

SMG/KS  
18-00495  
02/08/2022

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

**BANK OF AMERICA, N.A. SUCCESSOR** : **CASE NO. 20CV002186**  
**BY MERGER TO BAC HOME LOANS** :  
**SERVICING, LP FKA COUNTRYWIDE** : **JUDGE KAREN PHIPPS**  
**HOME LOANS SERVICING, LP** :  
*Plaintiff* :  
: **PRAECIPE FOR ORDER OF SALE**  
- vs - :  
: **KELLI NICODEMUS, ET AL**  
*Defendants* :

**To the Clerk of Courts:** Please issue an Order of Sale to Cynthia Schillig, at 175 South Third St., Suite 100, Columbus, OH 43215, the court authorized Private Selling Officer (“PSO”), returnable according to law, directing the PSO to advertise, and sell the following property:

Street Address: 2546 Willowing Court, Columbus, OH 43207  
Parcel Number: 530-260357-00  
Legal Description: See “Exhibit A” attached hereto.

Pursuant to the Judgment Entry and Decree of Foreclosure filed January 20, 2022, in the above referenced case. A copy of the time-stamped Decree of Foreclosure is attached.

Submitted by,  
**Sandhu Law Group, LLC**

  
David T. Brady (0073127)  
Suzanne M. Godenswager (0086422) ✓ SMG  
Austin B. Barnes III (0052130)  
Jeffrey A. Panehal (0090293)  
1213 Prospect Avenue, Suite 300  
Cleveland, OH 44115  
216-373-1001  
216-373-1002  
sgodenswager@sandhu-law.com  
*Attorney for Plaintiff*



**Dallas Baldwin, Sheriff of Franklin County**

**Property Description Approval Form**

Case No Court:	<u>20CV002186</u>
Property Address:	<u>2546 Willowing Court, Columbus, OH 43207</u>
Plaintiff:	<u>Bank of America, N.A.</u>
Defendant:	<u>Kelli Nicodemus</u>
Submitted By:	<u>Sandhu Law Group, LLC</u> <small>18-00495</small>
Attorney & I.D. #:	<u>Suzanne M. Godenswager (0086422)</u>
Attorney's Phone #:	<u>216-373-5541</u>
Contact Person:	<u>Thomas Schrembeck</u>
Contact Phone #:	<u>216-373-1001</u>

The attached legal description has been reviewed by the Franklin County Engineer's Office. The property address, parcel number(s) and deed reference numbers(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.

This document along with the "stamped approved" original legal description must be attached to the Order of Sale when filed with the Franklin County Clerk of Court. So you will be submitting the Order of Sale, this Property Description Approval Form and the "red Stamped approved" legal description.

Hand lettered documents may be rejected if the document is not legible or will not reproduce to department standards. Machine printed or drafted documents are preferred.

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

The following information has been reviewed and verified by the Franklin County Engineer's Office.

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: \_\_\_\_\_

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

**Exhibit A**  
**Legal Description**

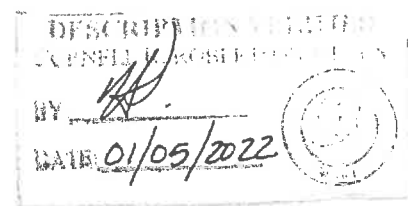
Situated in the State of Ohio, County of Franklin, and in the City of Columbus:

Being lot number one hundred seventy-five (175), in Williams Creek, Section 4, Part 2, as the same is numbered and delineated upon the recorded plat thereof, of record in plat book 99, pages 5 and 6, recorder`s office, Franklin County, Ohio.

Permanent Parcel No.: 530-260357-00

Premises commonly known as: 2546 Willowing Court, Columbus, OH 43207

ALL OF  
(530)  
260357



\* APPROVAL NOT NEEDED  
STRAIGHT LOT TRANSFER

MSS/BS  
18-00495  
01/19/2022

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

<b>BANK OF AMERICA, N.A. SUCCESSOR</b>	:	<b>CASE NO. 20CV002186</b>
<b>BY MERGER TO BAC HOME LOANS</b>	:	
<b>SERVICING, LP FKA COUNTRYWIDE</b>	:	<b>JUDGE KAREN PHIPPS</b>
<b>HOME LOANS SERVICING, LP</b>	:	
<i>Plaintiff</i>	:	
<b>- vs -</b>	:	<b><u>JUDGMENT ENTRY AND</u></b>
	:	<b><u>FORECLOSURE DECREE</u></b>
	:	
<b>KELLI NICODEMUS, ET AL</b>	:	
<i>Defendants</i>	:	

THIS DAY this cause came on to be heard, and there being no exceptions thereto, the Court confirms the same, and the findings therein are approved as the findings of the Court.

