

CLERK SERVED COPIES ON  
ALL THE PARTIES OR  
THEIR ATTORNEYS

**COURT OF COMMON PLEAS  
BELMONT COUNTY, OHIO**

COMMON PLEAS COURT  
BELMONT CO. OH

2022 FEB 14 AM 11:51

CYNTHIA L. FREGIATO  
CLERK OF COURT

JP MORGAN CHASE BANK, NATIONAL  
ASSOCIATION

Plaintiff

CASE NO. 21 CV 0093

-vs-

JUDGE: FRANK A. FREGIATO

JOHN E. EARLIWINE, JR., et al.

Defendants

**FINAL JUDGMENT ENTRY**

THIS CAUSE was submitted to the Court and heard upon the Complaint of the Plaintiff, the Answers of Defendants, State of Ohio Department of Taxation and Gulfport Appalachia, LLC, on behalf of itself and Gulfport Energy Corporation (collectively, "Gulfport"), Plaintiff's Motion for Default Judgment, and the evidence.

All necessary parties have been served with summons according to law and are properly before the Court. Further, Defendants, John E. Earliwine, Jr. and Unknown Spouse, if any, of John E. Earliwine, Jr. are in default of Answer or other pleading and thereby confess the allegations of the Complaint to be true. As such, said Defendants are forever barred from asserting any right, title or interest in and to the hereinafter described premises. It is therefore ordered that Plaintiff's Motion for Default Judgment is granted.

Pursuant to the Answer of Gulfport, the Court finds that the property subject to this final judgment entry (the "Property") is subject to the oil and gas lease interests of Gulfport and its successors and assigns. A Memorandum of the oil and gas lease was recorded in the Official Records of Belmont County, Ohio, on August 26, 2013, as Instrument No. 201300011929 (the "Lease"). Further, the Lease was subject to assignments including: an assignment to Rhino

Exploration, LLC recorded in the Official Records on January 1, 2014, as Instrument No. 201400007701; an assignment to Gulfport Energy Corporation recorded in the Official Records on January 1, 2014, as Instrument No. 201400007702; and an assignment to Gulfport Appalachia, LLC recorded in the Official Records on June 1, 2019, as Instrument No. 201900005803 (the "Assignments"). The Lease is also subject to an extension of Lease recorded in the Official Records on October 23, 2018, as Instrument No. 201800012041 (the "Extension"). The Court finds further that the Lease was recorded subsequent to Plaintiff's mortgage, that said Lease is valid and not in default, and, in accordance with Ohio Revised Code Section 1509.31(D), further finds that said Lease, the Assignments, the Extension, any other assignments of the Lease, and the oil and gas interests of Gulfport and its successors and assigns have priority over all other liens, claims or encumbrances on the Property and, as a result, shall not be terminated or extinguished upon foreclosure sale but, instead, shall survive said sale and transfer with the Property to the next Property owner

The Court finds that on August 2, 2011, John E. Earliwine, Jr. executed a promissory note in favor of Plaintiff's predecessor in the principal sum of \$146,452.00 plus interest at the rate of 4.75% per year. Thereafter, John E. Earliwine, Jr. defaulted in making payments due on the promissory note; that the amount due on the promissory note was accelerated in accordance with the terms set forth therein and Plaintiff is owed the sum of \$122,796.85 on the promissory note plus interest of 4.75% per year from May 1, 2020.

IT IS THEREFORE ORDERED that Plaintiff is granted a Judgment against Defendant, John E. Earliwine, Jr. in the amount of \$122,796.85 on the promissory note plus interest of 4.75% per year from May 1, 2020, plus any advancements for taxes, insurance and other expenditures for the protection of the Property.

The Court further finds that Plaintiff may have advanced 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 will continue to accrue, and will be ascertained at the time of the confirmation of the foreclosure sale, and may be added to the first mortgage lien of the Plaintiff and shall be paid from the proceeds of the sale. The Court reserves for further order a determination of the exact, if any, amount due Plaintiff for said advances.

