1534
statement of a recipient of the notice that such person consents 1535
to the proposed trust-terminating distributions and irrevocably 1536
waives the right to object to the distributions and any claim 1537
against the trustee for matters disclosed in the notice or the 1538
trustee's reports served with it and all other matters 1539
pertaining to the trustee's administration of the trust; 1540

(j) A statement that the trustee may complete the 1541

distributions described in the notice prior to the expiration of 1542
the distributions objection period if all of the persons on whom 1543
the notice was served deliver to the trustee written consents 1544
and irrevocable waivers of the kind described in division (E) of 1545
this section; 1546

(k) An exhibit showing the assets on hand at the date the 1547
notice is prepared and their respective values as shown in the 1548
regularly kept records of the trustee; 1549

(l) An estimate of any assets, income, taxes, fees, 1550
expenses, claims, or other items reasonably expected by the 1551
trustee to be received or disbursed before completion of the 1552
trust-terminating distributions but not yet received or 1553
disbursed, including trustee fees remaining to be paid. 1554

(2) One or more trustee's reports covering the applicable 1555
reporting period. 1556

(C) If no written objection is received by the trustee 1557
within the distributions objection period: 1558

(1) The notice and trustee's reports served pursuant to 1559
division (A) of this section shall be considered approved by 1560
each recipient of the notice and reports; 1561

(2) The trustee, within a reasonable period of time 1562
following the expiration of the distributions objection period, 1563
shall distribute the assets as provided in the notice; 1564

(3) Any person who was served such notice and reports 1565
shall be barred from bringing a claim against the trustee, and 1566
from challenging the validity of the trust, as provided in 1567
division (F) of this section. 1568

(D) (1) If, after being served the notice and trustee's 1569

reports described in division (B) of this section, a qualified 1570
beneficiary or any other recipient of the notice wishes to 1571
object to matters disclosed in the notice or trustee's reports 1572
served, or any other matter pertaining to the trustee's 1573
administration of the trust, the person shall provide written 1574
notice of the objection to the trustee of the noticing trust 1575
within the distributions objection period. If the trustee 1576
receives a written objection within the distributions objection 1577
period, the trustee may do either of the following: 1578

(a) Submit the written objection to the court for 1579
resolution. The expense of commencing, conducting, and 1580
concluding such a proceeding shall be charged as ordered by the 1581
court. 1582

(b) (i) Resolve the objection with the objecting person by 1583
accepting a withdrawal of the person's objection or by written 1584
instrument, a written agreement as described in section 5801.10 1585
of the Revised Code, or other means. 1586

(ii) Any agreement or other written instrument executed by 1587
the objecting party pursuant to division (D) (1) (b) (i) of this 1588
section may include a release and a trustee indemnification 1589
clause, along with other terms agreed to by the parties. 1590
Reasonable expenses related to such written instrument or 1591
written agreement shall be charged to the trust. 1592

(2) Within a reasonable time after resolution of all 1593
timely objections under division (D) (1) of this section, the 1594
trustee shall distribute the remaining trust assets as provided 1595
in the notice, subject to any modifications provided for in the 1596
terms of the document setting forth the resolution of each such 1597
objection. 1598

(E) (1) The trustee may rely upon the written statement of 1599
a recipient of the notice and trustee's reports served under 1600
this section that the recipient: 1601

(a) Consents to the proposed trust-terminating 1602
distributions; 1603

(b) Irrevocably waives the right to object to the 1604
distributions; 1605

(c) Irrevocably waives any claims against the trustee for 1606
breach of trust as to matters disclosed in the notice and 1607
trustee's reports and all other matters pertaining to the 1608
trustee's administration of the trust. 1609

(2) The distributions described in the notice may be 1610
completed prior to the expiration of the distributions objection 1611
period if all of the persons on whom the notice and trustee's 1612
reports were served have delivered to the trustee similar 1613
written consents and irrevocable waivers. 1614

(F) (1) (a) Any person who was served a notice and trustee's 1615
reports that comply with the requirements of this section and 1616
who either consented to the proposed trust-terminating 1617
distributions or failed to timely provide the trustee a written 1618
objection as described in this section is barred from: 1619

