



## Ohio Revised Code

### Section 2105.37 Payor or third party not liable.

Effective: April 6, 2017

Legislation: House Bill 432 - 131st General Assembly

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(A) A payor or other third party is not liable for any of the following:

(1) Having made a payment or transferred an item of property or any other benefit to a person designated in a governing instrument who, under sections 2105.31 to 2105.40 of the Revised Code, is not entitled to the payment or item of property or other benefit, if the payment or transfer was made before the payor or other third party received written notice of a claimed lack of entitlement under those sections;

(2) Having taken any other action in good faith reliance on the person's apparent entitlement under the terms of the governing instrument before the payor or other third party received written notice of a claimed lack of entitlement under sections 2105.31 to 2105.40 of the Revised Code.

(B) A payor or other third party is liable for a payment, transfer, or other action taken after the payor or other third party receives written notice of a claimed lack of entitlement under sections 2105.31 to 2105.40 of the Revised Code.

(C) Written notice of a claimed lack of entitlement under division (A) or (B) of this section shall be mailed to the payor's or other third party's main office or home by registered or certified mail, return receipt requested, or served upon the payor or other third party in the same manner as a summons in a civil action. Upon receipt of written notice of a claimed lack of entitlement under sections 2105.31 to 2105.40 of the Revised Code, a payor or other third party may pay any amount owed or transfer or deposit any item of property held by it to or with the probate court that has jurisdiction over the decedent's estate. If no probate proceedings have been commenced, upon receipt of written notice of a claimed lack of entitlement under sections 2105.31 to 2105.40 of the Revised Code, a payor or other third party may pay any amount owed or transfer or deposit any item of property held by it to or with the probate court located in the county of the decedent's residence. The court shall hold the funds or items of property, and upon its determination under sections 2105.31 to 2105.40 of the Revised Code to whom the funds or items of property should be disbursed, shall order disbursement



in accordance with its determination. Payments, transfers, or deposits made to or with the court discharge the payor or other third party from all claims for the value of amounts paid to or items of property transferred to or deposited with the court.

(D) A person who purchases property for value or receives a payment or other item of property or benefit in partial or full satisfaction of a legally enforceable obligation, and without notice that the person selling or transferring the property or benefit or making a payment is not entitled to the property or benefit under sections 2105.31 to 2105.40 of the Revised Code, is neither obligated under those sections to return the payment or item of property or benefit nor liable under those sections for the amount of the payment or the value of the item of property or benefit.

(E) A person who, not for value, receives a payment, item of property, or any other benefit to which the person is not entitled under sections 2105.31 to 2105.40 of the Revised Code is obligated to return the payment, item of property, or benefit, or is personally liable for the amount of the payment or the value of the item of property or benefit, to the person who is entitled to it under sections 2105.31 to 2105.40 of the Revised Code.

(F) If sections 2105.31 to 2105.40 of the Revised Code or any provision of those sections are preempted by federal law with respect to a payment, an item of property, or any other benefit covered by those sections, a person who, not for value, receives the payment, item of property, or other benefit to which the person is not entitled under sections 2105.31 to 2105.40 of the Revised Code is obligated to return the payment, item of property, or benefit, or is personally liable for the amount of the payment or the value of the item of property or benefit, to the person who would have been entitled to it were sections 2105.31 to 2105.40 of the Revised Code or any provision of those sections not preempted.