**Searching Commercial Property**

**(Ohio)**

**02/10/2016**

1. Map or survey is a must. It is extremely helpful to see where the property sits and how it is situated in regards to adjacent property, streets, access easements, water and encroachments. Find the best available system in your county to view your property, i.e. County GIS.
2. Determine whether you are searching a fee simple or leasehold interest. (Clue: tax assessment is for land only, while map clearly shows a structure)
3. If the property has a leasehold interest for structures, you will find taxes on the land in the name of the fee simple owner and a second set of taxes on the buildings in the name of the leaseholder. Be sure to show **ALL** taxes, including personal property.
4. You may need to check to ensure the real estate is zoned for commercial business. This can be done by checking the use code on the tax statement. Also by contacting the local taxing authority.
5. If Secretary of State documents are filed in the Office of the Recorder (i.e. Articles of Incorporation, Amendment to Articles of Incorporation, Articles of Merger, Assumed Business Name, etc…) pick up and show all. These can be used to transfer any real estate in the county owned by company to reflect the company’s new name, either by merger or name change. It is not necessary that a deed of transfer be executed showing a change in the company’s name. The Secretary of State document can effect a transfer. You may access the Ohio Secretary of State website at [www.sos.state.oh.us/sos/](http://www.sos.state.oh.us/sos/). Select business search to enter the business division.
6. If a company name change has occurred always check judgments on all former and current names.
7. Oil, gas, right-of-way, pipeline, electric, air rights, ingress, egress, access vacations, and utility easements are a few of the possible recorded documents that can affect the property and must be shown. Most companies will list these as an exception on their title work. The client will also want to verify there is access to the property, whether via a dedicated public street or a recorded easement.
8. Does this property have riparian rights? Is it on or adjacent to a river, lake, pond, etc.? Does the property owner have rights to use or maintain water?
9. Many vacated properties still have underground utility easements that will still apply. They should be set out on the vacation. If property owner has taken title to vacated real estate, the property taxes should reflect the vacated land. It is possible this will appear as a separate tax parcel.
10. In addition to standard mortgages, liens can be in the form of bonds or indentures of trust, and should be released of record. If the maturity date of the bond has expired, but you find no release, show it and let the client decide. It is always better to be “safe rather than sorry”.
11. Commercial mortgages are very often amended, sometimes several times. Construction mortgages can be obtained and new property added to it by simply filing an amendment citing the new real estate to be added to the original mortgage. It is also common to find partial releases as to parts of the real estate mortgaged, while the remainder of the mortgage stays in full effect.
12. Many commercial mortgages are followed by a document called an Assignment of Leases and Rents. You may find the more current mortgages will roll all these documents into one, but be aware they could be recorded separately. If recorded separately and the mortgage is released, you may or may not find a separate release for the Assignment of Lease and Rents.
13. If you find a UCC posted in the Recorder’s index or at the title plant (if you use one for your county), report it whether doing a commercial or residential search. As standard practice a state UCC search is not necessary unless specifically requested by the client.
14. Show any leasehold interest on the property. This includes recorded leases, amendments, Subordination, Non-Disturbance and Attornment Agreements, and judgments on the leasehold company (show judgments on leaseholder as well as fee owner).
15. Be aware that you may find documentation for cell towers on many commercial properties. Show any that applies to the real estate being searched. This may include mortgages on cell tower sites.
16. You may find environmental documentation on commercial real estate, especially if it has ever been located in a hazardous materials storage area.
17. Always important to run the Miscellaneous Index for the entire time period required on the search.
18. Track time spent on commercial orders and try to give Customer Service early notice if more than agreed time is needed to complete. Document details when requesting additional time.