(i) Bringing a claim against the trustee for breach of 1620
trust as to matters disclosed in the notice and trustee's 1621
reports and all other matters pertaining to the trustee's 1622
administration of the trust; 1623

(ii) Challenging the validity of the trust. 1624

Such claims shall be barred as described in division (F) 1625
(2) of this section. 1626

(b) If all of the terminating distributions necessary 1627
parties and all qualified beneficiaries of the trust have been 1628
served a notice and trustee's reports that comply with the 1629
requirements of this section and have either consented to the 1630
proposed trust-terminating distributions or failed to timely 1631
provide the trustee a written objection as described in this 1632
section, all other beneficiaries of the trust, including persons 1633
who may succeed to the interests in the trust of the 1634
beneficiaries served, shall be barred as described in division 1635
(F) (2) of this section. 1636

(2) The bar of claims under division (F) of this section 1637
applies: 1638

(a) To each person barred, the person's personal 1639
representatives and assigns, and the person's heirs who are not 1640
beneficiaries of the noticing trust; 1641

(b) To the same extent and with the same preclusive effect 1642
as if the court had entered a final order approving and settling 1643
the trustee's full account of its entire administration of the 1644
trust, notwithstanding the limitations periods otherwise 1645
applicable under section 5810.05 of the Revised Code. 1646

(G) Any beneficiary who receives trust assets as a result 1647
of a trust-terminating distribution described in the notice 1648
described in division (B) of this section and who is barred from 1649
bringing claims under division (F) of this section may be 1650
required to return all or any part of the value of the 1651
distributed assets if the trustee determines that the return of 1652
assets is necessary to pay, or reimburse the trustee for payment 1653
of, taxes, debts, or expenses of the trust, including reasonable 1654
expenses incurred by the trustee in obtaining the return of 1655
those assets. The beneficiary shall make the return 1656

expeditiously upon receipt of a written notice from the trustee 1657
requesting the return of all or any part of the value of those 1658
distributed assets. 1659

Sec. 5801.23. (A) When a trustee resigns or is removed 1660
from an irrevocable trust pursuant to the terms of the trust or 1661
otherwise and the departing trustee elects to use the provisions 1662
of this section, the departing trustee shall serve on the 1663
resignation or removal necessary parties the documents and 1664
information described in division (B) of this section. The 1665
trustee also may serve those documents and that information on 1666
other persons who the trustee reasonably believes may have an 1667
interest in the trust. Service shall be made within a reasonable 1668
period of time after such resignation or removal. 1669

(B) The documents and information to be served include all 1670
of the following: 1671

(1) A written notice, executed by or on behalf of the 1672
departing trustee, that includes all of the following 1673
information: 1674

(a) The date of the notice, corresponding to the date the 1675
notice is being sent; 1676

(b) A description of any terms of the trust or the Revised 1677
Code relevant to the resignation or removal of the departing 1678
trustee and the provisions, if applicable, regarding the 1679
appointment or designation of the successor trustee; 1680

(c) A description of any actions taken by the departing 1681
trustee, the beneficiaries of the trust, or other required 1682
parties pertaining to the resignation or removal of the 1683
departing trustee and, if applicable, the appointment or 1684
designation of the successor trustee; 1685

- (d) The name and address of the successor trustee, if one 1686
has been appointed or designated; 1687
- (e) If applicable, a statement confirming the successor 1688
trustee's acceptance of the trusteeship; 1689
- (f) A description of the trustee succession objection 1690
period and the name, mailing address, electronic mail address if 1691
available, and telephone number of the person or office 1692
associated with the departing trustee to which any written 1693
objections should be sent; 1694
- (g) A description of the process, described in division 1695
(C) of this section, that will be followed if the departing 1696
trustee receives no written objections within the trustee 1697
succession objection period; 1698
- (h) A description of the process, described in division 1699
(D) of this section, that will be followed if the departing 1700
trustee receives a written objection within the trustee 1701
succession objection period; 1702
- (i) A statement of the impending bar of claims against the 1703
departing trustee, as described in division (F) of this section, 1704
that will result if an objection is not timely made; 1705
- (j) A statement that the departing trustee may rely upon 1706
the written statement of a recipient of the notice that such 1707
person consents to the delivery of the net assets of the trust 1708
to the successor trustee, or to one or more co-trustees as 1709
applicable, and irrevocably waives the right to object to the 1710
delivery of the assets and any claim against the departing 1711
trustee for matters disclosed in the notice or the trustee's 1712
reports served with it and all other matters pertaining to the 1713
departing trustee's administration of the trust; 1714