The Court further finds that, to secure the payment of the promissory note aforesaid, John E. Earliwine, Jr., executed and delivered a certain mortgage deed as in the Second Count of the Plaintiff's Complaint, thereby conveying to Plaintiff the following described premises:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND  
INCORPORATED HEREIN

Said Premises Commonly Known As: 71053 Morristown-Flushing Road, Flushing, OH  
43977

Permanent Parcel Number: 05-00104.000

The Court finds that said mortgage was duly filed with the Recorder of Belmont County, Ohio, on August 4, 2011, and was thereafter recorded as Instrument No. 201100005754 in the Mortgage Records of said County, and thereafter became and is a valid first lien upon said premises, subject only to the lien of the Treasurer for taxes the aforementioned Lease, Assignments, Extension, any other assignments of the Lease, and the oil and gas interests of Gulfport and its successors and assigns; that said mortgage deed was assigned to the Plaintiff; that said conditions in the mortgage deed have been broken by reason of non-payment and the same has become absolute and that the Plaintiff is entitled to have the equity of redemption and dower

of all the Defendants in and to said premises foreclosed excepting the aforementioned Lease, Assignments, Extension, any other assignments of the Lease, and the oil and gas interests of Gulfport and its successors and assigns.

The Belmont County Treasurer has the first and best lien on the property for the real estate taxes and assessments due and payable, unless the lien of the Treasurer is superseded by a tax certificate holder pursuant to §5721.35 O.R.C. All delinquent and current real estate taxes shall be paid by the party requesting the order of sale prior to the confirmation entry being submitted to the Court, unless subject to the lien of the tax certificate holder as set forth above.

Defendant State of Ohio Department of Taxation has a lien or liens on the property as set forth the in title reports filed herein. None of the parties challenged the amount, validity, or priority of the state's lien. Pursuant to R.C. 2329.192, the appearance of the State of Ohio is presumed for purposes of jurisdiction. The liens of State of Ohio Department of Taxation are inferior and subsequent to the lien of the Plaintiff. The Magistrate makes no further finding at this time as to the liens of State of Ohio Department of Taxation except to note that such liens are hereby ordered transferred to the proceeds derived from the sale of said premises and shall be paid according to its priority as shown on the preliminary judicial report after the payment of the costs of the within action, taxes due and payable, and the amount found due the Plaintiff, and the same is hereby ordered continued until further order.

And, now to distribute the proceeds of said sale, it is ordered that the Sheriff or Private Sale Officer out of the funds in his hands pay:

- FIRST: The costs herein payable to Belmont County Clerk of Courts.
- SECOND: To the Treasurer of Belmont County, the unpaid taxes, assessments, interest and penalties due and payable on said premises.
- THIRD: To the Plaintiff, the sum of \$122,796.85 plus interest thereon at the rate of 4.75% per annum from May 1, 2020, together with advances, if any.

FOURTH: The balance, if any, to be deposited with the clerk, pending further order.

The Court further finds that there is no just reason either legal or equitable for delay in entering judgment for the Plaintiff. 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 the Defendants in and to said premises shall be foreclosed excepting the aforementioned Lease, Assignments, Extension, any other assignments of the Lease, and the oil and gas interests of Gulfport and its successors and assigns, and said premises sold; that, upon the issuance of a Praeceptum for Appraisal by Plaintiff's attorney shall thereafter issue to the Sheriff of Belmont County, directing an appraisal of subject property and an Order of Sale by Plaintiff's attorney, thereafter issue to the Private Sale Officer directing them to 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 except for the statutory lien of the Treasurer, the aforementioned Lease, Assignments, Extension, any other assignments of the Lease, and the oil and gas interests of Gulfport and its successors and assigns. 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.

It is further Ordered that the Private Sale Officer shall provide counsel for Plaintiff with notice of the sale date and compliance with ORC §2329.26 by mailing a copy of the first advertisement of sale to counsel for Plaintiff within seven (7) days of the date of the first publication.

