

**IN THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY OHIO  
CIVIL DIVISION**

FILED  
COURT OF COMMON PLEAS

2020 JUL 22 PM 3:23

**CIVIL PRIVATE SELLING OFFICER - ORDER OF SALE**

TAX EASE OHIO LLC  
PLAINTIFF

CASE NUMBER: 2017 CV 00103

VS.

UNKNOWN MITCHELL UNKNOWN HEIRS ETAL  
OF NORMA MITCHELL et al  
DEFENDANT

**The State of Ohio, County of Montgomery, ss:**

To SHAUGHN T DAILY, Greeting:

You are hereby commanded, in pursuance of an order of the Common Pleas Court, within and for the County of Montgomery, and State of Ohio, made at the MAY Term thereof, in the case **2017 CV 00103**, to proceed without delay and cause to be advertised, and to sell according to law, the following described Real Estate, to-wit:

648 CAMBRIDGE AVENUE, DAYTON, OH 45402

**SEE ATTACHED LEGAL DESCRIPTION**

and that your proceedings in the premises you make known to our said Common Pleas Court, within and for the County of Montgomery, according to law, and have you then and there this writ.

July 22, 2020

Mike Foley, Clerk

Montgomery County Clerk of Courts

Prepared by *A. Waldridge*, Deputy Clerk on July 22, 2020.

MS/MM  
16-02145  
R72 07802 0020  
07/20/2020

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

TAX EASE OHIO, LLC : CASE NO. 2017 CV 00103  
*Plaintiff* : Tax Certificate Foreclosure  
- vs - :  
: JUDGE MARY KATHERINE  
THE UNKNOWN HEIRS, NEXT OF KIN, : HUFFMAN  
DEWISEES, LEGATEES, EXECUTORS, :  
AND/OR ADMINISTRATORS OF NORMA J. : PRAECIPE FOR ORDER OF SALE  
MITCHELL AKA NORMA G. MITCHELL : (Tax Certificate Foreclosure)  
AKA NORMA JEAN MITCHELL AKA  
NORMA GARDNER MITCHELL,  
DECEASED, ET AL  
*Defendants*  
To the Clerk of Courts:

Please issue an Order of sale to Shaughn T. Daily, at 5254 Ridge Avenue, Cincinnati, OH 45213, the court authorized Private Selling Officer ("PSO"), returnable according to law, directing the PSO to advertise, without appraisal, and sell the following property:

PREMISES COMMONLY KNOWN AS: 648 Cambridge Avenue, Dayton, OH 45402  
PERMANENT PARCEL NUMBER: R72 07802 0020  
MINIMUM BID: \$ 18,859.36

Legal Description attached hereto as Exhibit "A."

Respectfully submitted,

/s/ Mark M. Schonhut

David T. Brady (0073127)  
Suzanne M. Godenswager (0086422)  
Austin B. Barnes III (0052130)  
Mark M. Schonhut (0093698)  
Jeffrey A. Panehal (0090293)  
1213 Prospect Avenue, Suite 300  
Cleveland, OH 44115  
Telephone: 216-373-1001  
Facsimile: 216-373-1002  
Email: abarnes@sandhu-law.com  
*Attorneys for Plaintiff*

## **Exhibit A**

### **Legal Description**

**File Number:** 63100

**Situate in the City of Dayton, County of Montgomery and State of Ohio:**

**And being Lot Numbered Forty Thousand Two Hundred Thirteen (40,213) of the consecutive numbered of Lots on the revised Plat of the said City of Dayton, Ohio.**

**Permanent Parcel Number:** R72 07802 0020

**More commonly known as:** 648 Cambridge Avenue, Dayton, OH 45402

**Prior Decd:** OR 83415, Page D10.

DH  
16-02145  
R72 07802 0020  
05/15/2017

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

TAX EASE OHIO, LLC : CASE NO. 2017-CV-00103  
*Plaintiff* :  
- vs - : JUDGE MARY KATHERINE  
: HUFFMAN  
:   
THE UNKNOWN HEIRS, NEXT OF KIN, :  
DEVISEES, LEGATEES, EXECUTORS, : JUDGMENT ENTRY AND DECREE  
AND/OR ADMINISTRATORS OF NORMA : OF FORECLOSURE  
J. MITCHELL AKA NORMA G. :  
MITCHELL AKA NORMA JEAN :  
MITCHELL AKA NORMA GARDNER :  
MITCHELL, DECEASED, ET AL :  
*Defendants*

This cause came to be heard and was submitted to the Court upon the Complaint, Plaintiff's Motion for Default Judgment, the Answer of Defendant Montgomery County Treasurer, and the evidence.

