



## Ohio Revised Code

### Section 5309.28 Holder of certificate of title holds free from encumbrances - exceptions.

Effective: March 30, 1999

Legislation: Senate Bill 83 - 122nd General Assembly

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(A) Every applicant in a land registration case who, without fraud on the applicant's part, receives a certificate of title in pursuance of a decree of registration and every subsequent purchaser of registered land who takes a certificate of title for value and in good faith shall hold the registered land free from all estates, encumbrances, and rights except those noted on the certificate and except any of the following estates, encumbrances, and rights that may exist:

- (1) Liens, claims, or rights arising or existing under the laws or constitution of the United States that the statutes of this state cannot require to appear of record in the county recorder's office;
- (2) Taxes and assessments levied by the United States, this state, or any taxing district of this state;
- (3) Any highway, public way, or private way laid out or acquired by law or otherwise, unless the certificate of title states that the nonexistence of the way or the boundaries of the way, if any boundaries exist, have been determined by the court;
- (4) Any lease for a term not exceeding three years, when there is actual possession under the lease;
- (5) Right of appeal within thirty days after decree of registration;
- (6) If there are easements or other rights appurtenant to a parcel of registered land that are not subject to section 5309.281 of the Revised Code and that for any reason have not been registered, those easements or rights shall remain appurtenant notwithstanding the failure to register them and shall be held to pass with the land.

(B) This section shall be printed or written on all duplicate certificates of title before delivery by the county recorder.



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