

As Passed by the House

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Representative Combs

Cosponsors: Representatives McGregor, J., Peterson, Setzer, Harwood, Szollosi, Raussen, Chandler, Uecker, Adams, Batchelder, Blessing, Boyd, Brown, Ciafardini, Coley, Domenick, Dyer, Evans, Flowers, Gardner, Gerberry, Hite, Huffman, Letson, Lundy, Mecklenborg, Nero, Patton, Schneider, Stebelton

A BILL

To amend section 317.36 and to enact sections 317.114 and 317.37 of the Revised Code to establish standard format requirements for documents to be recorded by a county recorder and to allow recording of a single instrument for multiple transactions pertaining to oil and gas.

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

Section 1. That section 317.36 be amended and sections 317.114 and 317.37 of the Revised Code be enacted to read as follows:

Sec. 317.114. (A) Except as otherwise provided in division (B) of this section, an instrument or document presented for recording to the county recorder shall have been prepared in accordance with all of the following requirements:

- (1) Print size not smaller than a computer font size of ten;
- (2) Minimum paper size of eight and one-half inches by eleven inches;
- (3) Maximum paper size of eight and one-half inches by fourteen inches;
- (4) Black or blue ink only;
- (5) No use of highlighting;
- (6) Margins of one-inch width on each side of each page of the instrument or document;
- (7) A margin of one-inch width across the bottom of each page of the instrument or document;
- (8) A three-inch margin of blank space across the top of the first page of each instrument or document to accommodate any certification or indorsement of the county engineer, county auditor, or county recorder, as may be required by law, with the right half of that margin being reserved for the indorsement of the county recorder required by section 317.12 of the Revised Code; and
- (9) A one and one-half-inch margin across the top of each of the remaining pages of the instrument or document.

The county recorder shall accept for recording an instrument or document that does not conform to the foregoing requirements but shall charge and collect the following additional fees for each such instrument or document: an additional base fee for the recorder's services of ten dollars and

a housing trust fund fee of ten dollars, which shall be collected pursuant to section 317.36 of the Revised Code.

(B) This section does not apply to any of the following:

(1) Any document that originates with any court or taxing authority;

(2) Any document authorized to be recorded under section 317.24 of the Revised Code;

(3) Any plat, as defined in section 711.001 of the Revised Code, that is required or authorized by the Revised Code to be recorded;

(4) Any document authorized to be recorded that originates from any state or federal agency;

(5) Any document executed before the effective date of this section.

Sec. 317.36. (A) The county recorder shall collect the low- and moderate-income housing trust fund fee as specified in sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 4509.60, 5111.022, 5310.15, 5719.07, 5727.56, 5733.18, 5733.22, 6101.09, and 6115.09 of the Revised Code. The amount of any housing trust fund fee the recorder is authorized to collect is equal to the amount of any base fee the recorder is authorized to collect for services. The housing trust fund fee shall be collected in addition to the base fee.

(B) The recorder shall certify the amounts collected as housing trust fund fees pursuant to division (A) of this section into the county treasury as housing trust fund fees to be paid to the treasurer of state pursuant to section 319.63 of the Revised Code.

Sec. 317.37. As used in sections 5301.28 to 5301.35 of the Revised Code, "separate instrument" means either the recording of an entirely new instrument or a written and signed entry on the margin of the original instrument bearing the proper endorsement that is recorded distinct and apart from the original instrument of record. For instruments that convey or affect an interest in crude oil or natural gas, such as a lease, assignment, easement, lien, or right-of-way, in a county in which the county recorder requires an assignment, release, partial release, satisfaction, cancellation, or waiver of priority to be made by separate instrument, the county recorder does not have the power to limit the number of assignments, releases, partial releases, satisfactions, cancellations, or waivers of priority that may be executed and recorded by means of a single instrument.

Section 2. That existing section 317.36 of the Revised Code is hereby repealed.

Section 3. Sections 1 and 2 of this act take effect July 1, 2009.