(k) A statement that the departing trustee may complete 1715
the delivery of the net assets of the trust to the successor 1716
trustee, or to one or more co-trustees as applicable, prior to 1717
the expiration of the trustee succession objection period if all 1718
of the persons on whom the notice was served deliver to the 1719
trustee written consents and irrevocable waivers of the kind 1720
described in division (E) of this section; 1721

(l) An exhibit showing the assets on hand at the date the 1722
notice is prepared and their respective values as shown in the 1723
regularly kept records of the trustee; 1724

(m) An estimate of any assets, income, taxes, fees, 1725
expenses, claims, or other items reasonably expected by the 1726
departing trustee to be received or disbursed before delivery of 1727
the net assets of the trust to the successor trustee, or to one 1728
or more co-trustees as applicable, but not yet received or 1729
disbursed, including trustee fees remaining to be paid. 1730

(2) One or more trustee's reports covering the applicable 1731
reporting period. 1732

(C) If no written objection is received by the departing 1733
trustee within the trustee succession objection period: 1734

(1) The notice and trustee's reports served pursuant to 1735
division (A) of this section shall be considered approved by 1736
each recipient of the notice and reports. 1737

(2) The departing trustee, within a reasonable period of 1738
time following the expiration of the trustee succession 1739
objection period, shall deliver the net trust assets to the 1740
successor trustee or to one or more co-trustees, as applicable. 1741

(3) Any person who was served such notice and reports 1742
shall be barred from bringing a claim against the trustee, and 1743

from challenging the validity of the trust, as provided in 1744
division (F) of this section. 1745

(D)(1) If, after being served the notice and trustee's 1746
reports described in division (B) of this section, a qualified 1747
beneficiary or any other recipient of the notice wishes to 1748
object to matters disclosed in the notice or reports or any 1749
other matter pertaining to the departing trustee's 1750
administration of the trust, the person shall provide written 1751
notice of the objection to the departing trustee within the 1752
trustee succession objection period. If the departing trustee 1753
receives a written objection within the trustee succession 1754
objection period, the departing trustee may do either of the 1755
following: 1756

(a) Submit the written objection to the court for 1757
resolution. The expense of commencing, conducting, and 1758
concluding such a proceeding shall be charged as ordered by the 1759
court. 1760

(b)(i) Resolve the objection with the objecting person by 1761
accepting a withdrawal of the person's objection or by written 1762
instrument, a written agreement as described in section 5801.10 1763
of the Revised Code, or other means. 1764

(ii) Any agreement or other written instrument executed by 1765
the objecting party pursuant to division (D)(1)(b)(i) of this 1766
section may include a release and a trustee indemnification 1767
clause, along with other terms agreed to by the parties. 1768
Reasonable expenses related to such written instrument or 1769
written agreement shall be charged to the trust. 1770

(2) Within a reasonable time after resolution of all 1771
timely objections under division (D)(1) of this section, the 1772

departing trustee shall deliver the net trust assets to the 1773
successor trustee, or to one or more co-trustees as applicable, 1774
subject to any modifications provided for in the terms of the 1775
document setting forth the resolution of each such objection. 1776

(E) (1) The departing trustee may rely upon the written 1777
statement of a recipient of the notice and trustee's reports 1778
served under this section that the recipient consents to, and 1779
irrevocably waives the right to object to: 1780

(a) The departing trustee's resignation or removal; 1781

(b) The appointment of the successor trustee, if 1782
applicable; 1783

(c) Delivery of the net assets of the trust to the 1784
successor trustee or to one or more co-trustees, as applicable. 1785

