

IN THE COMMON PLEAS COURT OF BELMONT COUNTY, OHIO

_____	:	
Plaintiff	:	CASE NO. 15 CV _____
	:	
vs.	:	
	:	
_____, ET AL.	:	JUDGE FRANK A. FREGIATO/ JOHN A. VAVRA
Defendants	:	

JUDGMENT ENTRY CONFIRMING SALE AND ORDERING DEED AND DISTRIBUTION OF SALE PROCEEDS

This cause was heard on the return of the Sheriff of Belmont County of his sale of the real estate on \_\_\_\_\_, 2014, to \_\_\_\_\_, having a tax-mailing address of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, for the sum of \_\_\_\_\_ Thousand \_\_\_\_\_ Dollars (\$\_\_\_\_\_.00).

On careful examination of the proceedings of the officer, the Court finds that the sale was made in all respects in conformity with law and the orders of this Court, and hereby approves and confirms the sale and these proceedings.

The Court further finds that this order shall constitute a judicial finding that the sale of the lands and tenements complied with the written notice requirements of ORC §§ 2329.26(A)(1)(a), 2329.26(A)(2) and 2329.27(A). The Court finds that any failure to give written notice pursuant ORC §2329.26(A)(1)(a) to a party was not required by law and has not prejudiced that party. The Court further finds that all parties entitled to notice pursuant to ORC § 2329.26(A)(1)(a) received adequate notice of the date, time and place of the sale of the lands and tenements; and that this Court’s order bars the filing of any further motions to set aside the sale of the lands and tenements subject of this action.

The Court finds that there is due and owing by the Defendant(s), \_\_\_\_\_, to date of sale, unpaid principal, interest and costs in the sum of \$\_\_\_\_\_, which is secured by the Mortgage foreclosed herein, which sum is the first and best lien upon the mortgaged premises herein, unpaid real estate taxes, assessments and court costs alone excepted.

The Court further finds that the purchasers have submitted all contact information required by ORC §2329.271.

1. It is hereby ORDERED that the Sheriff convey to said \_\_\_\_\_, a deed for the real estate located at \_\_\_\_\_, \_\_\_\_\_, Ohio, which is more fully described as being:

((Insert Description or attach as Exhibit A))

Deed Reference:

Auditor's Parcel No.

2. It is further ORDERED that \_\_\_(Purchaser)\_\_\_\_\_ be subrogated to all the rights of the mortgagees and lien holders in the real estate to the extent necessary for the protection of its/his/her title. A WRIT OF POSSESSION is hereby awarded to put it in possession of the real estate. All occupants of said premises are to be immediately evicted by the Sheriff of Belmont County.

3. It is further ORDERED that the Clerk of Courts of Belmont County shall cause satisfaction and discharge of the mortgage and all liens to be entered on the records in the office of the Clerk and Recorder of Belmont County, Ohio, which shall cause evidence of the satisfaction and release of all liens existing prior to this Order upon the real estate foreclosed in these proceedings:

	Judgement Creditor	Mortgagor/Debtor	Volume/Page	Date Mortgage Filed
A.	_____	_____	____/____	___/___/___
B.	_____	_____	____/____	___/___/___
C.	_____	_____	____/____	___/___/___
D.	_____	_____	____/____	___/___/___

All liens of any persons who either defaulted for want of an answer in this action or who failed to intervene in this action, the latter being on notice subject to the doctrine of lis pendens.

4. It is further ORDERED that the Sheriff pay from the proceeds of the sale, amounting to \_\_\_\_\_ Thousand Dollars (\$\_\_\_\_\_), the following claims, heretofore declared valid and ascertained, the amounts thereof in the following order of priority:

First: To the Belmont County Clerk of Courts the costs of this action taxed at \$\_\_\_\_\_.

