




Ohio Title Issues






A tour of famous Ohioans guided by a decidedly less famous Ohioan, **Tim McKeen**

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A little bit of background on Ohio

- Ohio is the 17th State in the Union
- It is the 34th Largest State and the 7th most populous
- Ohio comes from the Iroquois word for “Great River”
- It is the birthplace of 7 Presidents
- It has 88 Counties
- The first state in the Union under the Northwest Ordinance

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What is a buckeye?

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What is a buckeye?

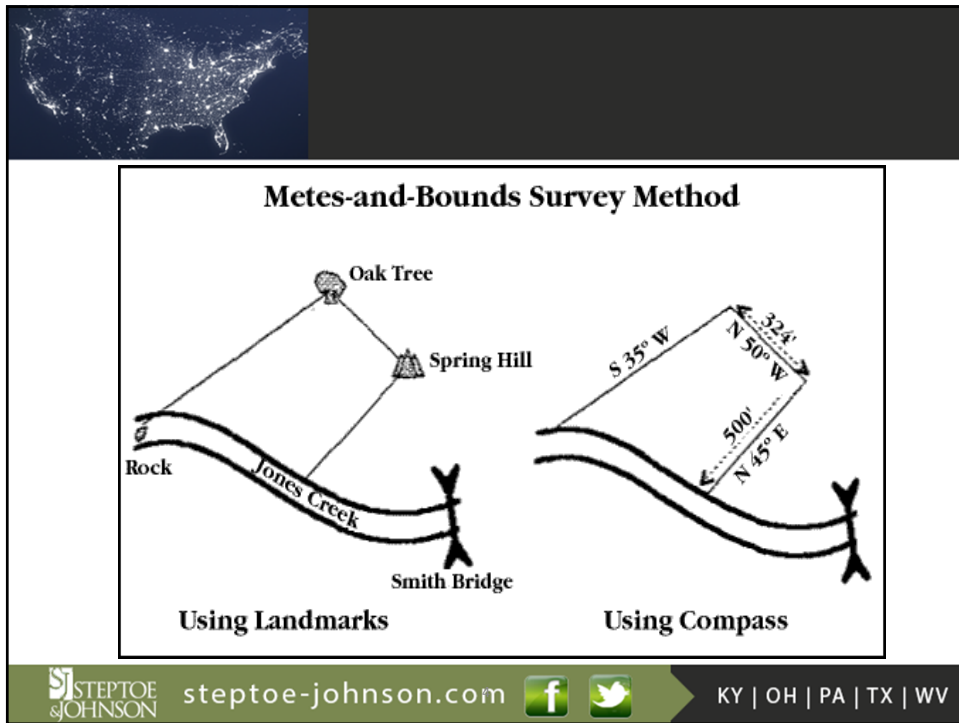
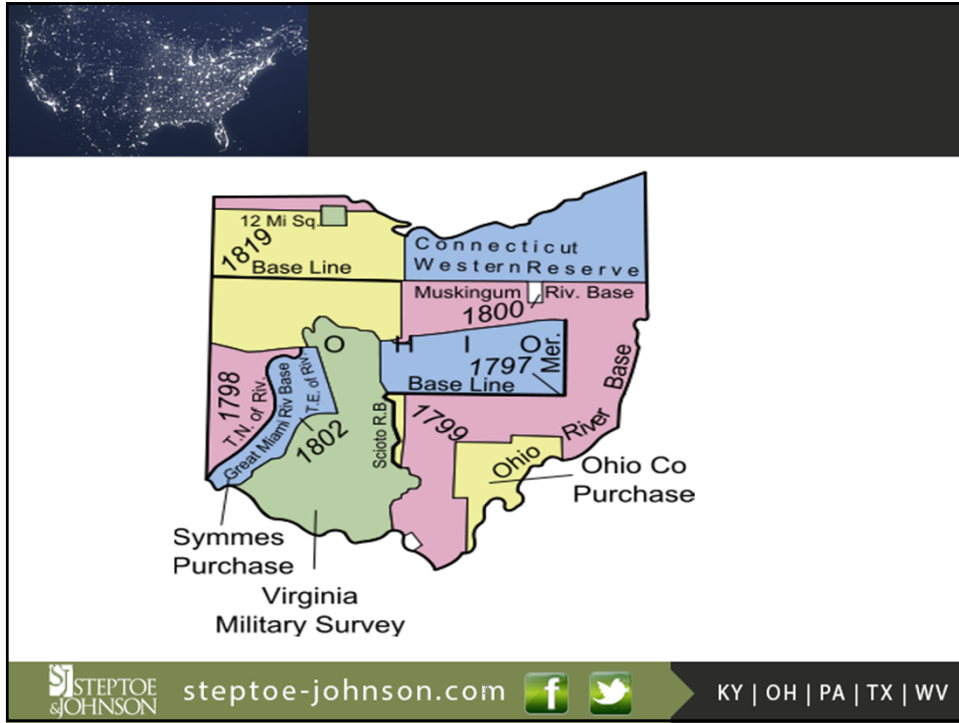


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 In the beginning...

