

Client *Urgent* Briefing

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SIGNING PAPERS: No Longer a Crowded Room New Law Makes It Easier than Ever to Sign and Record a Document

by John W. Waldeck, Jr.


Finally, there's a new law which will actually make it easier to get papers signed and recorded. At least in Ohio. Effective February 1st, Ohio law no longer requires witnesses to be present when signing deeds, mortgages, land contracts, leases and memoranda of leases, memoranda of trust, certain recordable powers of attorney, instruments pertaining to registered land and other instruments pertaining to real property. The Ohio General Assembly eliminated this often cumbersome procedure to help to streamline the process of having recordable documents executed and made ready for recording.

The assembly also adopted a retroactive remedy for documents that should have been executed in front of two witnesses but were not. These documents are now considered properly executed and valid. There is an exception for accrued substantive or vested rights which

were established before the law went into effect.

Although the new legislation took away the need for witnesses, the law still requires that a document's signatures be acknowledged before a notary public or other authorized official.

The new law originally wanted to change the statutory forms of deed and mortgage by not only eliminating the witness requirement, but also by changing the meaning of certain words and phrases discussed in the forms. Corrective legislation has been signed by the Governor to allow the continued use of the old forms of statutory deed and mortgage. We will keep you advised in subsequent client briefings concerning additional corrective legislation.

If you would like more information on this or other real estate related issues, please contact any of our Real Estate Practice Group members listed below. 

NEED FURTHER INFORMATION?

Real Estate Practice Group Members:

Teresa M. Beasley
216.928.2938 (tbeasley@walterhav.com)

Christopher L. Gibbon
216.928.2893 (cgibbon@walterhav.com)

Carl J. Dyczek
216.928.2981 (cdyczek@walterhav.com)

John W. Monroe
216.928.2913 (jmonroe@walterhav.com)

John W. Waldeck, Jr.
216.928.2914 (jwaldeck@walterhav.com)

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Walter & Haverfield LLP
Attorneys at Law / Foreign Legal Consultants / International Law Agents
1300 Terminal Tower • 50 Public Square • Cleveland, Ohio 44113-2253
216-781-1212 • Fax 216-575-0911
www.walterhav.com