

ORDER OF SALE

Revised Code, Sec. 2329.09-.17-.53

**The State of Ohio, Perry County,
To the Sheriff of said County:**

Common Pleas Court

Whereas, at a term of the Common Pleas Court, held at the Court House in and for said County, on **WILMINGTON SAVINGS FUND** obtained a judgment and decree against **SHERRY ROCK Rock, Sherry** for the sum of *** **thirty-seven thousand two hundred forty-four and 00/100**, and costs of suit, in Case No. **20-CV-00227**

And Whereas, it was then and there by said Court ordered, adjudged and decreed that the said **SHERRY ROCK Rock, Sherry** within **THREE(3)** days from the pay unto the said **WILMINGTON SAVINGS FUND** the said sum of *** **thirty-seven thousand two hundred forty-four and 00/100**, with interest at **3.75%** percent from the day of and costs aforesaid; and upon default to pay the same, that an order of sale issue to the Sheriff of said County, commanding him to proceed according to the statues regulating judgments and executions at law, to sell the real estate described in the Plaintiff’s petition, etc.

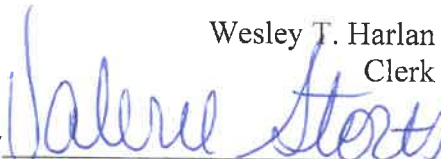
And Whereas, the **THREE(3)** days aforesaid have fully expired, and the said judgments and costs aforesaid have not been paid, or any part thereof, as appears to us of record:

We therefore Command You that you proceed without delay to appraise, advertise and sell, according to the statutes regulating judgments and executions at law, the following described lands and tenements, situate in Perry County, Ohio, to-wit:

To make the sum of **\$37244.00** (***) **thirty-seven thousand two hundred forty-four and 00/100**) judgment with the said interest thereon, and costs aforesaid; and that you also pay the costs of this writ, and all increase and accruing costs; and the residue, if any there be, you bring into this Court to abide the further order of the Court, and that you make return of your proceedings to our said Court within sixty days from this date, and have you then and there this writ.

WITNESS my signature as Clerk of our said Court of Common Pleas,
and the seal of said Court, at New Lexington, Ohio,
this February 25, 2022

Wesley T. Harlan
Clerk

By 
Deputy

SHERIFF'S RETURN
Revised Code Sec. 2329.17-.27, 3.23

The State of Ohio, Perry County.

SHERIFF FEES:

Service and Return,

Mileage _____ Miles at _____ -

Administering Oath to
Appraisers, each

Copies for Advertisement,
_____ words, per 100 words

Poundage, _____

Levy _____

Total \$ _____

Appraiser Fees

Printer Fees

I received this order of Sale on the _____
day of _____, at _____ o'clock
_____ M., and in obedience to its command I did, on
the _____ day of _____, summon

_____ three disinterested free-holders,
residents of said county, who were by me duly sworn
to impartially appraise the lands and tenements therein
described, upon actual view; and afterward, on the
_____ day of _____, said

appraisers returned to me, under their hands, that they did upon actual view of the premises, estimate
and appraise the real value in money of the same at _____
Dollars.

A certified copy of said appraisal I forthwith deposited in the office of the Clerk of the Court of Common Pleas of said County. And on the _____ day of _____, I caused to be advertised in the _____ (a newspaper printed and published and of general circulation in Perry County.) said lands and tenements to be sold at public sale at the door of the Court House of said county, on the _____ day of _____, at _____ o'clock _____ .M. of said day. And having advertised the said lands and tenements for more than thirty days previous to the day of sale, to-wit: _____ consecutive weeks, on the same day of the week in each week, and in pursuance of said notice I did on said _____ day of _____, at the time and place above mentioned, proceed to offer said lands and tenements at public sale, at the door of the Court House and then and there came _____ who bid for the same the sum of _____ Dollars; and said sum being _____ two-thirds of the appraised value thereof, and said _____ being the highest and best bidder therefore, I then and there publicly sold and struck off said lands and tenements to _____ for said sum of _____ Dollars.

Sheriff

RECEIVED
PERRY COUNTY

COURT OF COMMON PLEAS
PERRY COUNTY, OHIO

7837 JAN 11 AM 11:35
J352 P 559-503
WESLEY T HARLAN
CLERK OF COURT

WILMINGTON SAVINGS FUND
SOCIETY, FSB, AS TRUSTEE OF
QUERCUS MORTGAGE INVESTMENT
TRUST

Plaintiff

-vs-

SHERRY ROCK A/K/A SHERRY LYNN
ROCK, et al.