Second: To the Belmont County Clerk of Courts poundage in the amount of \$\_\_\_\_\_ computed as follows: (2% on the amount of costs distributed when plaintiff is purchaser) (2% of first 10,000 plus 1% of balance of purchase price if third party is purchaser)

Third: To the Belmont County Sheriff the sum of \$\_\_\_\_\_ as his costs in this matter.

Fourth: To the Plaintiff the sum of \$ \_\_\_\_\_ representing its costs for the Preliminary and Final Judicial Reports.

Fifth: To the Belmont County Treasurer the real estate taxes with assessments and penalties through the forty-fifth (45th) day after the date of sale amounting to \$\_\_\_\_\_, with respect to the following Auditor's Parcel Numbers:

Parcel No.

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

Total Real Estate Taxes due \$ \_\_\_\_\_

Sixth: To the Belmont County Auditor the sum of \$\_\_\_\_\_, representing the transfer fee of \$0.50 per parcel, plus the conveyance fee computed as follows: \$3.00 for each \$1,000.00 of purchase price. (I know the transfer fee is buyer's responsibility, but it is easier to include it. Technically the Sheriff is required to have the buyer pay an extra \$75 to cover recording costs and the Sheriff is to do the recording.)

Seventh: To the Belmont County Recorder \$\_\_\_\_\_ representing the cost to record the Sheriff's Deed.

Eighth: To \_\_\_\_\_, the Plaintiff herein, shall remain the sum of \_\_\_\_\_ Thousand \_\_\_\_\_ Hundred \_\_\_\_\_ and \_\_\_\_\_/100 Dollars (\$\_\_\_\_\_). ( \_\_\_\_\_ was discharged in U. S. Bankruptcy Court, Southern District of Ohio Case No. \_\_\_\_\_; and therefore, there shall be no deficiency judgment. OR There shall remain a deficiency judgment in favor of Plaintiff against \_\_\_\_\_ in the amount of \$\_\_\_\_\_.

Ninth: To \_\_\_\_\_ the sum of \$ \_\_\_\_\_ representing the balance of sale proceeds, if any. (This Ninth paragraph will be eliminated in most instances if the Plaintiff does not receive its judgment paid in full)

5. Finally, it is hereby ORDERED, ADJUDGED and DECREED that title to the premises described in the Complaint herein be, and the same is, quieted as against the Plaintiff and Defendants, and each of them, and as against all parties and all claimants are hereby enjoined from setting up any claim to said real estate or any part thereof adverse to the title of the purchaser herein, and its successors and assigns, EXCEPT FOR the right of redemption of the United States of America pursuant to 28 U.S.C. §2410(C).

\_\_\_\_\_, Esq.  
Attorney for Plaintiff

\_\_\_\_\_  
Counsel for any answering Defendant

\_\_\_\_\_  
JUDGE FRANK A. FREGIATO/  
JUDGE JOHN A. VAVRA

Copies of Confirmation Entry to be served on:

David K. Liberati, Esq. (Asst. Prosecuting Attorney for Treasurer)  
\_\_\_\_\_, Esq. (Attorney for \_\_\_\_\_)  
\_\_\_\_\_, Ohio Tax Commissioner  
\_\_\_\_\_, defendant  
\_\_\_\_\_, defendant  
Belmont Co. Sheriff's Dept., c/o Barb Blake  
\_\_\_\_\_, Esq. (Attorney for Plaintiff)

NOTES:

In the Event TAX EASE OHIO, LLC has a lien this paragraph can be used:

Sixth: Payable to US Bank, as CF for Tax Ease Ohio, representing payment of the redemption price for the Tax Certificate in favor of Tax Ease Ohio, LLC, 14901 Quorum Drive, Suite 900, Dallas, Texas 75254, the sum of \$\_\_\_\_\_.

Oil & Gas: You may want to include something with regard to the oil and gas if there is a lease on the property. You may include a paragraph in the Judgment Entry and Decree in Foreclosure. Some Oil and Gas companies, if you name them to give them notice, may want to see something in the Entry Confirming Sale.

