

F22-39592

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

Lakeview Loan Servicing, LLC

Plaintiff

vs.

Neal Patrick Carroll aka Neal P. Carroll , et
al.

Defendants

) Case No. 22 CV 000721

) Judge Daniel Hawkins

) **ORDER AUTHORIZING PRIVATE**
) **SELLING OFFICER TO SELL REAL**
) **ESTATE**

This matter came on for consideration on the Plaintiff's Amended Motion for an order authorizing Cynthia A. Schillig, of Xome, as Private Selling Officer, to sell the real property described in Exhibit "A" attached hereto (the "Property") at public auction. The Court finds said Motion well taken and is hereby granted.

Therefore, it is hereby ordered that Cynthia A. Schillig is appointed as Private Selling Officer to sell the Property at public auction in accordance with the Private Selling Officer's terms attached hereto as Exhibit "B," and in accordance with Ohio Revised Code Chapter 2329.

IT IS SO ORDERED.

Judge Daniel Hawkins

Submitted by:

/s/ Douglas A. Haessig

Douglas A. Haessig # 0079200

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Exhibit "A"

RE: Landowners Neal Patrick Carroll aka Neal P. Carroll
Franklin County Common Pleas Case No. 22CV000721

Property Description:

Situated in the City of Columbus, County of Franklin, and State of Ohio:

Being Lot Number Six Hundred Seventy-Five (675) of Westgate Park Subdivision, as the same is numbered and delineated upon the recorded plat thereof of record in Plat Book 18, Pages 10 and 11, Recorder's Office, Franklin County, Ohio.

Property Address: 3425 Wicklow Road, Columbus, OH 43204

PPN#: 010-079189-00

Prior Deed Reference: Instrument No. 202108110141948 on August 11, 2021 and
Instrument No. 201509160130551 on September 16, 2015



****APPROVAL NOT NEEDED**
-STRAIGHT LOT TRANSFER

F22-39592

DAH/pss

December 8, 2022

ALIAS ORDER OF SALE WITHOUT APPRAISAL

Lakeview Loan Servicing, LLC

PLAINTIFF

CASE NO. 22CV000721

-vs-

JUDGE Daniel Hawkins

Neal Patrick Carroll aka Neal P. Carroll,
et al.

DEFENDANT

ACTION CODE No. 22CV000721

COMPLAINT FILED 02/03/2022

**THE STATE OF OHIO,)To Cynthia A. Schillig, of Xome, as Private Selling Officer (PSO),
Greetings:)**

WHEREAS, at a term of the Court of Common Pleas, held at Columbus, in and for said County on the _____ day of _____, 2022 A.D. in this cause it was ordered, adjudged and decreed as follows, to wit:

That an order of sale issued to Cynthia A. Schillig of Xome, as Private Selling Officer (PSO), whose address is 175 S. Third Street, Suite 100, Columbus, OH 43215, email address: Cynthia@SchilligEstatesAndAuctions.com, or by fax at unavailable, directing him to advertise and sell as upon execution the following described premises to wit:

Situated in the City of Columbus, County of Franklin, and State of Ohio:

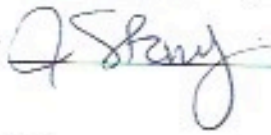
Being Lot Number Six Hundred Seventy-Five (675) of Westgate Park Subdivision, as the same is numbered and delineated upon the recorded plat thereof of record in Plat Book 18, Pages 10 and 11, Recorder's Office, Franklin County, Ohio.

PARCEL NO. 010-079189-00

**ADDRESS: 3425 Wicklow Road
Columbus, OH 43204**

WE THEREFORE COMMAND YOU, That you proceed to carry out said order, judgment and decree into execution agreeable to the tenor thereof, and that you expose to sale the above described **Real Estate**, under the Statute regulating sales on Execution, and that you apply the proceeds of such sale in satisfaction of said judgment and decree, with cost and interest, as specified therein; and that you make report of your proceedings herein; to our Court of Common Pleas within sixty days from date hereof, and bring this order with you. And I certify under seal of this Court that the description of the property herein is correctly copied from the records on file in this office.

WITNESS my signature as Clerk of our said Court of Common Pleas, and the seal of said Court at Columbus, this 12th day of Dec 2022 A.D.

John O'Grady, Clerk by  Deputy.

