

MSS/BS
22-00187
07/01/2022

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IN THE COURT OF COMMON PLEAS
BELMONT COUNTY, OHIO
Civil Division

J.P. MORGAN MORTGAGE ACQUISITION CORP.	:	CASE NO. 22 CV 0064
<i>Plaintiff</i>	:	JUDGE JOHN VAVRA
- vs -	:	
RENEE A. MONROE, ET AL	:	<u>JUDGMENT ENTRY AND</u>
<i>Defendants</i>	:	<u>FORECLOSURE DECREE</u>
	:	
	:	
	:	

THIS DAY this cause came on to be heard, and there being no exceptions thereto, the Court confirms the same, and the findings therein are approved as the findings of the Court.

THIS CAUSE was submitted to the Court, and heard upon the Complaint of Plaintiff, Plaintiff's Motion for Default Judgment, and the evidence.

The Court finds that all necessary parties have been properly served with summons, according to law, and are properly before the Court.

The Court further finds that Defendants Renee A. Monroe and John Doe, Name Unknown, Unknown Spouse if any of Renee A. Monroe, are in default of Answer or other pleading, and thereby confess the allegations of the Complaint to be true, therefore, the aforementioned Defendants are forever barred from asserting any right, title, or interest in and to the hereinafter described premises.

There is due the Belmont County Treasurer, taxes, accrued taxes, assessments, and penalties on the premises described herein including: (1) taxes, assessments, interest, and penalties, the lien for which attaches before the date of sale but that are not yet determined,

assessed and levied for the year that includes the date of sale, apportioned pro rata to the part of that year that precedes the date of sale, and (2) all other taxes, assessments, penalties, and interest which attached for a prior tax year but have not been paid on or before the date of the judicial sale. The exact amount of said taxes, accrued taxes, assessments, and penalties are unascertainable at this time, but will be determined at the time of the sale of said premises for which amount the Belmont County Treasurer has a good and valid lien.

The Court finds on the evidence adduced that there is due to Plaintiff on the promissory note set forth in the First Count of the Complaint (the "Note"), the sum of \$47,328.00 plus interest at 6.8750% per annum from September 1, 2021, for which judgment is hereby rendered in favor of Plaintiff, *in rem*.

In addition, Plaintiff may have advanced or may advance during the pendency of this action sums for the payment of taxes, hazard insurance premiums and protection of the property described herein, the total amount of which is undetermined at the present time, but which amount will be ascertainable at the time of the judicial sale, which amount may be added to the first mortgage lien of plaintiff. The Court reserves for further order a determination of the exact, if any, amount due Plaintiff for said advances.

The Court further finds that in order to secure the payment of the Note, Renee A. Monroe, executed and delivered a certain mortgage deed set forth in the Second Count of the Complaint (the "Mortgage"), thereby conveying to JPMorgan Chase Bank, N.A. the following described premises (the "Premises"):

See Legal Description attached marked Exhibit "A"

The Premises are also known as 102 Wood Street, Flushing, OH 43977

Tax Parcel Number 06-00217.000

That the Mortgage was duly filed with the Recorder of Belmont County on May 10, 2006, and was thereafter recorded as Instrument No. 200600003939 of the Mortgage Records of Belmont County, and assigned unto the Plaintiff on February 17, 2022, and recorded on February 22, 2022, as Instrument No. 202200001391, and thereby became and is a valid first mortgage lien upon said premises, subject only to the lien of the Treasurer for taxes. The Court further finds that the conditions in the Mortgage have been broken and the same has become absolute and Plaintiff is entitled to have the equity of redemption and dower of all Defendants in and to the Premises foreclosed.

The Court finds that as the result of inadvertence and error, the legal description on said mortgage deed contained an error and did not set forth the correct legal description. The Court finds that the parties intended to describe the property described in Exhibit "A" attached hereto. Accordingly, IT IS FURTHER ORDERED ADJUDGED AND DECREED the legal description in the mortgage deed is reformed to match the legal description in Exhibit "A".