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 Private Sale Officer unexecuted, subsequent orders of sale shall issue in accord with appraisal instructions contained in the Praecipe for those sales.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, the after said sale has been completed, a deed will be conveyed to the purchaser and a Writ of Possession of said property will be executed by the sheriff and be issued.

RECORD IS HEREBY ORDERED.

**INSTRUCTIONS TO THE CLERK: THIS IS A FINAL APPEALABLE ORDER.**  
Pursuant to Civ.R.58(B), you are to serve notice of this judgment and its date of entry upon the journal to all parties not in default for failure to appear within three days of the of the Judgment's entry upon the journal and note the service in the appearance docket.

  
\_\_\_\_\_  
JUDGE FRANK A. FREGIATO

ENDED

Date: \_\_\_\_\_

APPROVED BY:

  
LOGS Legal Group LLP  
Katherine D. Carpenter (0096867)  
4805 Montgomery Road, Suite 320  
Norwood, OH 45212  
Phone: 513-396-8100  
Fax: (847) 627-8805  
Email: [kacarpenter@logs.com](mailto:kacarpenter@logs.com)

SUBMITTED

Joseph M. McCandlish, Esq.  
Attorney for State of Ohio  
Department of Taxation  
30 East Broad Street, 14th Floor  
Columbus, OH 43215

Approved via email 2/2/2022

Christopher P. Santagate, Esq.  
Attorney for Gulfport Appalachia,  
LLC  
10 W. Broad Street, Suite 2100  
Columbus, OH 43215

SUBMITTED

David K. Liberati  
Court House Annex I  
147 West Main St.  
St. Clairsville, OH 43950  
Attorney for Defendant,  
Treasurer of Belmont County

21-039867 FC01; sk; January 24, 2022

**EXHIBIT A**  
**LEGAL DESCRIPTION**

SITUATED IN THE TOWNSHIP OF FLUSHING, COUNTY OF BELMONT, AND STATE OF OHIO, AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEING A PART OF SECTION 25, TOWNSHIP 9, AND RANGE 5.

BEGINNING AT A POINT IN THE CENTER OF STATE ROUTE 149, SAID POINT BEARS THE FOLLOWING THREE COURSES FROM THE SOUTHEAST CORNER OF SAID SECTION 25.

1. S. 87 DEG 55' W. 1519.44 FEET TO A POINT ON THE SECTION LINE AND IN THE CENTER OF ROUTE 149.

2. N. 25 DEG. 54' W. 124.47 FEET TO A POINT IN CENTER OF STATE ROUTE 149.

3. N. 19 DEG. 19' W. 315.53 FEET.

THENCE FROM THE PLACE OF BEGINNING N. 19 DEG. 19' W. 110.00 FEET TO A POINT IN THE CENTER OF THE ROAD; THENCE LEAVING THE ROAD N. 70 DEG. 41' E. 200.00 FEET; THENCE S. 19 DEG. 19' E. 110 FEET; THENCE S. 70 DEG. 41' W. 200.00 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.505 OF AN ACRE, EXCEPTING FROM THE ABOVE REAL ESTATE A RIGHT OF WAY FOR TELEPHONE AND POWER LINES NOW LOCATED OF SAID LAND.

ALSO EXCEPTING ANY COAL THAT HAS BEEN HERETOFORE SOLD AND CONVEYED.

TOGETHER WITH ANY AND ALL RIGHTS AS TO LEACH BEDS FOR SEWAGE OR DRAINAGE FROM BUILDINGS ON THE ABOVE DESCRIBED PREMISES.

SUBJECT TO EASEMENTS OF RECORD AND ALL LEGAL HIGHWAYS.