(2) The statement shall also irrevocably waive any claims 1786
against the departing trustee for breach of trust as to matters 1787
disclosed in the notice and trustee's reports and all other 1788
matters pertaining to the departing trustee's administration of 1789
the trust. 1790

(3) The delivery of the net assets of the trust to the 1791
successor trustee, or to one or more co-trustees as applicable, 1792
may be completed prior to the expiration of the trustee 1793
succession objection period if all of the persons on whom the 1794
notice and trustee's reports were served have delivered to the 1795
departing trustee similar written consents and irrevocable 1796
waivers. 1797

(F) (1) Any person who was served a notice and trustee's 1798
reports that comply with the requirements of this section and 1799
who either consented to the delivery of the net assets of the 1800
trust to the successor trustee or one or more co-trustees as 1801

applicable or failed to timely provide the departing trustee a 1802
written objection as described in this section is barred from: 1803

(a) Bringing a claim against the departing trustee for 1804
breach of trust as to matters disclosed in the notice and 1805
trustee's reports and all other matters pertaining to the 1806
departing trustee's administration of the trust; 1807

(b) Challenging the validity of the trust. 1808

Such claims shall be barred as described in division (F) 1809
(3) of this section. 1810

(2) If all of the resignation or removal necessary parties 1811
and all qualified beneficiaries of the trust have been served a 1812
notice and trustee's reports that comply with the requirements 1813
of this section and have either consented to the delivery of the 1814
net assets of the trust to the successor trustee or failed to 1815
timely provide the trustee a written objection as described in 1816
this section, all other beneficiaries of the trust, including 1817
persons who may succeed to the interests in the trust of the 1818
beneficiaries served, shall be barred as described in division 1819
(F) (3) of this section. 1820

(3) The bar of claims under divisions (F) (1) and (2) of 1821
this section applies: 1822

(a) To each person barred, the person's personal 1823
representatives and assigns, and the person's heirs who are not 1824
beneficiaries of the noticing trust; 1825

(b) To the same extent and with the same preclusive effect 1826
as if the court had entered a final order approving and settling 1827
the departing trustee's full account of its entire 1828
administration of the trust, notwithstanding the limitations 1829
periods otherwise applicable under section 5810.05 of the 1830

Revised Code. 1831

(c) To bar the person from bringing a claim against the 1832
successor trustee for failure to object to a matter that is 1833
subject to the bar of claims against the departing trustee to 1834
the same extent as the bar applies to claims against the 1835
departing trustee. 1836

Sec. 5801.24. (A) (1) Division (A) (2) of this section 1837
applies if both of the following apply: 1838

(a) A notice and trustee's reports under division (B) of 1839
section 5801.22 or division (B) of section 5801.23 of the 1840
Revised Code are served upon both of the following: 1841

(i) The personal representative for the estate of a 1842
deceased beneficiary of the noticing trust or the trustee of a 1843
subtrust that is a beneficiary of the noticing trust; 1844

(ii) One or more beneficiaries of the estate or subtrust 1845
whose fiduciary is served. 1846

(b) Both the fiduciary of the estate or subtrust and one 1847
or more beneficiaries of that estate or subtrust who are served 1848
do either of the following: 1849

(i) Consent to the proposed distributions or delivery of 1850
assets described in the notice; 1851

(ii) Fail to object within the applicable objection 1852
period. 1853

(2) If the criteria described in division (A) (1) of this 1854
section are met, the beneficiary of the estate or subtrust who 1855
is subject to the claims bar with respect to the administration 1856
of the noticing trust shall be barred to the same extent from 1857
bringing a claim against the fiduciary of the estate or subtrust 1858

for failure to object to a matter that is subject to the bar of 1859
claims against the trustee of the noticing trust. 1860

(B) The notices and trustee's reports served by the 1861
trustee of the noticing trust under section 5801.22 or 5801.23 1862
of the Revised Code shall be served on a person by any of the 1863
following means: 1864

