

# Fundamentals of Ohio Real Estate Law



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# Preface

I have taught Ohio real estate law for more than a dozen years to paralegal students and those who are preparing to take the Ohio real estate license exam. Students seem to relate to real estate law, because they all have a connection to real estate in some way. Perhaps they have rented an apartment, bought a house, or lived at home with their parents. Real estate is simply part of their lives.

Ohio has some unique twists when it comes to real estate law, partly because of its role in the westward expansion of the United States following the Revolutionary War. For example, we find more than 20 different survey systems used in Ohio, and the development of the rectangular coordinate system that is used in most of the states to our west. Yet we still have surveys that use long-forgotten trees, fences, and rocks as corners. Ohio is truly a unique place when it comes to real estate law.

I have written this book in a conversational style, which is intended to make the material less dry and more accessible to students. During the drafting process, I imagined that I was having a one-on-one discussion with a student in a tutoring session. I have tried to anticipate typical student questions and provide answers as they arise in the text. The numerous examples throughout the text are designed to place concepts within easy grasp of students. I have made rather extensive use of tables to present material that lends itself to that format so that concepts can be compared to one another.

The text is arranged in the logical order I present material in my classes and includes an appendix of practical forms, such as a sample lease, promissory note, and mortgage. In my experience, walking students through these documents and pointing out particulars of various clauses can make an otherwise dull class more relevant to them.

This book is divided into two parts. Part I contains the material that is typically used in a general undergraduate real estate law course, such as one taught to paralegal students. Part II adds three chapters that are required as part of an Ohio real estate salesperson preclicensing course.

I have included only a very few case references in this text but discuss a few of those that are of major significance, such as the *Kelo* decision. The text does not include sidebar excerpts of court cases for a couple of reasons. First, students generally tend to simply skip over them when they read the text. Second, when they do read the cases, they often fail to grasp the importance of them. Finally, I frequently find that an author's choice of cases to include does not match my view of their relevance. However, the instructor materials include a chapter-by-chapter list of citations to relevant Ohio and US Supreme Court cases that the instructor can use as he or she best sees fit.

Speaking of instructor materials, the supplement to this book includes a model syllabus, discussion questions, PowerPoint presentations for each chapter, quizzes, suggested assignments, and sample tests with an answer key. All of these materials are practical ones that I have actually used in my classes.

To all of you—instructors, students, and future real estate moguls—I bid you *bon voyage* on your journey into the fascinating world of Ohio real estate law.



# Acknowledgments

“No man is an island.”

—*Devotions upon Emergent Occasions*, John Donne, 1624

This book may have my name listed as the author, but many people were involved in creating it. I am most grateful for all of the people who have tolerated reading early drafts of the manuscript, whose comments and corrections have made the text better. Magistrate Barbara Antell, Drexanne Evers, Christian Gaitskill, Della Martin, Catherine Neumann, Greg Traynor, Laura Traynor, and Lisa Wharton all provided more help than I could have reasonably expected. I am grateful for the friendly people at the Clermont County Recorder’s Office, including Recorder Deborah Clepper, Marsha Collier, and Romain Walker, all of whom demonstrated exemplary patience and a willingness to open the office on their day off to accommodate my class, which is absolutely above and beyond the call of duty.

I have a special fondness for the students in my Fall 2015 Real Estate Law class, who endured this book in manuscript form as the text for their class. These intrepid students helped me to solidify many parts of the book into the form you now hold—Devon Altman, Michele Anderson, Nancy Brooks, Mackenzi Carrington, Nikki Dickson, Amy Dziech, Leslie Jagers, Allison June, Adrienne Troy, Michael T. Votel, and Miriam Wehner.

These wonderful people only helped to make this book better. Any errors are solely my own.