The Court further finds that there is no just reason for delay in entering the judgment herein.

It is therefore, ORDERED, ADJUDGED, AND DECREED that unless the sums hereinabove found due, together with the costs of this action, be fully paid within three (3) days from the date of the entry of this decree, the equity of redemption and dower of all Defendant's in and to the Premises shall be foreclosed, and the Premises sold; that only upon the issuance of a Praeceptum for Order of Sale by Plaintiff's attorney, shall an order of sale thereafter issue to the Sheriff of Belmont County, directing him to appraise, advertise in a paper of general circulation within the County, and sell the Premises as upon execution and according to law, free and clear

of the interest of all parties to this action. If the court authorizes a private selling officer to sell the real estate, then the sale must proceed in accordance with R.C. §2329.152.

If this is a residential property and the property remains unsold after the first auction, then a second auction shall be held and the property shall be sold to the highest bidder without regard to the minimum bid requirement in §2329.20 of the Revised Code. This auction shall be held no earlier than seven days and not later than thirty days after the first auction.

If there is a bidder at the second or subsequent sales, the judgment creditor and the first lien holder have the right to redeem the property within fourteen days of the sale, by paying the purchase price to the Clerk of Court. Upon timely payment, the court will proceed as described in R.C. §2329.31 with the redeeming party considered the successful purchaser at sale.

In the event an order of sale is returned by the selling officer unexecuted, subsequent orders of sale shall issue in accord with appraisal instructions contained in the Praecipe for those sales.

And the Court coming now to distribute the proceeds of said sale, it is ordered that the Sheriff or private selling officer out of the funds in his hands pay:

First: To the Clerk of Courts, the costs of this action, including to Plaintiff for the Judicial Report filed herein, which sum is taxed as costs.

Second: **IF THE PLAINTIFF IS THE PURCHASER AND HAS ELECTED TO FORGO THE PAYMENT FROM THE SALE PROCEEDS OF CERTAIN TAXES AS PROVIDED IN R.C. §323.47(B):**

To the Treasurer of Belmont County, Ohio, taxes, accrued taxes, assessments, and penalties on the premises hereinafter described, as shown on the County Treasurer's tax duplicate;

OTHERWISE:

To the Belmont County Treasurer, taxes, assessments, interest,

and penalties, the lien for which attaches before the date of sale but that are not yet determined, assessed and levied for the year that includes the date of sale, apportioned pro rata to the part of that year that precedes the date of sale, and all other taxes, assessments, penalties, and interest which attached for a prior tax year but have not been paid on or before the date of sale.

Third: To Plaintiff, **\$47,328.00** plus interest at 6.8750% per annum from September 1, 2021, together with advances for taxes, insurance and monies otherwise expended, plus costs.

Fourth: If the Sheriff sells the property, the balance, if any, to be held by the Sheriff, pending further order. If a private selling officer sells the property, the balance, if any, to the Clerk of Courts to be held pending further order.

It is further ORDERED, ADJUDGED, AND DECREED that there may be due to the Plaintiff sums advanced by it under the terms of the Note and Mortgage to pay real estate taxes, hazard insurance premiums, and property protection.

It is further ORDERED, ADJUDGED, AND DECREED that after the sale has been completed, a deed will be conveyed to the purchaser and that a Writ of Possession of the Property shall be issued.

It is therefore ORDERED, ADJUDGED, AND DECREED that since Plaintiff is the first and best lien holder, should it be the successful bidder at the Sale, the deposit required is hereby waived; Plaintiff lien holder shall not be required to make a deposit at the time of sale, but shall pay all costs, taxes, and assessments upon presentment of a statement from the Belmont County Sheriff. Also, in the event Plaintiff is the successful bidder at the Sheriff's Sale, the amount of the

deposits made herein by Plaintiff and the costs of the Preliminary Judicial Report shall be deducted from the total amount of court costs otherwise payable herein.

Record is hereby ordered.

