



Ohio Revised Code

Section 4733.303 Enforcement of lien.

Effective: September 30, 2021

Legislation: Senate Bill 49 - 134th General Assembly

(A)(1) A professional engineer or professional surveyor holding a lien that has been perfected pursuant to section 4733.302 of the Revised Code may commence proceedings to enforce the lien by filing a complaint in the common pleas court of the county in which the commercial real estate is located.

(2) The complaint need not initiate foreclosure proceedings on the lien prior to a court determining the validity of the underlying claim.

(B) The professional engineer or professional surveyor shall name as defendants in the complaint all parties who have an interest of record in the commercial real estate that is the subject of the lien, including all parties named in the affidavit required under section 4733.302 of the Revised Code.

(C)(1) The professional engineer or professional surveyor shall file the complaint within two years of the date of recordation of the affidavit required under section 4733.302 of the Revised Code.

(2) Failure to file a complaint within the time specified shall extinguish the lien.

(D)(1)(a) Any person with an interest in the commercial real estate subject to a lien perfected pursuant to section 4733.302 of the Revised Code may demand, in writing, that the professional engineer or professional surveyor commence suit to enforce the lien.

(b) Such a demand shall be commenced by serving the professional engineer or professional surveyor and all parties listed in the affidavit required under section 4733.302 of the Revised Code the written demand. Such a delivery may be made by any means that provides proof of receipt.

(2) If the professional engineer or professional surveyor does not commence the action within sixty days after receipt of the demand, the lien is extinguished.



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