COC-CV-82 (Rev 2-2001)

Exhibit "B"

**TERMS AND CONDITIONS FOR PRIVATE SELLING OFFICER SALE
OF REAL ESTATE BY AUCTION COMPANY**

1. The real properties located at 3425 Wicklow Road, Columbus, OH 43204 (Property) shall be sold through the services of Ohio Foreclosure Auction Group member assigned to the County in which said real properties are located, as set forth in the Motion filed herewith, whom will be treated as a Private Selling Officer, and shall undertake all steps normally required by statute and by the Court's Judgment to advertise and post notices for the sale.
2. Private Selling Officer will use its best efforts to advertise and market the Property for sale in a manner calculated to bring the highest and best price at the sale.
3. Private Selling Officer will incur expenses necessary for advertising and other aspects of the sale, which will be reimbursed from the proceeds of the sale in an amount not to exceed _____ dollars (\$ _____).
4. Private Selling Officer is authorized to charge and retain a Buyer Premium of ten percent (10%) from the highest bidder. Said Buyer Premium will be paid by the highest bidder directly to Private Selling Officer and shall be in addition to the amount of the winning bid entered by the highest bidder. No commission shall be charged to M&T BANK (Bank) by Ohio Foreclosure Auction Group.
5. The sale shall be held online by Private Selling Officer.
6. In order to facilitate the advertising and marketing of the Property for sale, Private Selling Officer shall have the right to place signs on the Property if vacant.
7. Private Selling Officer shall assume no liability for loss by fire, theft, destruction, damage or other calamity to the Property or any part of it.
8. Bidding shall be made without conditions and with no contingencies of any kind. The Property shall be sold AS IS AND WHERE IS with no representations or warranties of any kind being made to the Buyer. Private Selling Officer shall not be held to answer to any claims whatsoever concerning the condition and/or title to the Property.
9. Immediately upon conclusion of the auction, if the highest bidder is a third party, the highest bidder shall:
 - a. Execute a Purchaser Information Form binding the bidder to complete the transaction; and
 - b. Effectuate a wire transfer within 24 hours for 10% of the purchase price.Private Selling Officer will submit wiring instructions at the conclusion of the auction to the winning bidder.

10. Private Selling Officer shall see that the following take place to finalize the transfer of the Property to a successful third-party purchaser:
- a. Within thirty (30) days after the date of sale, a wire transfer shall be effectuated by Buyer to a title company approved by the Private Selling Officer for the balance of the bid price plus buyer premium with credit given for earnest money previously paid. A Certificate of Sale will at that time be issued and delivered to the Buyer.
 - b. Private Selling Officer shall deliver to the Court, a Report of Sale.
 - c. Upon Confirmation by the Court, a Judicial Deed shall be delivered by Private Selling Officer pursuant to Ohio Revised Code Section 2329.36
 - d. Subsequent to the entry by the Court ordering approval of the sale, a title company approved by the Private Selling Officer shall remit the net proceeds of the sale to the Bank after deducting any fees and expenses due Private Selling Officer, including advertising expenses as provided in Paragraph 3, buyer's premium, recording costs and auditor fees. Payment to Private Selling Officer for its expenses and buyer premium shall be made prior to the payment of any other item, fee, or expense.
11. If a third-party purchaser fails to timely deliver the final balance of the sale price to the Private Selling Officer, then:
- a. the Buyer's deposit monies shall be distributed pursuant to Ohio law pursuant to a contempt Order issued by the Court, and;
 - b. The sale shall be reset under the same terms as hercin provided.
12. If the Plaintiff purchases the property back through the credit bid process, then:
- a. Private Selling Officer shall deliver to the Court, a Report of Sale and Confirmation request.
 - b. Private selling Officer fees and costs, other than those set forth in Ohio Revised Code Section 2329.152(D)(1)(a) and (b) will be taxed as costs pursuant to Ohio Revised Code Section 2329.152(D)(1)(c)
 - c. Upon Confirmation by the Court, a Judicial Deed shall be delivered by Private Selling Officer pursuant to Ohio Revised Code Section 2329.36
13. The Buyer shall have rights to possession and title to the Property upon confirmation by the Court and delivery of a deed by Private Selling Officer to Buyer.
14. The Buyer shall be responsible for the payment of all taxes and assessments for installments accrued subsequent to the sale date.