(1) Handing them to the person; 1865

(2) Leaving them at either of the following locations: 1866

(a) At the person's office with a clerk or other person in 1867
charge or, if no one is in charge, in a conspicuous place in the 1868
office; 1869

(b) At the person's dwelling or usual place of abode with 1870
someone of suitable age and discretion who resides there; 1871

(3) Mailing them to the person's last known address by 1872
United States mail, in which event service is complete upon 1873
mailing; 1874

(4) Delivering them to a commercial carrier service for 1875
delivery to the person's last known address within three 1876
calendar days, in which event service is complete upon delivery 1877
to the carrier; 1878

(5) Sending them by electronic means to a facsimile number 1879
or electronic mail address provided by the person to be served 1880
or provided by his or her attorney, in which event service is 1881
complete upon transmission, but is not effective if the trustee 1882
of the noticing trust learns that they did not reach the person. 1883

(C) No trustee shall request or include a trustee 1884
indemnification clause in the notice and trustee's reports 1885
served under division (B) of section 5801.22 or division (B) of 1886

section 5801.23 of the Revised Code or in any documentation 1887
served by the trustee with the notice and trustee's reports. 1888
However, in the event such notice and trustee's reports are 1889
served and a written objection is received by the trustee within 1890
the applicable objection period, a trustee indemnification 1891
clause may be included in an agreement or other written 1892
instrument executed by the objecting party pursuant to division 1893
(D) (1) (b) (i) of section 5801.22 or division (D) (1) (b) (i) of 1894
section 5801.23 of the Revised Code. 1895

Section 4. That existing sections 517.23, 517.24, 517.25, 1896
2107.52, 2108.82, 2111.18, 2117.06, 2117.07, and 2131.09 of the 1897
Revised Code are hereby repealed. 1898

Section 5. (A) There is hereby created the Task Force on 1899
Bail consisting of the following six members: 1900

(1) Three members of the House of Representatives 1901
appointed by the Speaker of the House of Representatives; 1902

(2) Three members of the Senate appointed by the President 1903
of the Senate. 1904

(B) The minority leaders of the House of Representatives 1905
and the Senate shall each recommend at least one of the 1906
appointed members of the task force. 1907

(C) In the case of a vacancy, the vacancy shall be filled 1908
in the same manner as the original appointment for the remainder 1909
of the term. 1910

(D) Not later than ninety days from the effective date of 1911
this section, the President of the Senate and the Speaker of the 1912
House of Representatives shall each appoint a co-chairperson 1913
from among the members the President and the Speaker of the 1914
House appoint to the task force. Thereafter, the task force 1915

shall meet at the call of the co-chairpersons. 1916

(E) (1) The task force shall collect and evaluate data 1917
regarding the current usage of bail in this state. 1918

(2) The task force shall hear testimony with regard to the 1919
alleged cost of compliance with the questionnaire developed in 1920
division (E) (3) of this section. 1921

(3) The task force shall develop a standardized 1922
questionnaire form and provide the form to each county sheriff 1923
to fill out on a daily basis for a period of two months. The 1924
county sheriff for each county shall return the completed forms 1925
to the task force. The form shall collect the following 1926
information: 1927

(a) The total number of people currently housed in the 1928
jail; 1929

(b) Of that total population, the total number of inmates 1930
currently serving sentences, and the total number being held 1931
pre-trial; 1932

(c) The total number of people being held on felony 1933
charges pretrial, which shall be broken down by the level of the 1934
felony charged, and for what length of time; 1935

(d) The total number of people being held on misdemeanor 1936
charges pretrial, which shall be broken down by the level of the 1937
misdemeanor charged, and for what length of time. 1938

(F) Not later than six months after the submission of all 1939
questionnaires, the task force shall prepare and submit a report 1940
to the General Assembly, in accordance with section 101.68 of 1941
the Revised Code, detailing its findings and any recommendations 1942
concerning the topics described in division (E) of this section. 1943

Upon the submission of its report, the task force shall cease to exist. 1944
1945

Section 6. That Section 3 of H.B. 518 of the 134th General Assembly be amended to read as follows: 1946
1947

Sec. 3. (A) Effective January 1, 2024, the Fulton County County Court is abolished. 1948
1949

