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NEW OHIO TITLE LAW TAKES EFFECT APRIL 6

Michael J. Sikora III spearheads first change to title cure law in 56 years

CLEVELAND (April 4, 2016) – After more than 50 years of stagnation, Ohio’s title curative law will be completely overhauled beginning April 6 when [Senate Bill 257](#) takes effect. This change has been seven years in the making, and it marks the most significant change to Ohio title law in decades.

Back in 2010, Michael J. Sikora III began spearheading this change when he became president of the Ohio Land Title Association. As managing partner of Sikora Law LLC (a law firm focused on real estate) and president of Omni Title LLC (a commercial title agency), he heard multiple clients raise concerns that they faced title issues in Ohio that weren’t issues in other states.

Leveraging the association’s legislative committee to gather title cure statutes from all 50 states, Sikora closely analyzed those statutes. He discovered that Ohio’s curative law was the weakest across the country – in part, he says, because “Ohio’s curative title statute was enacted in 1961 and hadn’t been updated, so it was out-of-date, out-of-touch and largely ineffective.”

Prior law allowed parties to contest defects for up to 21 years; the longest term in any other state was only 10 years. Most notably, the new title law gives Ohio a presumption of validity of recorded real property instruments (such as deeds, mortgages, and leases), and it also reduces the cure period to only four years.

“Anyone who has a real estate deal may be affected, especially if there are any issues with the documents on that deal – which there just are sometimes, but there is no way of knowing without reviewing the title evidence,” Sikora says. “Most significantly, it’s going to affect real estate developers and owners, lenders and title insurance companies, because the more volume and magnitude of real estate deals that you have, the more likely and more significantly you will be affected by this change in the law.”

Sikora drafted the new statute by taking the best attributes of other states’ curative laws. He gained the backing of the Ohio Land Title Association in 2011. Then he took the matter to the Ohio State Bar Association, first getting its Real Property Law Section Council on-board, and then convincing the Ohio State Bar Association as a whole to take the lead advocacy role on the issue. The Ohio Association of Realtors also agreed to support the initiative.

Backed by this support, SB 257 was introduced to the General Assembly in 2015 by Ohio Sens. Michael Skindell, a Lakewood Democrat, and Bill Seitz, a Green Township Republican (who has since become a state representative). The bill passed at the end of last year, and was signed by Gov. John Kasich on January 4 this year. It will take effect on April 6.



Over the last seven years, Sikora spent hundreds of hours advancing the bill from inception to passage. He presented expert testimony on behalf of the Ohio State Bar Association before the Ohio Senate and the Ohio House Committees. This is the second Ohio real property statute that Sikora has drafted and served as the Bar Association’s expert witness.

Because of his instrumental role overhauling Ohio’s title curative law, Sikora says his firms are uniquely positioned with the expertise to help real estate owners, developers, brokers, lenders and title insurance companies leverage the new statute to close deals and minimize post-transaction risk.

“This new change in the law is going to enhance your opportunity to get deals closed, especially if there are any title issues on that deal,” he says. “Using this new statute wisely will minimize the risk of having problems in the future after the deal closes – whereas before, you could have been stuck in litigation or faced some impairment of a valuable real estate asset.”

Sikora Law LLC provides litigation and transactional legal services to the real estate industry. Sikora Law represents almost all of the title insurance companies that conduct business in Ohio and many commercial real estate brokerages, as well as commercial developers and owners throughout the state. Intensely focused on real estate issues since 2004, Sikora Law has specialized legal expertise and a depth of experience handling contract matters, title claims and complex real estate litigation. Winning more appellate cases that have made favorable real estate title law than any other firm in Ohio, the firm also actively advocates for legislative and regulatory change to improve Ohio real property laws. To learn more, visit www.sikoralaw.com.

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