**PRAECIPE FOR ORDER OF SALE**

COMMON PLEAS COURT OF BELMONT COUNTY

COMMON PLEAS COURT  
BELMONT COUNTY OH

2022 APR -6 AM 9:29

CYNTHIA L. FRECIATO  
CLERK OF COURT

JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, Plaintiff

-vs-

JOHN E. EARLIWINE, JR., et al. Defendants

Case No.: 21 CV 0093

Our File: 21-039867 FC01

To Clerk of Common Pleas Court, Belmont County

Issue Order of Sale to Cynthia Schillig, Private Selling Officer, by mail at 175 S. Third Street, Suite 100, Columbus, OH 43215, by email at [cynthia@schilligestatesandauctions.com](mailto:cynthia@schilligestatesandauctions.com), or by fax at \*, returnable according to law, directing them to advertise and sell the real property described in Plaintiff's Complaint.

X ORDER OF SALE

PARCEL NUMBER:05-00104.000

Address: 71053 Morristown-Flushing Road, Flushing, OH  
43977

X Advertise

Respectfully Submitted,



LOGS Legal Group LLP

Katherine D. Carpenter (0096867)

4805 Montgomery Road, Suite 320

Norwood, OH 45212

Phone: (513) 396-8100

Fax: (847) 627-8805

Email: [kacarpenter@logs.com](mailto:kacarpenter@logs.com)

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**PROPERTY DESCRIPTION APPROVAL FORM**

Parcel #	05-00104.000	Case No.	21 CV 0093
Defendant:	JOHN E. EARLIWINE, JR., et al.		
Property Address	71053 Morristown-Flushing Road, Flushing, OH 43977		
Submitted By:	LOGS Legal Group LLP		
Attorney & I.D. #	Katherine D. Carpenter (0096867)		
Attorney's Phone #:	(513) 396-8100		
Contact Person:	Support Department		
Contact Phone #:	(513) 396-8100		

The attached legal description has been reviewed by the Belmont County Auditor's Office, 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.

Hand lettered documents may be rejected if the document is not legible or will not reproduce to department/office 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, 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 D. LIVELY, P.S., P.E.**  
**BELMONT COUNTY ENGINEER**  
BY *[Signature]*  
DATE 10-04-22

**This document information must be corrected and resubmitted for approval**

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SUBJECT TO EASEMENTS OF RECORD AND ALL LEGAL HIGHWAYS.

Parcel # 05-00104.000


Property Address: 71053 Morristown-Flushing Road, Flushing, OH 43977

Prior Deed Reference: OR Book 279, Pages 178-179, Instrument No. 201100005753

Prior Owner(s): John E. Earliwine, Jr.

Case No. 21 CV 0093

TAX MAP TRANSFER

B   
AUG 4 2011FRED F. BENNETT P.E. P.S.  
BELMONT COUNTY ENGINEER**TRANSFERRED**FEE 50 & DATE 8-4-11  
SEQT.319.202 R.C. FEE 424.50  
A.J. SUTAK, AUDITOR  
Melissa Zingales DEPUTYInstrument  
201100005753201100005753  
Filed for Record in  
BELMONT COUNTY, OHIO  
MARY CATHERINE NIXON, RECORDER  
08-04-2011 At 02:42 pm.  
DEED 48.00  
OR Book 279 Page 178 - 179

## Warranty Deed

**KNOW ALL MEN BY THESE PRESENTS**, that Stephen Laposki, Jr., unmarried, the GRANTOR(s), for valuable consideration received, GRANT(s), with general warranty covenants, to John E. Earlwine, Jr, unmarried, whose tax mailing address is 71053 Morristown-Flushing Rd, Flushing, OH 43977, the GRANTEE(s), the following described real estate:

Situated in the Township of Flushing, County of Belmont, and State of Ohio, and bounded and described as follows:

Being a part of Section 25, Township 9, and Range 5.

Beginning at a point in the center of State Route 149, said point bears the following three courses from the southeast corner of said Section 25.

1. S. 87 deg 55' W. 1519.44 feet to a point on the section line and in the center of Route 149.
2. N. 25 deg. 54' W. 124.47 feet to a point in center of State Route 149.
3. N. 19 deg. 19' W. 315.53 feet.

