



## Ohio Revised Code

### Section 1311.06 Affidavit - time period for filing - contents.

Effective: January 30, 2014

Legislation: House Bill 72 - 130th General Assembly

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(A) Any person, or the person's agent, who wishes to avail self of sections 1311.01 to 1311.22 of the Revised Code, shall make and file for record in the office of the county recorder in the counties in which the improved property is located, an affidavit showing the amount due over and above all legal setoffs, a description of the property to be charged with the lien, the name and address of the person to or for whom the labor or work was performed or material was furnished, the name of the owner, part owner, or lessee, if known, the name and address of the lien claimant, and the first and last dates that the lien claimant performed any labor or work or furnished any material to the improvement giving rise to the claimant's lien. If the affidavit is recorded, the omission or inaccuracy of any address in the affidavit does not affect its validity. The affidavit may be verified before any person authorized to administer oaths, whether agent for the owner, part owner, lessee, lien claimant, or an interested or other party.

(B) The affidavit shall be filed within one of the following periods:

(1) If the lien arises in connection with a one- or two-family dwelling or in connection with a residential unit of condominium property as defined in Chapter 5311. of the Revised Code, within sixty days from the date on which the last labor or work was performed or material was furnished by the person claiming the lien;

(2) If the lien arises under section 1311.021 of the Revised Code, within one hundred twenty days from the date on which the last labor or work was performed or material was furnished by the person claiming the lien;

(3) If the lien is one not described in division (B)(1) or (2) of this section, within seventy-five days from the date on which the last of the labor or work was performed or material was furnished by the person claiming the lien.

(C) The affidavit may be in the following form:



"AFFIDAVIT FOR MECHANICS' LIEN.

State of Ohio,

County of \_\_\_\_\_, ss:

\_\_\_\_\_, whose address is \_\_\_\_\_, being first duly sworn, says that \_\_\_\_\_, the lien claimant, furnished certain material or performed certain labor or work in the furtherance of improvements located on or removed to the land hereinafter described, in pursuance of a certain contract, with \_\_\_\_\_, the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, whose address is \_\_\_\_\_ The first of the labor or work was performed or material was furnished on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (year). The last of the labor or work was performed or material was furnished on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (year), and there is justly and truly due \_\_\_\_\_, the lien claimant, therefor from \_\_\_\_\_, the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, over and above all legal setoffs, the sum of \_\_\_\_\_ dollars, for which amount \_\_\_\_\_, the lien claimant, claims a lien on the land, building, or leasehold, of which \_\_\_\_\_ is or was the owner, part owner, or lessee, as the case may be, which property is described as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sworn to before me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (year).



\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_ "

(D) For purposes of this section, the description of the property is sufficient if made in accordance with division (B)(1) of section 1311.04 of the Revised Code.

(E) The county recorder shall indorse upon every affidavit the date and hour of its filing, and record it in the official records. No exemptions apply against any lien under this chapter.

(F) One or more laborers may authorize an agent to prepare, execute, file, and serve the affidavit required by this section. The affidavit may set forth the claims of one or more laborers, provided that the affidavit separately itemizes the claim of each laborer and may set forth claims for wages that are contractually due but are unpaid.