OSBA
BUSINESS, COMMERCIAL AND INDUSTRIAL
REAL PROPERTY LAW EXAM
For Certification
As a Specialist

STUDY GUIDE

Application Deadline:  June 30th

Exam Place:  Ohio State Bar Association
1700 Lake Shore Drive
Columbus, Ohio  43216
614-487-2050
800-282-6556

Exam Date:  Friday, November (Check OSBA website for specific date)

Exam Time:  General Real Estate Law Issues (part 1)  1:00 p.m. - 5:00 p.m.

Business, Commercial and
Industrial Real Estate Law (part 2)

Format:  Each exam part will be approximately 50 to 60 multiple-choice questions.

Content:  The exam may cover any of the following areas:

The Applicant must pass a two part examination. The first part shall test the Applicant’s general knowledge of real property law. This area of inquiry will include, but is not necessarily limited to:

General Real Property Law Issues

A.  General Contract Questions
B.  Real Estate Brokers and Agents
C.  Mortgage Brokers and Lenders
D.  Deeds
E.  Eminent Domain / Condemnation
F.  Title 53 of the Ohio Revised Code
G.  Zoning
H.  Title Insurance
I.  Adjoining Owner Issues
The second part shall test the Applicant’s knowledge of the specialty area of Business, Commercial and Industrial Real Property Law. This inquiry will include, but is not necessarily limited to, all of the above and:

**Business, Commercial and Industrial Real Estate Law**

A. Choice of Entity  
B. Condominiums and PUDs  
C. Financing  
D. Subordination and Non-Disturbance Agreements  
E. Leases  
F. Mechanics Liens  
G. Federal and Ohio Statutes, Rules and Regulations  
H. Creditors Rights  

The examination itself, with the assistance of the Association, will be prepared and graded under the authority of an independent testing service selected by and retained by the Association, in consultation with an independent third party, not a member of the Specialty Board or any of the Association’s committees or sections, who has a background in academia.

There are no specific exam preparation materials or courses provided by the OSBA Real Property Law Specialty Board.

The following items may be used to study for the exam:
- Advanced courses or course materials specific to the field.
- Ohio statutes dealing with real estate law, including but not limited to Ohio Revised Code, Title 53.
- Ohio case law, limited to Ohio Supreme Court decisions and Ohio Appellate Court decisions, where there is no split among appellate districts, and which are accepted by Ohio real property practitioners and treatises as stating a generally accepted proposition of law.
- Ohio Code of Professional Responsibility.
- Supreme Court of Ohio, Board of Commissioners on Grievances and Discipline, Advisory Opinions.
- Ohio State Bar Association, Formal and Informal Ethics Opinions.
- Ohio Standards of Title Examination.
- American Land Title Insurance Association Title Insurance Commitment and Policy Forms (ALTA 6/17/06 versions) and related endorsements.
- 2005 Minimum Standard of Detail for ALTA/ACSM Land Title Surveys (this can be obtained at ASCM.NET).
- Federal Emergency Management Association (FEMA) Flood Plain Classifications (this can be obtained on the FEMA website).
- U.S. Internal Revenue Service Regulations with respect to the general concepts of Section 1031 exchanges.

**General Treatises**

- *Ohio Transaction Guide* (LexisNexis)

**Targeted Topics Areas**


These are only suggestions and not an exclusive list.
1. In the typical real estate transaction, where it is obvious that the buyer and seller have conflicting interests, a lawyer

   A. may not represent the buyer and seller in the same transaction.
   B. may represent the buyer and seller in the same transaction if each consents to the multiple representation.
   C. may represent the buyer and seller in the same transaction if each consents to the multiple representation after full disclosure.

2. What is the purpose of the Marketable Title Act?

   A. To extinguish interests and claims in existence prior to the effective date of the root of title;
   B. To extinguish interests and claims in existence subsequent to the effective date of the root of title;
   C. To guarantee good and marketable title.

3. A property owner applying for a zoning variance relating solely to area requirements need establish:

   A. practical difficulties;
   B. unnecessary hardship;
   C. inability to obtain maximum economic benefit.

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