THIS CAUSE was submitted to the Court, and heard upon the Complaint of Plaintiff, the Answer of Defendant Secretary of Housing and Urban Development, Plaintiff's Motion for Default Judgment, and the evidence.

The Court finds that all necessary parties have been properly served with summons, according to law, and are properly before the Court.

The Court further finds that Defendants Williams Creek Homeowners Association, Inc., John Doe, Name Unknown, Unknown Spouse, if any of Kelli Nicodemus, and Kelli Nicodemus are in default of Answer or other pleading, and thereby confess the allegations of the Complaint to be true, therefore, the aforementioned Defendants are forever barred from asserting any right, title, or interest in and to the hereinafter described premises.

There is due the Franklin County Treasurer, taxes, accrued taxes, assessments, and penalties on the premises described herein including: (1) taxes, assessments, interest, and

penalties, the lien for which attaches before the date of sale but that are not yet determined, assessed and levied for the year that includes the date of sale, apportioned pro rata to the part of that year that precedes the date of sale, and (2) all other taxes, assessments, penalties, and interest which attached for a prior tax year but have not been paid on or before the date of the judicial sale. The exact amount of said taxes, accrued taxes, assessments, and penalties are unascertainable at this time, but will be determined at the time of the sale of said premises for which amount the Franklin County Treasurer has a good and valid lien.

The Court finds on the evidence adduced that there is due to Plaintiff on the promissory note set forth in the First Count of the Complaint (the "Note"), and as modified per the Loan Modification executed on September 26, 2019, the sum of **\$94,096.12** plus interest at 4.2500% per annum from September 1, 2019, for which sum judgment is hereby rendered in favor of Plaintiff against the Defendant Kelli Nicodemus.

In addition, Plaintiff may have advanced or may advance 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 which amount will be ascertainable at the time of the judicial sale, which amount may be added to the first mortgage lien of plaintiff. The Court reserves for further order a determination of the exact, if any, amount due Plaintiff for said advances.

The Court further finds that in order to secure the payment of the Note, Kelli Nicodemus, executed and delivered a certain mortgage deed set forth in the Second Count of the Complaint (the "Mortgage"), thereby conveying to MERS as Nominee for Everbank the following described premises (the "Premises"):

See Legal Description attached marked Exhibit "A"

The Premises are also known as 2546 Willowing Court, Columbus, OH 43207

Tax Parcel Number 530-260357-00

That the Mortgage was duly filed with the Recorder of Franklin County on April 10, 2009, and was thereafter recorded as Instrument No. 200904100051080 of the Mortgage Records of Franklin County, and assigned unto the Plaintiff on January 23, 2012, and recorded on January 25, 2012, in Instrument No. 201201250010703, 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 conditions in the Mortgage have been broken and the same has become absolute and Plaintiff is entitled to have the equity of redemption and dower of all Defendants in and to the Premises foreclosed.

The Judge further finds that Defendant Secretary of Housing and Urban Development claims some rights, titles, interests, claims, or liens upon the Premises, as set forth in the pleadings it filed herein, but that any rights, titles, interests, claims, or liens that it may have are inferior and subsequent to the lien of Plaintiff.

While finding that there is no just reason for delay as to the Plaintiff's claim, the Judge makes no finding at this time as to the claims, rights, titles, interests or liens of the Defendant Secretary of Housing and Urban Development as set forth in its pleadings filed herein, except to note that such claims, rights, titles, interests or liens of the hereinabove Defendant are hereby ordered transferred to the proceeds derived from the sale of said premises, after the payment of the costs of the within action, taxes due and payable and the amount hereinabove found due Plaintiff, and the same is hereby ordered continued until further order.

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

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 Defendant's in and to the Premises shall be foreclosed, and the Premises sold; that only upon the issuance of a Praecipe for Order of Sale by Plaintiff's attorney, shall an order of sale thereafter issue to the Sheriff of Franklin County, directing him to appraise, advertise in a paper of general circulation within the County, and sell the Premises as upon execution and according to law, free and clear of the interest of all parties to this action. 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.

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

However, with the respect to any lien of the United States of America, the U.S.A. shall retain its right to redeem within the time period provided in 28 USC 2410(c).

