Fiscal Note & Local Impact Statement

122 nd General Assembly of Ohio

BILL:	**S.B. 88**	DATE:	**May 7, 1997**
STATUS:	**As Recommended by Senate Civil Justice**	SPONSOR:	**Sen. Latta**

LOCAL IMPACT STATEMENT REQUIRED: **No — No local cost**

CONTENTS: **Changes the qualifications and required number of commissioners in partition actions**

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- No direct fiscal effect on local governments.

Detailed Fiscal Analysis

Under present law, if a Court of Common Pleas finds that the plaintiff in a partition action has a legal right to any part of an estate, then it must order partition of the estate in favor of the plaintiff or all interested parties, appoint three disinterested and judicious freeholders of the local area to be commissioners to make the partition and issue a writ of partition. This bill reduces the number of commissioners to one, removes the requirement that the commissioner be a judicious freeholder from the local area and authorizes the appointment of additional commissioners in specified circumstances.

The bill relates to issues concerning legal rights to an estate between private parties. Reducing the number of commissioners will have no effect on political subdivisions as they are generally compensated from the sale of the property that is involved in the partition. Removing the "judicious freeholder of the vicinity" language also has no bearing on political subdivisions. Thus, the bill has no fiscal implications on the state or local governments.

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