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NOV 30 2022

22-00913 File #

FILED-COMM. PLEAS

IN THE COURT OF COMMON PLEAS  
PICKAWAY COUNTY, OHIO

2022 NOV 28 AM 9:08

JAMES A. DEAN  
CLERK OF COURTS  
PICKAWAY COUNTY

Community Loan Servicing, LLC, a Delaware  
Limited Liability Company

CASE NO. 2022CI0074

Plaintiff

JUDGE P. RANDALL KNECE

-vs-

Angela Schrake aka Angela S. Lockhart and  
Rodney A. Schrake, et al.

IN REM JUDGMENT ENTRY

Defendant(s)

THIS CAUSE was submitted to the Court and heard upon the Complaint of Substituted-Plaintiff, the Answer of Defendant, State of Ohio, Department of Taxation, the Answer of Defendant, Crown Asset Management, LLC, the Answer of Defendant, Treasurer of Pickaway County, Substituted-Plaintiff's Motion for Default Judgment and the evidence.

The Court finds that all necessary parties have been served with summons according to law and are properly before the Court; that the Defendants, Angela Schrake aka Angela S. Lockhart, Rodney A. Schrake, and Midland Credit Management, Inc., are in default of an Answer or other pleading and thereby confessed the allegations of the Complaint to be true and said Defendants are forever barred from asserting any right, title or interest in and to the premises described herein.

The Court finds that there is due the Treasurer of Pickaway County, taxes, accrued taxes, assessments and penalties on the premises described herein, as shown on the County Treasurer's tax duplicate, the exact amount being unascertainable at the present time, but which amount will be ascertainable at the time of sale; which are a valid and subsisting first lien thereon for that amount so owing as of the day of the confirmation of sale.

EXHIBIT A

The Court finds on the evidence adduced that there is due Substituted-Plaintiff on the promissory note set forth in the First Count of the Complaint and the Loan Modification Agreement, the sum of \$65,312.46, plus interest thereon at the rate of 4.5% per annum from October 1, 2020, and at such interest rate as may change from time to time pursuant to the terms of the note; plus all late charges due under the Note and Mortgage, any deferred non interest/interest bearing amount(s), all advances made for the payment of real estate taxes and assessments and insurance premiums, and all costs and expenses incurred for the enforcement of the Note and Mortgage, except to the extent the payment of one or more specific such items is prohibited by Ohio law, for which sum judgment is hereby rendered in favor of Substituted-Plaintiff.

The Court finds that Defendant, Angela Schrake aka Angela S. Lockhart and Rodney A. Schrake, were discharged in a Bankruptcy case in the U.S. Bankruptcy Court and that Substitute-Plaintiff is not pursuing a personal money judgment against said Defendants.

The Court finds that in order to secure the payment of the promissory note aforesaid, the Defendants, Angela Schrake aka Angela S. Lockhart and Rodney A. Schrake, executed and delivered to National City Mortgage Co a subsidiary of National City Bank, a mortgage deed as set forth in the Second Count of said Complaint thereby conveying to it the following described premises:

SEE THE APPROVED LEGAL DESCRIPTION ATTACHED AS EXHIBIT A  
Said premises also known as 577 E. Franklin Street, Circleville, OH 43113  
PPN: A0520480000600 and A0520480000700

The Court finds that said mortgage was duly filed with the Pickaway County Recorder on November 16, 2006 and recorded in Book 595, Page 681 of the Mortgage Records of said County 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 mortgage deed was assigned to Substituted-Plaintiff through a chain of assignments: assignment from National City Mortgage Co a subsidiary of National City Bank to Bayview Loan Servicing, LLC, Recorded on July 3, 2007 in Book 605, Page 1725, of Pickaway County, Ohio Records; and assignment from Community Loan Servicing, LLC fka Bayview Loan Servicing, LLC to Nationstar Mortgage LLC, Recorded on June 22, 2022 in Book 795, Page 3439, of Pickaway County, Ohio Records. Copies of the mortgage and the assignments are attached as exhibits to the Complaint. The Court further finds that said conditions in the mortgage deed have been broken and the same has become absolute and that Substituted-Plaintiff is entitled to have the equity of redemption and dower of all Defendants in and to said premises foreclosed.

The Court finds that Defendants, Angela Schrake aka Angela S. Lockhart and Rodney A. Schrake, entered into a loan modification agreement with Plaintiff, increasing the original loan amount of the mortgage. The Court further finds that the loan modification agreement, entered into on August 23, 2010, increased the original loan amount to \$98,950.14. A copy of the loan modification agreement was attached as an exhibit to the Complaint.

The Court finds that Substituted-Plaintiff has and will from time to time advance sums for taxes, insurance and property protection. Substituted-Plaintiff has the first and best lien for these amounts in addition to the amount set forth above. The Court makes no finding as to the amounts of the advances and continues same until the confirmation of sale.

The Court finds that the Defendant(s) State of Ohio, Department of Taxation and Crown Asset Management, LLC claims some right, title, interest or lien upon the premises described herein, as set forth in its Answer filed herein, but that any right, title, interest, claim or lien said Defendant(s) may have is inferior and subsequent to the lien of Substituted-Plaintiff.

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

**ORDER**

It is therefore ORDERED, ADJUDGED AND DECREED that unless the sums found due herein, 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 Defendants in and to said premises shall be foreclosed and that Substituted-Plaintiff may cause an order of sale to be issued

to the Sheriff of Pickaway County, directing him to appraise, advertise in a paper of general

circulation within the County and sell said premises as upon execution and according to law free and clear of the interest of all parties to this action.