And the Court coming now to distribute the proceeds of said sale, it is ordered that the Sheriff or private selling officer out of the funds in his hands pay:

First: To the Clerk of Courts, the costs of this action, including to Plaintiff for the Judicial Report filed herein, which sum is taxed as costs.

Second: **IF THE PLAINTIFF IS THE PURCHASER AND HAS ELECTED TO FORGO THE PAYMENT FROM THE SALE PROCEEDS OF CERTAIN TAXES AS PROVIDED IN R.C. §323.47(B):**

To the Treasurer of Franklin County, Ohio, taxes, accrued taxes, assessments, and penalties on the premises hereinafter described, as shown on the County Treasurer's tax duplicate;

**OTHERWISE:**

To the Franklin County Treasurer, taxes, assessments, interest, and penalties, the lien for which attaches before the date of sale but that are not yet determined, assessed and levied for the year that includes the date of sale, apportioned pro rata to the part of that year that precedes the date of sale, and all other taxes, assessments, penalties, and interest which attached for a prior tax year but have not been paid on or before the date of sale.

Third: To Plaintiff, **\$94,096.12** plus interest at 4.2500% per annum from September 1, 2019, together with advances for taxes, insurance and monies otherwise expended, plus costs.

Fourth: If the Sheriff sells the property, the balance, if any, to be held by the Sheriff, pending further order. If a private selling officer sells the property, the balance, if any, to the Clerk of Courts to be held pending further order.

It is further ORDERED, ADJUDGED, AND DECREED that there may be due to the Plaintiff sums advanced by it under the terms of the Note and Mortgage to pay real estate taxes, hazard insurance premiums, and property protection.



It is further ORDERED, ADJUDGED, AND DECREED that after the sale has been completed, a deed will be conveyed to the purchaser and that a Writ of Possession of the Property shall be issued.

It is therefore ORDERED, ADJUDGED, AND DECREED that since Plaintiff is the first and best lien holder, should it be the successful bidder at the Sale, the deposit required is hereby waived; Plaintiff lien holder shall not be required to make a deposit at the time of sale, but shall pay all costs, taxes, and assessments upon presentment of a statement from the Franklin County Sheriff. Also, in the event Plaintiff is the successful bidder at the Sheriff's Sale, the amount of the deposits made herein by Plaintiff and the costs of the Preliminary Judicial Report shall be deducted from the total amount of court costs otherwise payable herein.

Record is hereby ordered.

\_\_\_\_\_  
Judge Phipps

Submitted by,

/s/ Suzanne M. Godenswager

\_\_\_\_\_  
David T. Brady (0073127)  
Suzanne M. Godenswager (0086422)  
Austin B. Barnes III (0052130)  
Jeffrey A. Panehal (0090293)  
SANDHU LAW GROUP, LLC  
1213 Prospect Avenue, Suite 300  
Cleveland, OH 44115  
216-373-1001  
216-373-1002  
sgodenswager@sandhu-law.com  
*Attorneys for Plaintiff*

**INSTRUCTIONS TO THE CLERK: THIS IS A FINAL APPEALABLE ORDER.  
Pursuant to Civ.R.58(B), Please serve upon all parties not in default for failure to  
appear notice of Judgment and its date of entry upon the Journal.**

**EXHIBIT A**

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

Being lot number one hundred seventy-five (175), in Williams Creek, Section 4, Part 2, as the same is numbered and delineated upon the recorded plat thereof, of record in plat book 99, pages 5 and 6, recorder's office, Franklin County, Ohio.

Permanent Parcel No.: 530-260357-00

Premises commonly known as: 2546 Willowing Court, Columbus, OH 43207

## CERTIFICATE OF SERVICE

A copy of the foregoing was sent by regular U.S. Mail on this 20 day of Jan, 2022, to the following:

Kelli Nicodemus  
2546 Willowing Court  
Columbus, OH 43207

John Doe, Name Unknown, Unknown  
Spouse, if any of Kelli Nicodemus  
2546 Willowing Court  
Columbus, OH 43207

Franklin County Treasurer  
373 South High Street, 17th Floor  
Columbus, OH 43215

Leah M. Wolfe (Adverse Attorney for  
Secretary of Housing and Urban  
Development)  
303 Marconi Blvd., Suite 200  
Columbus, OH 43215


Williams Creek Homeowners Association,  
Inc.  
c/o The Vaughn Group, LTD  
6099 Riverside Drive, Ste 200  
Dublin, OH 43017

/s/ Suzanne M. Godenswager  
\_\_\_\_\_  
David T. Brady (0073127)  
Suzanne M. Godenswager (0086422)  
Austin B. Barnes III (0052130)  
Jeffrey A. Panehal (0090293)  
*Attorneys for Plaintiff*

Franklin County Court of Common Pleas

**Date:** 01-20-2022  
**Case Title:** BANK OF AMERICA NA -VS- KELLI NICODEMUS ET AL  
**Case Number:** 20CV002186  
**Type:** DECREE OF FORECLOSURE

It Is So Ordered.