John D. Rockefeller
Cleveland

Standard Oil Refinery No. 1 Cleveland, c. 1897


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 We're not new to oil and gas



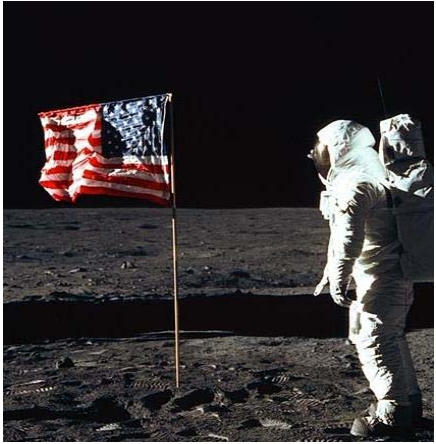
- Ohio has 64,000 producing oil and gas wells
- Production has been established in 70 counties
- Over 250,000 wells have been drilled
- Limited Cases

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Ohio's Dormant Mineral Act


- ORC 5301.56
- Process for reuniting severed oil and gas interests with surface
- Two Versions
- 20 year requirement



Neil Armstrong - Wapakoneta


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The Old Version of the Act

1989 Version

- Automatic divestiture if
- In the last 20 year:
- No title transaction
- No production (or pooled production)
- No Storage
- No separate assessment
- No claim to preserve
- Not owned by state



John Havlicek – Bridgeport


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The New Version of the Act

2006 Version


- All criteria of old act must be met, plus new notice requirements
- Effective June 30, 2006



Lebron James - Akron


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Ohio's Dormant Mineral Act

Unlike 1989 Version, 2006 Version has detailed "notice" requirements:




- Surface owner sends notice by certified mail, return receipt requested, to mineral interest owner at last known address
- If such notice not received, publish once in paper of general circulation
- At least 30 but not later than 60 days after service or publication, surface owner files affidavit of abandonment in recorder's office


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Ohio's Dormant Mineral Act

- Mineral interest owner has 60 days from service of notice by mail or publication to either file a claim to preserve interest or an affidavit identifying one of the saving events in the 20 years prior to notice
- After 60 days with no filing by mineral interest owner, surface owner directs the county recorder to memorialize the abandonment on the record for the mineral interest being abandoned


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CONCLUSION

This is a very sticky area of Ohio Law


- No Ohio Supreme Court case on point
- Remember July 1, 1986 is an important date
- Minerals severed before this date are likely subject to old version of the act



Bobby Knight- Orrville, also home of Smucker's Jelly


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The Power of Dower



Ohio still recognizes statutory dower


ORC 2103.01

All married people
Must release dower




Thomas Edison - Milan

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Common Dower Mistakes



George Armstrong Custer – New Rumley


- Jason Lucas, a married man dealing in his sole and separate property
- Lack of marital status
- Ohio is a separate property state
- I owned this property before I got married

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Joint Ownership

- Tenants in common is default rule
- Also recognize Joint Tenancy
- Affidavit re: Joint Tenancy
- Tenancy by the Entireties from 1972 to 1985
- Special rules about joint tenancy



Steven Spielberg – Cincinnati
Joint owner of Dreamworks

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Death in Ohio

- Certificate of Transfer
- Wills
- Probate Process
- Affidavits
- Transfer on Death Deeds 2000-2009
- Affidavits of Death



William Henry Harrison – North Bend
32 day term as President

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Trusts in Ohio


- To take a lease from a trust, you need:
- Signed by trustee
- Memo of Trust of Record
- Or Affidavit of Facts along with relevant trust provisions
- Related: Power of Attorneys



Jim Tressel – Mentor


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New Foreclosure Protection

Don't bank on it

- ORC 1509.31
- Enacted June 30, 2010
- Super priority for leases



Salmon P. Chase
Cincinnati


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A few parting shots...

- Definition of Minerals
- Minimum Royalty
- Limited case law
- Domestic wells



Annie Oakley – North Star


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Final Points

- Ohio is more of an Appalachian title state than a mid-continent state
- Ohio has limited oil and gas law
- Ohio has a dormant mineral act
- Ohio is one of the few states that still recognizes dower


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Any questions?



Bob Stoops - Youngstown

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Thank You!



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