

OTS 3.13

3.13 CONVEYANCES – DEED FROM STRANGER

Problem A:

Is a cloud on title created by a deed or encumbrance from a stranger to the record title?

Standard A:

A stray deed or other interloping instrument does not create a cloud on the title unless its recitals or other known circumstances are sufficient to put a purchaser on inquiry. Other known circumstances should include the passage of time and consideration of the Ohio Marketable Title Act (Ohio Revised Code Sections 5301.47 to 5301.56).

Comment A:

The examining attorney must consider the possible application of the Ohio Marketable Title Act, under which a stray deed can become the "root of title" to a competing chain of record title that is superior to the chain of transactions being searched.

(Amended May 15, 1991; originally effective May 19, 1955)