A circular seal of the Franklin County Court of Common Pleas is centered on the page. The seal contains the text "FRANKLIN COUNTY, OHIO" at the top, "COMMON PLEAS" on the right, "JANUARY 1803" at the bottom, and "ALL THINGS ARE" on the left. Overlaid on the seal is a handwritten signature in black ink, which appears to be "K. Held Phipps".

/s/ Judge Karen Held Phipps

Court Disposition

Case Number: 20CV002186

Case Style: BANK OF AMERICA NA -VS- KELLI NICODEMUS ET  
AL

Case Terminated: 12 - Default

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 20CV0021862022-01-1999970000  
Document Title: 01-19-2022-MOTION FOR DEFAULT JUDGMENT  
- PLAINTIFF: BANK OF AMERICA NA  
Disposition: MOTION GRANTED

SMG/KS  
18-00495  
01/25/2022

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

<b>BANK OF AMERICA, N.A. SUCCESSOR</b>	:	<b>CASE NO. 20CV002186</b>
<b>BY MERGER TO BAC HOME LOANS</b>	:	
<b>SERVICING, LP FKA COUNTRYWIDE</b>	:	<b>JUDGE KAREN PHIPPS</b>
<b>HOME LOANS SERVICING, LP</b>	:	
<i>Plaintiff</i>	:	<b><u>ORDER APPOINTING PRIVATE</u></b>
<b>- vs -</b>	:	<b><u>SELLING OFFICER</u></b>
	:	
<b>KELLI NICODEMUS, ET AL</b>	:	
<i>Defendants</i>	:	

This matter came to be heard on the Plaintiff's Motion at Appoint Private Selling Office under R.C. 2329.152. The Court finds said Motion well-taken and is hereby granted.

THEREFORE, IT IS HEREBY ORDERED that, Cynthia Schillig, whose address is 175 South Third St., Suite 100, Columbus, OH 43215, is hereby appointed as Private Selling Officer to sell the Property, described in attached Exhibit A, 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 Karen Phipps

Submitted by,  
**Sandhu Law Group, LLC**

/s/ Suzanne M. Godenswager  
\_\_\_\_\_  
David T. Brady (0073127)  
Suzanne M. Godenswager  
(0086422)  
Austin B. Barnes III (0052130)  
Jeffrey A. Panehal (0090293)  
Austin B. Barnes III (0052130)  
SANDHU LAW GROUP, LLC  
1213 Prospect Avenue, Suite 300  
Cleveland, OH 44115  
Telephone 216-373-1001  
Fax 216-373-1002  
*Attorneys for Plaintiff*

**Exhibit A  
(legal)**

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

**Being lot number one hundred seventy-five (175), in Williams Creek, Section 4, Part 2, as the same is numbered and delineated upon the recorded plat thereof, of record in plat book 99, pages 5 and 6, recorder`s office, Franklin County, Ohio.**

**Permanent Parcel No.: 530-260357-00**

**Premises commonly known as: 2546 Willowing Court, Columbus, OH 43207**

**Exhibit B**

**Schedule of Fees and Expenses**

1. PSO will be paid directly by the judgment creditor. None of PSO's sale fees will be charged as court costs or assessed against the defendants in this matter. PSO is authorized to list its sale fee as \$0 on the report of sale filed in this case, regardless of any contractual payment received from the judgment creditor.
2. PSO will be reimbursed for the actual costs of the statutorily required legal advertisements for the sale.
3. Additional advertising costs of up to \$250 may be incurred upon consent of the judgment creditor.
4. In the event the auction is postponed, PSO shall re-schedule the auction as directed by judgment creditor's counsel at no additional cost.
5. In the event the auction is canceled, the PSO shall receive reimbursement of actual costs of the statutorily required legal advertisements and any additional advertising authorized by the judgment creditor.
6. PSO shall be entitled to retain and pay for a title agent as provided in R.C. 2329.152.