Thence from the place beginning N. 19 deg. 19' W. 110.00 feet to a point in the center of the road; thence leaving the road N. 70 deg. 41' E. 200.00 feet; thence S. 19 deg. 19' E. 110 feet; thence S. 70 deg. 41' W. 200.00 feet to the place of beginning, containing 0.505 of an acre, Excepting from the above real estate a right of way for telephone and power lines now located on said land.

Also excepting any coal that has been heretofore sold and conveyed.

Together with any and all rights as to leach beds for sewage or drainage from buildings on the above described premises.

Subject to easements of record and all legal highways.

Parcel No. 05-00104.000

Subject to easements, restrictions and reservations of record.

Prior Deed Reference: O.R. Volume 773, Page 252

Executed this 29 day of July, 2011.

→ [Signature]  
Stephen Laposki, Jr.

State of Florida, County of Sarasota, ss:

The foregoing instrument was acknowledged before me this 29th day of July, 2011, by Stephen Laposki, Jr., unmarried, Grantor(s), and that the same was their free act and deed.

In Testimony Whereof, I have hereunto set my name and official seal at Venice, Florida.



[Signature]  
Notary Public Kelli Marie Dalton

my comm exp: June 16, 2013

This Instrument Prepared By:  
Thomas Wilson  
4017-A Sunset Blvd.  
Steubenville, OH 43952

201100005753  
CAPITAL FUNDING LLC  
3401 WEST STREET  
WEIRTON WV 26062

**PRAECIPE FOR ORDER OF SALE**

COMMON PLEAS COURT OF BELMONT COUNTY

COMMON PLEAS COURT  
BELMONT COUNTY

2022 APR -6 AM 9:29

CYNTHIA L. PREGIATO  
CLERK OF COURT

JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, Plaintiff

-vs-

JOHN E. EARLIWINE, JR., et al. Defendants

Case No.: 21 CV 0093

Our File: 21-039867 FC01

To Clerk of Common Pleas Court, Belmont County

Issue Order of Sale to Cynthia Schillig, Private Selling Officer, by mail at 175 S. Third Street, Suite 100, Columbus, OH 43215, by email at [cynthia@schilligestatesandauctions.com](mailto:cynthia@schilligestatesandauctions.com), or by fax at \*, returnable according to law, directing them to advertise and sell the real property described in Plaintiff's Complaint.

X ORDER OF SALE

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X Advertise

Respectfully Submitted,



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Submitted By:	LOGS Legal Group LLP		
Attorney & I.D. #	Katherine D. Carpenter (0096867)		
Attorney's Phone #:	(513) 396-8100		
Contact Person:	Support Department		
Contact Phone #:	(513) 396-8100		

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\*\*\* Internal Use Only \*\*\*

<b>The following information has been reviewed and verified by the County Auditor's Office, <u>Tax Map Dept.</u></b>	
<b>Disapproved for the following reason(s):</b>	
<input type="checkbox"/> Legal Description does not match information as submitted.	<b>DESCRIPTION APPROVED</b> <b>TERRY D. LIVELY, P.S., P.E.</b> <b>BELMONT COUNTY ENGINEER</b> <hr/> <b>BY</b> <i>[Signature]</i> <hr/> <b>DATE</b> <u>10-04-22</u>
<input type="checkbox"/> Parcel Number does not match legal description information as submitted	
<input type="checkbox"/> Legal Name does not match information as submitted.	
<input type="checkbox"/> Property Address does not match information as submitted.	
<input checked="" type="checkbox"/> Other _____	
<b>This document information must be corrected and resubmitted for approval</b>	

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BELMONT COUNTY ENGINEER**TRANSFERRED**FEE 50 & DATE 8-4-11  
SEGT. 319.202 R.C. FEE 424.50  
A.J. SUTAK, AUDITOR  
Melrose Sutak DEPUTYInstrument  
201100005753201100005753  
Filed for Record in  
BELMONT COUNTY, OHIO  
MARY CATHERINE NIXON, RECORDER  
08-04-2011 At 02:42 pm.  
DEED 48.00  
OR Book 279 Page 178 - 179

## Warranty Deed

**KNOW ALL MEN BY THESE PRESENTS**, that Stephen Laposki, Jr., unmarried, the GRANTOR(s), for valuable consideration received, GRANT(s), with general warranty covenants, to John E. Earliwine, Jr, unmarried, whose tax mailing address is 71053 Morristown-Flushing Rd, Flushing, OH 43977, the GRANTEE(s), the following described real estate:

Situated in the Township of Flushing, County of Belmont, and State of Ohio, and bounded and described as follows:

Being a part of Section 25, Township 9, and Range 5.