Defendants

CASE NO. 20-CV-00227

JUDGE: TINA BOYER

FINAL JUDGMENT ENTRY IN REM

THIS CAUSE was submitted to the Court and heard upon the Complaint of the Plaintiff, the Answer of Defendants, State of Ohio and Perry County Treasurer, 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, Sherry Rock a/k/a Sherry Lynn Rock, Unknown Spouse, if any, of Sherry Rock a/k/a Sherry Lynn Rock, Portfolio Recovery Associates, Midland Funding LLC dba Midland Funding and Discover Bank 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.

The Court finds that on February 12, 2013, Paul M Rock executed a promissory note in favor of Plaintiff's predecessor in the principal sum of \$37,244.00 plus interest at the rate of 3.75% per year. Thereafter, Paul M Rock 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 \$34,579.81 on the promissory note plus interest of 4.125% per year from November 1, 2019.

IT IS THEREFORE ORDERED that Plaintiff is granted an In Rem Judgment in the amount of \$34,579.81 on the promissory note plus interest of 4.125% per year from November 1, 2019, 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, Paul M Rock, 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: 109 Washington Street, Corning, OH 43730

Permanent Parcel Number: 22000279000

The Court finds that said mortgage was duly filed with the Recorder of Perry County, Ohio, on March 1, 2013, and was thereafter recorded in Volume 394, Page 6 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; 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.

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

Defendant State of Ohio 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 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 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 Perry County Clerk of Courts.
- SECOND: To the Treasurer of Perry County, the unpaid taxes, assessments, interest and penalties due and payable on said premises.
- THIRD: To the Plaintiff, the sum of \$34,579.81 plus interest thereon at the rate of 4.125% per annum from November 1, 2019, 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, and said premises sold; that, upon the issuance of a Praecipe for Appraisal by Plaintiff's attorney shall thereafter issue to the Sheriff of Perry 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. 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 Praeceptum for those sales.

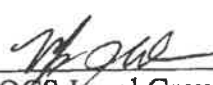
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, the after said sale has been completed, a deed will be conveyed to the purchaser and a Writ of Possession of said property will be executed by the sheriff and be issued.

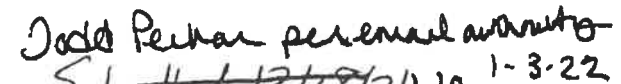
RECORD IS HEREBY ORDERED.

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 TINA BOYER

APPROVED BY:


LOGS Legal Group LLP
Melissa J. Whalen (#0068316)
4805 Montgomery Road, Suite 320
Norwood, OH 45212
Phone: (513) 396-8100
Fax: (847) 627-8805
Email: mwhalen@logs.com


~~Submitted 12/28/21~~ 1-3-22
Todd D. Pechar
Attorney for State of Ohio
109 North Broad Street, Suite 200
PO Box 130
Lancaster, OH 43130

see attached
~~Submitted 12/28/21~~
Joseph A. Flautt
Prosecuting Attorney
P.O. Box 569, 111 North High St.
New Lexington, OH 43764
Attorney for Defendant,
Treasurer of Perry County



LOGS Legal Group LLP
Attorneys at Law

4805 Montgomery Road, Suite 320
Cincinnati, Ohio 45212
Tel: (513) 396-8100 • Fax: (847) 627-8805

Partners

Gerald M. Shapiro (licensed in FL, IL)
David S. Kreisman (licensed in IL)

Regional Managing Partner

Matthew Murtland (licensed in KY, OH)

December 27, 2021

Joseph A. Flautt
Prosecuting Attorney
P.O. Box 569, 111 North High St.
New Lexington, OH 43764

Re: WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF
QUERCUS MORTGAGE INVESTMENT TRUST
-vs-
Sherry Rock a/k/a Sherry Lynn Rock
Our File No.: 20-038589 FC01
Case No.: 20-CV-00227

Dear Joseph A. Flautt:

Enclosed herewith please find a copy of our Motion for Default Judgment and proposed Judgment Entry in the above captioned matter, which we will submit to the Court. If this Entry meets with your approval, please so indicate by signing and returning the enclosed photocopy of this letter to me.

