



## Ohio Revised Code Section 317.13 Duties of recorder.

Effective: October 3, 2023

Legislation: House Bill 33

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(A) Except as otherwise provided in division (B) of this section, the county recorder shall record in the official records, in legible handwriting, typewriting, or printing, or by any authorized photographic or electronic process, all deeds, mortgages, plats, or other instruments of writing that are required or authorized by the Revised Code to be recorded and that are presented to the county recorder for that purpose. The county recorder shall record the instruments in regular succession, according to the priority of presentation, and shall enter the file number at the beginning of the record. On the record of each instrument, the county recorder shall record the date and precise time the instrument was presented for record. All records made, prior to July 28, 1949, by means authorized by this section or by section 9.01 of the Revised Code shall be deemed properly made.

(B)(1) The county recorder may refuse to record an instrument of writing presented for recording if the instrument is not required or authorized by the Revised Code to be recorded or the county recorder has reasonable cause to believe the instrument is materially false or fraudulent.

(2) The county recorder shall refuse to record a right-to-list home sale agreement described in division (B) of section 5301.94 of the Revised Code.

Division (B) of this section does not create a duty upon a recorder to inspect, evaluate, or investigate an instrument of writing, including a right-to-list home sale agreement, that is presented for recording.

(C) If a person presents an instrument of writing to the county recorder for recording and the county recorder, pursuant to division (B) of this section, refuses to record the instrument, the person has a cause of action for an order from the court of common pleas in the county that the county recorder serves, to require the county recorder to record the instrument. If the court determines that the instrument is required or authorized by the Revised Code to be recorded, is not materially false or fraudulent, and is not a right-to-list home sale agreement, it shall order the county recorder to record the instrument.



(D) The county recorder shall keep confidential information that is subject to a real property confidentiality notice under section 111.431 of the Revised Code, in accordance with that section. A copy of the real property confidentiality notice shall accompany subsequent recordings of the property, unless the program participant's certification has been canceled under section 111.431 or 111.45 of the Revised Code.