Beginning at a point in the center of State Route 149, said point bears the following three courses from the southeast corner of said Section 25.

1. S. 87 deg 55' W. 1519.44 feet to a point on the section line and in the center of Route 149.
2. N. 25 deg. 54' W. 124.47 feet to a point in center of State Route 149.
3. N. 19 deg. 19' W. 315.53 feet.

Thence from the place beginning N. 19 deg. 19' W. 110.00 feet to a point in the center of the road; thence leaving the road N. 70 deg. 41' E. 200.00 feet; thence S. 19 deg. 19' E. 110 feet; thence S. 70 deg. 41' W. 200.00 feet to the place of beginning, containing 0.505 of an acre, Excepting from the above real estate a right of way for telephone and power lines now located on said land.

Also excepting any coal that has been heretofore sold and conveyed.

Together with any and all rights as to leach beds for sewage or drainage from buildings on the above described premises.

Subject to easements of record and all legal highways.

Parcel No. 05-00104.000

Subject to easements, restrictions and reservations of record.

Prior Deed Reference: O.R. Volume 773, Page 252

Executed this 29 day of July, 2011.

→ [Signature]  
Stephen Laposki, Jr.

State of Florida, County of Sarasota, ss:

The foregoing instrument was acknowledged before me this 29th day of July, 2011, by Stephen Laposki, Jr., unmarried, Grantors(s), and that the same was their free act and deed.

In Testimony Whereof, I have hereunto set my name and official seal at Venice, Florida.



[Signature]  
Notary Public Kelli Marie Dalton

*my comm exp: June 16, 2013*

This Instrument Prepared By:  
Thomas Wilson  
4017-A Sunset Blvd.  
Steubenville, OH 43952

201100005753  
CAPITAL FUNDING LLC  
3401 WEST STREET  
WEIRTON WV 26062

**PRAECIPE FOR ORDER OF SALE**

COMMON PLEAS COURT OF BELMONT COUNTY

COMMON PLEAS COURT  
BELMONT COUNTY

2022 APR -6 AM 9: 29

CYNTHIA L. FREGIATO  
CLERK OF COURT

JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, Plaintiff

-vs-

JOHN E. EARLIWINE, JR., et al. Defendants

Case No.: 21 CV 0093

Our File: 21-039867 FC01

To Clerk of Common Pleas Court, Belmont County

Issue Order of Sale to Cynthia Schillig, Private Selling Officer, by mail at 175 S. Third Street, Suite 100, Columbus, OH 43215, by email at [cynthia@schilligestatesandauctions.com](mailto:cynthia@schilligestatesandauctions.com), or by fax at \*, returnable according to law, directing them to advertise and sell the real property described in Plaintiff's Complaint.

X ORDER OF SALE

PARCEL NUMBER:05-00104.000

Address: 71053 Morristown-Flushing Road, Flushing, OH  
43977

X Advertise

Respectfully Submitted,



LOGS Legal Group LLP  
Katherine D. Carpenter (0096867)  
4805 Montgomery Road, Suite 320  
Norwood, OH 45212  
Phone: (513) 396-8100  
Fax: (847) 627-8805  
Email: [kacarpenter@logs.com](mailto:kacarpenter@logs.com)

**EXHIBIT A**  
**LEGAL DESCRIPTION**

SITUATED IN THE TOWNSHIP OF FLUSHING, COUNTY OF BELMONT, AND STATE OF OHIO, AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEING A PART OF SECTION 25, TOWNSHIP 9, AND RANGE 5.

