



Ohio Revised Code Section 1311.87 Perfection of lien.

Effective: March 31, 2021

Legislation: Senate Bill 39 - 133rd General Assembly

(A)(1) A lien established pursuant to section 1311.86 of the Revised Code is perfected when both of the following have occurred:

(a) The broker is entitled to a fee or commission under the contract.

(b) The broker has met the requirements of division (B) of this section.

(2) The lien is perfected as of the date the requirements of division (A)(1) of this section are met and does not relate back to an earlier date.

(B) To perfect a lien pursuant to division (A)(1) of this section, a broker shall comply with all of the following:

(1) The broker shall record a lien affidavit in the county recorder's office of the county in which the real estate is located. The recorder shall record on the affidavit the date and precise time the affidavit was presented for record, and shall record the affidavit. The recorder shall charge and collect the fees set forth in section 317.32 of the Revised Code for the recorder's services.

(2)(a) The lien affidavit shall include the name of the broker who has the lien, the name of the owner of the lien property, a legal description of the lien property, the amount for which the lien is claimed, the date and a summary of the written contract on which the lien is based, and the real estate license number of the broker. The lien affidavit shall state that the information contained in the affidavit is true and accurate to the knowledge of the signator, be signed by the broker or the broker's agent, and be verified.

(b) For purposes of division (B)(2)(a) of this section, a description that is sufficient to describe the lien property for the purpose of conveyance, or is contained in the instrument by which the owner took title, is a legal description.



(3) A lien affidavit based on the sale of lien property shall be recorded prior to the conveyance of the lien property.

(4) A lien affidavit based on the purchase of lien property shall be recorded within ninety days after the conveyance of the lien property.

(5) A lien affidavit based on a lease of lien property shall be recorded within ninety days after a default by the owner in the payment of an amount due under a written contract for services related to leasing the lien property.

(6) Within three days of the recording of the lien affidavit, the broker shall provide a copy of the lien affidavit to the owner of the lien property and, where a contract for the sale or other conveyance of the lien property has been entered into, to the prospective transferee, where known, by personal delivery or by certified mail, commercial carrier service, or any other method that includes written evidence of receipt.

(C) Initial leases, lease renewals, and expansions of the space leased shall be treated as separate leases for purposes of division (B)(5) of this section.