**FINDINGS OF FACT:**

1. The Court finds that all necessary parties have been served with summons according to law and are properly before the Court.
2. The Court finds that the Defendants Springleaf Financial Services of Ohio, Inc. fka American General Financial Services, Inc., Capital One Bank (USA) N.A., Household Realty Corporation, Citimortgage, Inc. successor in interest by merger to Citifinancial Mortgage Company, Inc. successor in interest by merger to Associates Home Equity Services, Inc., Time Warner Cable LLC, Jack Doe, Name Unknown, Unknown Spouse if any of Norma Jean George

aka Norma Jean Mitchell and Norma Jean George aka Norma Jean Mitchell, are in default of Answer or any other response to the Complaint and have by reason thereof confessed the allegations of the Complaint to be true, and that said Defendants are forever barred from asserting any right, title, claim or interest in and to the premises described herein.

3. The Court finds that Defendants The Unknown Heirs, Next of Kin, Devisees, Legatees, Executors, and/or Administrators of Norma J. Mitchell aka Norma G. Mitchell aka Norma Jean Mitchell aka Norma Gardner Mitchell, Deceased, John Doe, name unknown, Unknown Spouse if any of Norma J. Mitchell aka Norma G. Mitchell aka Norma Jean Mitchell aka Norma Gardner Mitchell, Deceased, James H. Mitchell Jr., Individually and as Fiduciary of the Estate of Norma J. Mitchell aka Norma G. Mitchell aka Norma Jean Mitchell aka Norma Gardner Mitchell, Jane Doe, name unknown, Unknown Spouse if any of James H. Mitchell Jr., Kate Doe, name unknown, Unknown Spouse if any of William E. Mitchell, Linda Ann Mitchell Stauffer aka Linda A. Stauffer, Kevin Doe, name unknown, Unknown Spouse if any of Linda Ann Mitchell Stauffer aka Linda A. Stauffer and William E. Mitchell are not necessary parties to this proceeding and are hereby dismissed.

4. The Court finds there may be due to the Treasurer of Montgomery County, Ohio, taxes, accrued taxes, assessments, penalties and interest on the premises described herein, the exact amount of said taxes, accrued taxes, assessments, penalties and interest are unascertainable at this time, but will be determined at the time of the judicial sale of said premises and be set forth and paid pursuant to R.C. §5721.39(A)(4) and (D)(3).

5. The Court finds that certain Tax Certificates (more specifically identified below) have been duly purchased by the Plaintiff and that the Plaintiff is the vested "certificate holder"

as the term is defined in R.C. §5721.30(C) of the Ohio Revised Code. The Court further finds that the "certificate redemption price" as defined at R.C. §5721.30(E) appearing to be due on each certificate is due and unpaid. That pursuant to R.C. 5721.32(E) the delinquent taxes that make up the certificate purchase price have been transferred to the Plaintiff, and that by virtue of R.C. §5721.35(A) the first lien previously held by the State of Ohio and its taxing districts under R.C. §5721.20 is vested in the Plaintiff. The Court finds that the Plaintiff is entitled to foreclosure of its lien interests pursuant to R.C. §5721.37(F).

6. The Court finds that pursuant to R.C. §5721.37(F), the tax certificate purchased by the certificate holder is presumptive evidence in all Courts and in all proceedings, of the amount and validity of the taxes, assessments, charges, penalties by the Court and added to such principal amount, and interest appearing due and unpaid and of their nonpayment.

7. The Court further finds that the Plaintiff is the vested holder of the following Tax Certificates:

- a. Tax Certificate No. 2013-0000000610
- b. Tax Certificate No. 2014-0000000544
- c. Tax Certificate No. 2015-0000000498