BEGINNING AT A POINT IN THE CENTER OF STATE ROUTE 149, SAID POINT BEARS THE FOLLOWING THREE COURSES FROM THE SOUTHEAST CORNER OF SAID SECTION 25.

1. S. 87 DEG 55' W. 1519.44 FEET TO A POINT ON THE SECTION LINE AND IN THE CENTER OF ROUTE 149.
2. N. 25 DEG. 54' W. 124.47 FEET TO A POINT IN CENTER OF STATE ROUTE 149.
3. N. 19 DEG. 19' W. 315.53 FEET.

THENCE FROM THE PLACE OF BEGINNING N. 19 DEG. 19' W. 110.00 FEET TO A POINT IN THE CENTER OF THE ROAD; THENCE LEAVING THE ROAD N. 70 DEG. 41' E. 200.00 FEET; THENCE S. 19 DEG. 19' E. 110 FEET; THENCE S. 70 DEG. 41' W. 200.00 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.505 OF AN ACRE, EXCEPTING FROM THE ABOVE REAL ESTATE A RIGHT OF WAY FOR TELEPHONE AND POWER LINES NOW LOCATED OF SAID LAND.

ALSO EXCEPTING ANY COAL THAT HAS BEEN HERETOFORE SOLD AND CONVEYED.

TOGETHER WITH ANY AND ALL RIGHTS AS TO LEACH BEDS FOR SEWAGE OR DRAINAGE FROM BUILDINGS ON THE ABOVE DESCRIBED PREMISES.

SUBJECT TO EASEMENTS OF RECORD AND ALL LEGAL HIGHWAYS.

### PROPERTY DESCRIPTION APPROVAL FORM

Parcel #	05-00104.000	Case No.	21 CV 0093
Defendant:	JOHN E. EARLIWINE, JR., et al.		
Property Address	71053 Morristown-Flushing Road, Flushing, OH 43977		
Submitted By:	LOGS Legal Group LLP		
Attorney & I.D. #	Katherine D. Carpenter (0096867)		
Attorney's Phone #:	(513) 396-8100		
Contact Person:	Support Department		
Contact Phone #:	(513) 396-8100		

The attached legal description has been reviewed by the Belmont County Auditor's Office, 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.

Hand lettered documents may be rejected if the document is not legible or will not reproduce to department/office 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, 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 D. LIVELY, P.S., P.E.**  
**BELMONT COUNTY ENGINEER**  
BY [Signature]  
DATE 10-04-22

**This document information must be corrected and resubmitted for approval**

**LEGAL DESCRIPTION**

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Parcel # 05-00104.000

Property Address: 71053 Morristown-Flushing Road, Flushing, OH 43977

Prior Deed Reference: OR Book 279, Pages 178-179, Instrument No. 201100005753

Prior Owner(s): John E. Earliwine, Jr.

Case No. 21 CV 0093



TAX MAP TRANSFER

B *[Signature]*  
AUG 4 2011

FRED F. BENNETT P.E. P.S.  
BELMONT COUNTY ENGINEER

**TRANSFERRED**

FEE 50¢ DATE 8-4-11  
SEQT. 319.202 R.C. FEE 424.50  
A.J. SUTAK, AUDITOR  
*Melone Sutak* DEPUTY

Instrument  
201100005753

201100005753  
Filed for Record in  
BELMONT COUNTY, OHIO  
MARY CATHERINE NIXON, RECORDER  
08-04-2011 At 02:42 pm.  
DEED 48.00  
OR Book 279 Page 178 - 179

**Warranty Deed**

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In Testimony Whereof, I have hereunto set my name and official seal at Venice, Florida.



Kelli Marie Dalton  
Notary Public Kelli Marie Dalton

my comm exp: June 16, 2013

This instrument Prepared By:  
Thomas Wilson  
4017-A Sunset Blvd.  
Steubenville, OH 43952

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