John A. Vavra

Judge Vavra

Submitted by



David T. Brady (0073127)
Suzanne M. Godenswager (0086422) *SMG*
Austin B. Barnes III (0052130)
Jeffrey A. Panchal (0090293)
Robert E. Daniell (0098708)
SANDHU LAW GROUP, LLC
1213 Prospect Avenue, Suite 300
Cleveland, OH 44115
216-373-1001
216-373-1002
sgodenswager@sandhu-law.com
Attorneys for Plaintiff

INSTRUCTIONS TO THE CLERK: THIS IS A FINAL APPEALABLE ORDER.
Pursuant to Civ.R.58(B), Please serve upon all parties not in default for failure to appear notice of Judgment and its date of entry upon the Journal.

CERTIFICATE OF SERVICE

A copy of the foregoing was sent by regular U.S. Mail on this 1st day of July,

20 22, to the following:

Renee A. Monroe
Address Unknown

Belmont County Treasurer
101 W Main St
St Clairsville, OH 43950

John Doe, Name Unknown, Unknown
Spouse if any of Renee A. Monroe
Address Unknown



David J. Brady (0073127)
Suzanne M. Godenswager (0086422) *SMG*
Austin B. Barnes III (0052130)
Jeffrey A. Panchal (0090293)
Robert E. Daniell (0098708)
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

A copy of the foregoing was sent by regular U.S. Mail on this _____ day of _____,

2022, to the following:

Renee A. Monroe
Address Unknown

Belmont County Treasurer
101 W Main St
St Clairsville, OH 43950

John Doe, Name Unknown, Unknown
Spouse if any of Renee A. Monroe
Address Unknown

Cynthia Schillig
175 South Third St., Suite 100
Columbus, OH 43215
Private Selling Officer



David T. Brady (0073127)
Suzanne M. Godenswager (0086422) ✓ SMLES
Austin B. Barnes III (0052130)
Jeffrey A. Panchal (0090293)
Robert E. Danicll (0098708)
Attorney for Plaintiff

THENCE SOUTH ALONG EAST SIDE OF SAID LOT NO. 58 A DISTANCE OF 60 FEET TO THE SOUTHEAST CORNER;

THENCE WEST ALONG THE SOUTH LINE OF SAID LOT NO. 58 A DISTANCE OF 66 FEET 4 INCHES TO THE PLACE OF BEGINNING.

Parcel No.: 0600217000

Property Address: 102 Wood Street, Flushing, OH 43977
Prior Deed Reference: Book 56 Page 723
Instrument NO. 200600003938

to make the sum of \$47,328.00 (Forty-Seven Thousand Three Hundred Twenty-Eight and 00/100 Dollars), judgment with the said interest thereon, and costs aforesaid; and that you also pay the costs of this writ, and all increases and accruing costs; and the residue, if any there be, you bring into this Court to abide the further order of the Court, and that you make return of your proceedings to our said Court within sixty days from this date, and have you then and there this writ.

WITNESS my signature as Clerk of our said Court of Common Pleas,
and the seal of said court at St. Clairsville

Ohio, this 9th day of September, 2022

Cynthia L. Fregiato

Clerk

By: Lena Wagner

Deputy

PRIVATE SELLING OFFICER'S RETURN

Revised Code Sec. 2329.17-.27, 3.23

The State of Ohio, Belmont County.

PRIVATE SELLING OFFICER Fees	Dolls.	Cts.
Service and Return,		
Milage _____ Miles at _____		
Administering Oath to Appraisers, each		
Copies for Advertisements, _____ words per 100 words		
Poundage		
Levy		
Total		
Appraiser Fees		
Printer Fees		

I received this Order of Sale on the _____ day of _____, at _____ o'clock _____ M, and in obedience to its command I did, on the _____ day of _____, caused to be advertised in the _____ (a newspaper printed and published and of general circulation in Belmont County.) said lands and tenements to be sold at auction through www.Schilligestatesandauctions.com on the _____ day of _____, 20____, commencing at _____ o'clock _____ M. of said day and ending on the _____ day of _____, 20____, ending at _____ o'clock. And having advertised the said lands and tenements for more than thirty days previous to the day of sale, to wit: _____ consecutive weeks, on the same day of the week in each week, and in pursuance of said notice I did on said _____ day of _____, at the time and place above mentioned, proceed to offer said lands and tenements at auction through www.Schilligestatesandauctions.com, and then and there came