(B) All causes, judgments, executions, and other proceedings pending in the Fulton County County Court at the close of business on December 31, 2023, shall be transferred to and proceed in the Fulton County Municipal Court on January 1, 2024, as if originally instituted in the Fulton County Municipal Court. The Clerk of the Fulton County County Court or other custodian shall transfer to the Fulton County Municipal Court all pleadings, orders, entries, dockets, bonds, papers, records, books, exhibits, files, moneys, property, and persons that belong to, are in the possession of, or are subject to the jurisdiction of the Fulton County County Court, or any officer of that court, that pertain to those causes, judgments, executions, and proceedings at the close of business on December 31, 2023. 1950
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1963

(C) All employees of the Fulton County County Court shall be transferred to and shall become employees of the Fulton County Municipal Court on January 1, 2024. 1964
1965
1966

(D) Effective January 1, 2023, the part-time judgeship in the Fulton County County Court originally elected in 1980 shall be abolished. ~~Effective January 1, 2024, the part time judgeship in the Fulton County County Court originally elected in 1982 shall be abolished.~~ 1967
1968
1969
1970
1971

(E) Effective January 1, 2023, the part-time judgeship of 1972

the Fulton County County Court originally elected in 1982 shall 1973
be converted to the full-time judgeship of the Fulton County 1974
County Court until the Fulton County County Court is abolished 1975
on January 1, 2024. 1976

(F) Effective January 1, 2023, notwithstanding division 1977
(A) (6) of section 141.04 of the Revised Code and division (A) of 1978
section 1907.16 of the Revised Code, the full-time judge of the 1979
Fulton County County Court under division (E) of this section 1980
shall receive the compensation set forth in division (A) (5) of 1981
section 141.04 of the Revised Code until the Fulton County 1982
County Court is abolished on January 1, 2024. 1983

Section 7. That existing Section 3 of H.B. 518 of the 1984
134th General Assembly is hereby repealed. 1985

Section 8. (A) The Governor may execute a Governor's Deed 1986
in the name of the State conveying to the Lucas County 1987
Commissioners ("Grantee"), and its successors and assigns, to be 1988
determined in the manner provided in division (C) of this 1989
section, all of the State's right, title, and interest in the 1990
following described real estate: 1991

All that part of Lot 13, Ellwood Farms Subdivision, 1992
Section 2 R9E, T7N, Monclova Township, Lucas County, Ohio, 1993
bounded and described as follows: 1994

Commencing at the intersection of the easterly line of Lot 1995
13, Ellwood Farms Subdivision, extended northwardly, and the 1996
centerline of Ohio Route 2, which point is designated as Station 1997
266 plus 61.80 on the plans of Luc-2-3.02; thence southwardly 1998
along the easterly line of said Lot 13 extended, at an angle of 1999
116 degrees 13 minutes measured from the centerline of Ohio 2000
Route 2 from East to Southwest for a distance of 33.44 feet to a 2001

point on a line which is 30 feet southeast of and parallel to 2002
the centerline of Ohio Route 2, which point is designated as 266 2003
plus 47.10 on the plans of said Luc-2-3.02 and is the POINT OF 2004
BEGINNING; thence southwardly on the easterly line of said Lot 2005
13 a distance of 304.79 feet; thence southwestwardly along a 2006
line parallel to the centerline of Ohio Route 2 and at an angle 2007
of 116 degrees 13 minutes measured counter-clockwise from the 2008
last described line, for a distance of 171.88 feet; thence 2009
northwardly along a line parallel to the easterly line of said 2010
Lot 13 and at an angle of 63 degrees and 47 minutes measured 2011
counter-clockwise from the last described line, for a distance 2012
of 304.79 feet, more or less, to a point on a line 30 feet 2013
southeast of and parallel to the centerline of Ohio Route 2; 2014
thence northeastwardly along a line 30 feet southeast of and 2015
parallel to the centerline of Ohio Route 2 for a distance of 2016
171.88 feet, more or less, to the POINT OF BEGINNING; containing 2017
1.079 acres of land, more or less, of which the present roadway 2018
occupies 0.079 acres, more or less. 2019