ORC § 1509.31(D)

(D) If a mortgaged property that is being foreclosed is subject to an oil or gas lease, pipeline agreement, or other instrument related to the production or sale of oil or natural gas and the lease, agreement, or other instrument was recorded subsequent to the mortgage, and if the lease, agreement, or other instrument is not in default, the oil or gas lease, pipeline agreement, or other instrument, as applicable, has priority over all other liens, claims, or encumbrances on the property so that the oil or gas lease, pipeline agreement, or other instrument is not terminated or extinguished upon the foreclosure sale of the mortgaged property. If the owner of the mortgaged property was entitled to oil and gas royalties before the foreclosure sale, the oil or gas royalties shall be paid to the purchaser of the foreclosed property.

IN THE COMMON PLEAS COURT OF BELMONT COUNTY, OHIO

	:	
<u>Plaintiff</u>	:	CASE NO. <u>    </u> CV <u>    </u>
<u>vs.</u>	:	
	:	
	:	<u>JUDGE FRANK A. FREGIATO/ JOHN A. VAVRA</u>
<u>Defendants</u>	:	

**TO THE CLERK OF THE COMMON PLEAS COURT:**

- |              |                                     |  |                          |                             |
|--------------|-------------------------------------|--|--------------------------|-----------------------------|
| <u>ISSUE</u> | <input type="checkbox"/>            | SUMMONS  | <input type="checkbox"/> | CERTIFIED COPY OF COMPLAINT |
|              | <input type="checkbox"/>            | CERTIFICATE OF JUDGMENT                              |                          |                             |
|              | <input type="checkbox"/>            | CERTIFIED COPY OF JUDGMENT JOURNAL ENTRY             |                          |                             |
|              | <input checked="" type="checkbox"/> | <b>Please provide the costs in Foreclosure Case:</b> |                          |                             |

**Clerk's costs:** \_\_\_\_\_

**Note:**

- (1) The Judgment Entry Confirming Sale will be \_\_\_\_\_ (\_\_\_\_\_) pages long;
- (2) There is/are \_\_\_\_\_ mortgage instrument(s) or \_\_\_\_\_ liens to be released in the Recorder's Office (to figure marginal references); and
- (3) There are \_\_\_\_\_ judgment liens or Federal Tax Liens to be released in the office of the Clerk.

TO THE SHERIFF OF BELMONT COUNTY.

VIA CERTIFIED MAIL

VIA REGULAR MAIL

ENDORSEMENT: Please provide Costs for the Sheriff's Sale held \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_. A self-addressed, stamped envelope is attached for your convenience. Thank you.

Respectfully submitted,

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The Honorable Katherine J. Kelich  
 Belmont County Treasurer  
 Courthouse - 101 West Main Street  
 St. Clairsville, Ohio 43950

Re: **Request for Real Estate Taxes & Assessments Owed**

\_\_\_\_\_ v. \_\_\_\_\_

Case No. \_\_ CV \_\_\_\_\_

Sheriff's Sale held: \_\_\_\_\_, 20\_\_

Dear Ms. Kelich:

Please provide a breakdown of real estate taxes due for the following parcels through \_\_\_\_\_, 20\_\_:

<u>Parcel No.</u>	<u>20__</u>	<u>20__</u>	<u>Total</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

The total real estate taxes due through \_\_\_\_\_, 20\_\_ (must be calculated to 45 days after the date of the Sheriff's Sale) are: \$ \_\_\_\_\_.

You may email or fax back the completed information. It is my understanding that this form must be presented to the Clerk of Courts with the proposed Judgment Entry Confirming Sale and Ordering Deed and Distribution of Sale Proceeds.

My fax Number is: \_\_\_\_\_. My email address is: \_\_\_\_\_.

Very truly yours,

LAWFIRM

By:

PLAINTIFF'S LAWYER

\_\_\_\_\_, 20\_\_