8. The Court finds that there is due to the Plaintiff on the above-referenced Tax Certificates the following sum:

- a. \$2,022.25 in principal on Certificate No. 2013-0000000610 plus simple interest accruing on the first day of the month at 18.00% per year from October 7, 2013, to the date of the filing of the Notice of Intent to Foreclose, and then at 18% thereafter, and costs; plus

b. \$2,026.47 in principal on Certificate No. 2014-0000000544 plus simple interest accruing on the first day of the month at 18.00% per year from October 17, 2014, and costs; plus

c. \$1,412.73 in principal on Certificate No. 2015-0000000498 plus simple interest accruing on the first day of the month at 18% per year from October 2, 2015, and costs; plus

d. The amount paid under division (B)(2) of O.R.C. §5721.37, in the amount of \$1,251.96 plus interest at the rate of 18.00% per annum beginning on the day Plaintiff filed its Notice of Intent to foreclose under O.R.C. §5721.37(A); plus

e. to the Plaintiff's Attorney, \$570.00, as title work costs incurred in this proceeding, court filing costs and reasonable attorney's fees of the certificateholder's attorney in the amount of \$1,900.00 which are hereby taxed as costs.

9. The Court finds that the Tax Certificates held by the Plaintiff constitute a first and valid lien against Permanent Parcel Number R72 07802 0020, commonly known as 648 Cambridge Avenue, Dayton, OH 45402. (See full legal description attached hereto as Exhibit A).

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

**IT IS THEREFORE ORDERED ADJUDGED AND DECREED:**

A. That the within action shall proceed according to Chapter 5721.30, et seq. of the Ohio Revised Code;

B. It is further **ORDERED** that unless, prior to the Confirmation of Sale of the certificate parcel under these foreclosure proceedings, there is tendered to the county treasurer the sums hereinabove found to be due to Plaintiff, there shall be no further equity of redemption; that said liens and said equity of redemption in and to the subject parcel shall be foreclosed; except that with respect to any lien of the United States, the United States shall have the right to redeem within the time period provided by 28 U.S.C. §2410(c); that an order of Sale shall issue to the Sheriff directing him, without appraisal, to advertise and separately sell said parcel at public sale in the manner provided by law for the sale of real property on execution and according to R.C. §5721.39, for not less than the sum specified herein. If the court authorizes a private selling officer to sell the real estate, then the sale must proceed in accordance with R.C. §2392.152 and/or §5721.39.

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.

C. It is further **ORDERED** that after said sale has been completed, a deed will be conveyed to the purchaser and a Writ of Possession of said property be issued.



D. It is further **ORDERED** that if the property remains twice unsold for want of bidders, the Sheriff or private purchaser is to certify this fact upon the record and the parcel shall be ordered forfeited to the certificate holder, pursuant to R.C. §5721.40.

E. It is further **ORDERED** that if the Certificate Parcel is sold, Plaintiff shall prepare and submit to the Court an Entry of Confirmation of sale and Order of Distribution specifying how the proceeds from sale shall be applied.

The Court further finds there is no just cause for delay.

**IT IS SO ORDERED**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge Mary Katherine Huffman

Civ. R. 58(B):

To the Clerk of Courts:

Please serve all parties not in Default for failure to appear with  
Notice of Judgment and its date of entry upon the journal.

Submitted by:

/s/ Andrew M. Tomko

David T. Brady (0073127)

Suzanne M. Godenswager (0086422)

Andrew M. Tomko (0090077)

Austin B. Barnes III (0052130)

Brian S. Gozelanczyk (0090858)

*Attorneys for Plaintiff*

Submitted to:

Submitted 5/15/2017

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Michele Phipps  
Daniel McConnell, Jr.  
301 West Third Street, 5<sup>th</sup> Floor  
Dayton, OH 45402  
*Attorneys for Montgomery County Treasurer*

## **Exhibit A**

### **Legal Description**

**File Number: 63100**

**Situate in the City of Dayton, County of Montgomery and State of Ohio:**

**And being Lot Numbered Forty Thousand Two Hundred Thirteen (40,213) of the consecutive numbered of Lots on the revised Plat of the said City of Dayton, Ohio.**

**Permanent Parcel Number: R72 07802 0020**

**More commonly known as: 648 Cambridge Avenue, Dayton, OH 45402**

**Prior Decd: OR 83415, Page D10.**



General Division  
Montgomery County Common Pleas Court  
41 N. Perry Street, Dayton, Ohio 45422

**Type:** Judgment Entry and Foreclosure Decree  
**Case Number:** 2017 CV 00103  
**Case Title:** TAX EASE OHIO LLC vs UNKNOWN MITCHELL UNKNOWN  
HEIRS ETAL OF NORMA MITCHELL

So Ordered

*Mary H. Huffman*