Lucas County Parcel No. 38-46134 2020

Prior Instrument Reference: Deed Volume 1764, Page 84. 2021

The foregoing legal description may be corrected or 2022
modified by the Department of Administrative Services to a final 2023
form if such corrections or modifications are needed to 2024
facilitate recordation of the deed. 2025

(B) (1) The conveyance includes improvements and chattels 2026
situated on the real estate, and is subject to all easements, 2027
covenants, conditions, leases, and restrictions of record: all 2028
legal highways and public rights-of-way; zoning, building, and 2029
other laws, ordinances, restrictions, and regulations; and real 2030
estate taxes and assessments not yet due and payable. The real 2031

estate shall be conveyed in an "as-is, where-is, with all 2032
faults" condition. 2033

(2) The deed for conveyance of the real estate may contain 2034
restrictions, exceptions, reservations, reversionary interests, 2035
and other terms and conditions the Director of Administrative 2036
Services determines to be in the best interest of the State. 2037

(3) Subsequent to the conveyance, any restrictions, 2038
exceptions, reservations, reversionary interests, or other terms 2039
and conditions contained in the deed may be released by the 2040
State or the Department of Public Safety without the necessity 2041
of further legislation. 2042

(C) Notwithstanding section 22 of H.B. 377 of the 134th 2043
General Assembly, the Director of Administrative Services shall 2044
offer the real estate to the Lucas County Commissioners through 2045
a real estate purchase agreement. Consideration for the 2046
conveyance of the real estate described in division (A) of this 2047
section shall be \$1.00. If the Lucas County Commissioners do not 2048
complete the purchase of the real estate within the time period 2049
provided in the real estate purchase agreement, the Director of 2050
Administrative Services may use any reasonable method of sale 2051
considered acceptable by the Department of Public Safety to 2052
determine an alternate grantee willing to complete the purchase 2053
for a consideration acceptable to the Department of Public 2054
Safety within three years after the effective date of this 2055
section. The Department of Public Safety shall pay all 2056
advertising costs, additional fees, and other costs incident to 2057
the sale of the real estate to an alternate grantee. 2058

(D) The real estate described in division (A) of this 2059
section shall be sold as an entire tract and not in parcels. 2060

(E) Except as otherwise specified above, the Grantee shall 2061
pay all costs associated with the purchase, closing and 2062
conveyance, including surveys, title evidence, title insurance, 2063
transfer costs and fees, recording costs and fees, taxes, and 2064
any other fees, assessments, and costs that may be imposed. 2065

The proceeds of the sale shall be deposited into the state 2066
treasury to the credit of the Public Safety - Highway Purposes 2067
fund (Fund 5TM0) under section 4501.06 of the Revised Code. 2068

(F) (1) Upon execution of the real estate purchase 2069
agreement, the Director of the Department of Administrative 2070
Services, with the assistance of the Attorney General, shall 2071
prepare a Governor's Deed to the real estate described in 2072
division (A) of this section. The Governor's Deed shall state 2073
the consideration and shall be executed by the Governor in the 2074
name of the State, countersigned by the Secretary of State, 2075
sealed with the Great Seal of the State, presented in the 2076
Department of Administrative Services for recording, and 2077
delivered to the Grantee. The Grantee shall present the 2078
Governor's Deed for recording in the Office of the Lucas County 2079
Recorder. 2080

(2) The Governor's Deed shall contain a restriction 2081
stating that prior to any subsequent sale or transfer of the 2082
real estate described in division (A), the purchaser or 2083
purchasers shall offer the real estate described in division (A) 2084
to the State of Ohio at the same purchase price provided in 2085
division (C) and at the sole option and discretion of the 2086
Director of Administrative Services and Director of Public 2087
Safety. 2088

(3) The Governor's Deed may contain a restriction 2089
prohibiting the lease of the real estate or any portion thereof 2090

by the Grantee for purposes other than a proper public purpose 2091
and may contain reversion to the state for violation of the 2092
restriction. 2093

(G) This section expires three years after its effective 2094
date. 2095