It is further ordered that the Sheriff, upon confirmation of sale, shall pay from the proceeds thereof the following:

- FIRST: To the Clerk of Courts the costs of this action, including the fees of the appraisers.
- SECOND: To the Pickaway County Treasurer, real estate taxes, assessments, interest and penalties due and payable on said premises.
- THIRD: To the Substituted-Plaintiff, the sum of \$65,312.46 plus interest thereon at the rate of 4.5% per annum from October 1, 2020, together with all late charges due under the Note and Mortgage, any deferred non interest/interest bearing amount(s), all advances made for the payment of real estate taxes and assessments and insurance premiums, and all costs and expenses incurred for the enforcement of the Note and Mortgage, except to the extent the payment of one or more specific such items is prohibited by Ohio law.
- FOURTH: To the Defendant, State of Ohio, Department of Taxation, the sum of \$66.52, for the State Tax Lien Filed 10/13/2017, Plus Interest And Costs, In Case No. 2017SL1330 of Pickaway County Records.
- FIFTH: To the Defendant, State of Ohio, Department of Taxation, the sum of \$594.14, for the State Tax Lien Filed 10/12/2018, Plus Interest And Costs, In Case No. 2018SL1330 of Pickaway County Records.



- SIXTH: To the Defendant, State of Ohio, Department of Taxation, the sum of \$276.50, for the State Tax Lien Filed 10/18/2019 Plus Interest And Costs, In Case No. 2019SL1210 of Pickaway County Records.
- SEVENTH: To the Defendant, Crown Assess Management, LLC, the sum of \$7,821.66, with interest and court costs, for the judgment lien filed 01/25/2021, In Case No. 2021CJ0023 of Pickaway County Records
- EIGHTH: To the Defendant, State of Ohio, Department of Taxation, the sum of \$965.95, for the State Tax Lien Filed 05/21/2021, Plus Interest And Costs, In Case No. 2021SL1179 of Pickaway County Records.
- NINTH: The balance, if any, to be deposited with the clerk pending further order of the Court.

TO THE CLERK:

PURSUANT TO CIVIL RULE 58(B), THE CLERK IS DIRECTED TO SERVE UPON THE PARTIES A NOTICE OF THE FILING OF THIS JUDGMENT ENTRY AND OF THE DATE OF ENTRY UPON THE JOURNAL.

RECORD IS HEREBY ORDERED.

\_\_\_\_\_  
JUDGE KNECE

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Instrument  
200400002979

## GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENT,

John K. McDonald and Sylvia E. McDonald, husband and wife,  
for valuable consideration paid, grants, with general warranty covenants, to

Rodney A. Schrage, single and Angela S. Lockhart, single for their joint lives, remainder  
to the survivor of them.

whose tax-mailing address is: 577 East Franklin Street Circleville Oh 43113

the following REAL PROPERTY:

(See EXHIBIT A - Attached Hereto)

PPN: A05-2-048-00-007-00 and A05-2-048-00-006-00

Street Address: 577 East Franklin Street, Circleville, Ohio 43113

Subject to the following: The lien of any taxes and assessments not now due and payable;  
zoning ordinances and regulations; legal highways; and restrictions, conditions,  
reservations and easements of record.

Prior Instrument Reference: OR 126 page 126, OR 134 page 106, Pickaway County, Ohio  
Records.

John K. McDonald and Sylvia E. McDonald, Grantor, release all rights of dower herein.

EXECUTED this 26th day of March, 2004.

TRANSFERRED NO. 310  
SEC. 319.202 M.C. COME 20  
WITHIN AMT. 20

MAR 31 2004

MELISSA A. BETZ  
AUDITOR, PICKAWAY COUNTY, OHIO  
TRANS FEE 6.00

John K. McDonald  
John K. McDonald  
Sylvia E. McDonald  
Sylvia E. McDonald

STATE OF OHIO

COUNTY OF PICKAWAY. SS:

BE IT REMEMBERED,

That on this 26th day of March, 2004, before me, the subscriber, a Notary Public in and  
for said county, personally came, John K. McDonald and Sylvia E. McDonald, husband and  
wife the grantor(s) in the foregoing deed, and acknowledged the signing thereof to be  
their voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and  
year aforesaid.



TIMOTHY L. DECK  
Notary Public, State of Ohio  
My Commission Expires January 25, 2007

Timothy L. Deck  
Notary Public

This Instrument was prepared by:  
John H. Farthing  
Attorney at Law  
Circleville, Ohio 43113

APPROVED FOR TRANSFER  
PICKAWAY COUNTY ENGINEER  
BY DLS DATE 3-31-04

FILED - COMMON PLEAS

2023 JAN -3 AM 11:33

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EXHIBIT A

LEGAL DESCRIPTION

File Number 04-0147

Situated in the City of Circleville, County of Pickaway, in the State of Ohio, and bounded and described as follows:

TRACT NO. 1.

Being Lot No. Twenty-seven (27) of the Eastmoor Subdivision as set forth and delineated on the recorded plat thereof appearing of record in Pickaway County Plat Record 2, Page 276 in the Pickaway County Recorder's Office and subject to all restrictions as set forth therein.

TRACT NO. 2.

Being twenty (20) feet off the West side of Lot No. 26 in Eastmoor Subdivision as it appears of record in Pickaway County Plat Book 2, pages 276 and 277 and subject to all restrictions as set forth in said subdivision.

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2023 JAN -3 AM 11:33

CLERK OF COURTS  
PICKAWAY COUNTY

END OF LEGAL DESCRIPTION

20040002975  
CLT  
RGT