_____ who bid for the same the sum of _____ Dollars; and said sum being _____ two-thirds of the appraised value thereof, and said _____ being the highest and best bidder therefor, I then and there publicly sold and struck off said lands and tenements to _____ for said sum of _____ Dollars.

Private Selling Officer
Cynthia Schillig

PROPERTY DESCRIPTION APPROVAL FORM

Belmont COUNTY

CASE NO:	22 CV 0064
PROPERTY ADDRESS(ES):	102 Wood Street, Flushing, OH 43977
PLAINTIFF:	J.P. Morgan Mortgage Acquisition Corp.
DEFENDANT:	Renee A. Monroc
SUBMITTED BY:	Sandhu Law Group, LLC
ATTORNEY & ID#	Suzanne M. Godenswager (0086422)
ATTORNEY'S PHONE:	216-373-5541
CONTACT PERSON:	Kaitlyn Sternad (Green)
CONTACT PHONE:	216-373-1001

The attached legal description has been reviewed by the County Auditor's Office and Tax Map Dept. The property address, parcel number(s) and deed reference number(s) must be listed under the legal description (no exceptions). You may use a copy of the prior deed which will contain all of this information.

This document along with the "stamped approved" original legal description must be attached to the Order of Sale when filed with the Belmont County Clerk of Court. So you will be submitting the Order of Sale, this Property Description Approval Form and the "red stamped approved" legal description.

Hand lettered documents may be rejected if the document is not legible or will not reproduce to department standards. Machine printed or drafted documents are preferred.

*** Internal Use Only ***

The following information has been reviewed and verified by the County Auditor's Office and Tax map Dept.
Disapproved for the following reason(s)

- Legal description does not match information as submitted
- Parcel number does not match legal description information as submitted
- Legal name does not match information as submitted
- Property address does not match information as submitted

Other: _____

DESCRIPTION APPROVED
TERRY S. LIVELY, P.S., P.E.
BELMONT COUNTY ENGINEER

Terry S. Lively
DATE 108-18-22

The document information must be corrected and resubmitted for approval.

LEGAL DESCRIPTION

SITUATED IN THE VILLAGE OF FLUSHING, COUNTY OF BELMONT AND STATE OF OHIO:

KNOWN AS AND BEING THE SOUTH PART OF LOT NUMBERED FIFTY-EIGHT (58) ON THE ORIGINAL TOWN PLAT OF THE VILLAGE OF FLUSHING, OHIO, AS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN CABINET B, SLIDE 275, PLAT RECORDS OF BELMONT COUNTY, OHIO, AND BEGINNING FOR A DESCRIPTION OF THE SAME AT THE SOUTHWEST CORNER OF LOT NO. 58 ON WOOD STREET IN SAID VILLAGE;

THENCE NORTH ALONG THE WEST LINE OF SAID LOT NO. 58 AND ALONG WOOD STREET A DISTANCE OF 60 FEET;

THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID LOT NO. 58 A DISTANCE OF 66 FEET 4 INCHES TO THE EAST SIDE OF SAID LOT NO. 58;

THENCE SOUTH ALONG EAST SIDE OF SAID LOT NO. 58 A DISTANCE OF 60 FEET TO THE SOUTHEAST CORNER;

THENCE WEST ALONG THE SOUTH LINE OF SAID LOT NO. 58 A DISTANCE OF 66 FEET 4 INCHES TO THE PLACE OF BEGINNING.

Parcel No.: 0600217000

Property Address: 102 Wood Street, Flushing, OH 43977

Prior Deed Reference: Book 56 Page 723 Instrument NO. 200600003938