Franklin County Court of Common Pleas

**Date:** 01-28-2022  
**Case Title:** BANK OF AMERICA NA -VS- KELLI NICODEMUS ET AL  
**Case Number:** 20CV002186  
**Type:** ORDER

It Is So Ordered.

A circular seal of the Franklin County Court of Common Pleas is centered on the page. The seal contains the text "FRANKLIN COUNTY OHIO" at the top, "COMMON PLEAS" on the right, "JANUARY 1803" at the bottom, and "ALL THINGS BY" on the left. A handwritten signature in black ink is written over the seal.

/s/ Judge Karen Held Phipps

Court Disposition

Case Number: 20CV002186

Case Style: BANK OF AMERICA NA -VS- KELLI NICODEMUS ET  
AL

Motion Tie Off Information:

1. Motion CMS Document Id: 20CV0021862022-01-2599980000  
Document Title: 01-25-2022-MOTION - PLAINTIFF: BANK OF  
AMERICA NA - TO APPOINT PRIVATE SELLING OFFICER  
Disposition: MOTION GRANTED

**CERTIFICATE OF SERVICE**

A copy of the foregoing was sent by regular U.S. Mail on this 10 day of Feb,

2022, to the following:

Kelli Nicodemus  
2546 Willowing Court  
Columbus, OH 43207

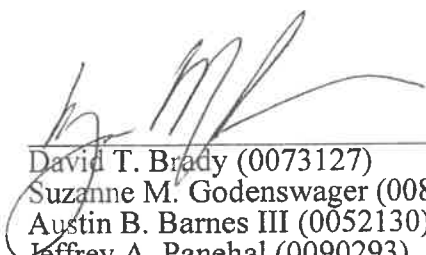
Cynthia Schillig  
175 South Third St., Suite 100  
Columbus, OH 43215  
***Private Selling Officer***

John Doe, Name Unknown, Unknown  
Spouse, if any of Kelli Nicodemus  
2546 Willowing Court  
Columbus, OH 43207

Franklin County Treasurer  
373 South High Street, 17th Floor  
Columbus, OH 43215

Leah M. Wolfe  
303 Marconi Blvd., Suite 200  
Columbus, OH 43215  
***Attorney for Secretary of Housing and  
Urban Development***

Williams Creek Homeowners Association,  
Inc.  
c/o The Vaughn Group, LTD  
6099 Riverside Drive, Ste 200  
Dublin, OH 43017

  
\_\_\_\_\_  
David T. Brady (0073127)  
Suzanne M. Godenswager (0086422) *SMG*  
Austin B. Barnes III (0052130)  
Jeffrey A. Panehal (0090293)  
***Attorney for Plaintiff***

# ORDER OF SALE

BANK OF AMERICA, N.A. SUCCESSOR  
BY MERGER TO BAC HOME LOANS  
SERVICING, LP FKA COUNTRYWIDE  
HOME LOANS SERVICING, LP  
PLAINTIFF

CASE NO. 20CV002186  
JUDGE KAREN PHIPPS  
ACTION CODE NO. 6030

-vs-

COMPLAINT FILED: March 16, 2020

KELLI NICODEMUS

DEFENDANT

THE STATE OF OHIO, ) To Cynthia Schillig, Greetings:  
Franklin County, ss)

WHEREAS, at a term of the Court of Common Pleas, held at Columbus in and for said County on the January 20, 2022 in this cause it was ordered, adjudged and decreed as follows, to wit:

That an order of sale is issued to the Private Selling Officer, directing him to sell as upon execution the following described premises to wit: See Attached Exhibit A, **WITH APPRAISAL**. To be sold for not less than two-thirds of the appraised value. A payment must be made by certified funds at the time of sale based on the appraised value. If the appraised value of the residential property is:

- Less than or equal to \$10,000.00, the deposit shall be \$2,000.00.
- Greater than \$10,000.00 but less than or equal to \$200,000.00, the deposit shall be \$5,000.00.
- Greater than 200,000.00, the deposit shall be \$10,000.00

The full balance is to be paid within 30 days from the date the confirmation is filed.

PARCEL NO. 530-260357-00 ADDRESS: 2546 Willowing Court, Columbus, OH 43207

**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 I this office.

**WITNESS my signature as Clerk of said Court of Common Pleas, and the seal of said Court At Columbus, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_**

**A.D. Maryellen O'Shaughnessy by \_\_\_\_\_, Deputy Clerk.**

**COC-CV-82 (Rev. 2-2001)**