This Entry will be presented to the Judge in accordance with local rule.

Very truly yours,

Melissa J. Whalen

I have received a copy of the proposed Judgment Entry, have read and approve the same. I hereby authorize the attorney for the Plaintiff to indicate my approval of the original Entry.

Enclosure
MJW/kaz

EXHIBIT A
LEGAL DESCRIPTION

SITUATED IN THE STATE OF OHIO, COUNTY OF PERRY, VILLAGE OF CORNING, TOWNSHIP OF MONROE, SECTION 15, TOWNSHIP 12N, RANGE 15W. BEING LOT 384 AND THE SOUTH HALF OF LOT 383 IN THE ADDITION TO FERRARA, PLAT BOOK 2, PAGE 105. ALSO BEING THE LANDS CURRENTLY RECORDED IN OFFICIAL RECORD 349, PAGE 1122 TO NORTH VALLEY BANK AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE AT AN AXLE FOUND AT THE NORTHEAST CORNER OF LOT 382 OF SAID ADDITION. THENCE, ALONG THE WEST LINE OF WASHINGTON STREET (60' WIDE), S 00 DEGREES 00 MINUTES 00 SECONDS W 37.50 FEET TO AN AXLE FOUND ON THE EAST LINE OF LOT 383 MARKING THE TRUE PLACE OF BEGINNING.

THENCE, CONTINUING ALONG THE WEST LINE OF WASHINGTON STREET, S 00 DEGREES 00 MINUTES 00 SECONDS W 37.50 FEET TO AN IRON PIN SET AT THE SOUTHEAST CORNER OF LOT 384, PASSING OVER THE SOUTHEAST CORNER OF LOT 383 AT 12.50 FEET.

THENCE, WITH THE SOUTH LINE OF LOT 384, N 89 DEGREES 40 MINUTES 37 SECONDS W 99.70 FEET TO AN IRON PIN SET ON THE EAST LINE OF ALLEY (16' WIDE).

THENCE, WITH THE EAST LINE OF THE ALLEY, N 00 DEGREES 04 MINUTES 48 SECONDS E 37.50 FEET TO AN AXLE FOUND ON THE WEST LINE OF LOT 383, PASSING OVER THE NORTHWEST CORNER OF LOT 384 AT 25.00 FEET.

THENCE, WITH THE SOUTH LINE OF THE LANDS CONVEYED TO IVORY J. STANLEY IN OFFICIAL RECORD 117, PAGE 534, S 89 DEGREES 40 MINUTES 37 SECONDS E 99.65 FEET TO THE TRUE PLACE OF BEGINNING.

THE PARCEL AS SURVEYED CONTAINS A TOTAL OF 0.086 ACRES, MORE OR LESS, OF WHICH LOT 384 CONTAINS 0.057 ACRES AND THE SOUTH HALF OF LOT 383 CONTAINS 0.029 ACRES.

ALL IRON PINS SET A.RE 5/8" X 30" REBAR CAPPED "BORING S-8017"

SUBJECT TO ALL LEGAL EASEMENTS, RIGHT-OF-WAYS, SETBACKS, RESTRICTIONS AND RESERVATIONS OF RECORD.

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THE PARCEL AS SURVEYED CONTAINS A TOTAL OF 0.086 ACRES, MORE OR LESS, OF WHICH LOT 384 CONTAINS 0.057 ACRES AND THE SOUTH HALF OF LOT 383 CONTAINS 0.029 ACRES.

ALL IRON PINS SET A.RE 5/8" X 30" REBAR CAPPED "BORING S-8017"

SUBJECT TO ALL LEGAL EASEMENTS, RIGHT-OF-WAYS, SETBACKS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS ARE BASED ON WASHINGTON STREET AS BEING S 00 DEGREES
00' 00" W AND ARE USED TO DENOTE ANGLES ONLY.

THE ABOVE DESCRIPTION WAS PREPARED FROM AN ACTUAL FIELD
SURVEY IN AUGUST 2007 BY D. TODD BORING, OHIO PROFESSIONAL
SURVEYOR #8017

Permanent Parcel No.: 220002790000

Premises commonly known as: 109 Washington Street, Corning, OH 43730

RECEIVED
PERRY COUNTY

2022 FEB 24 PM 3:26

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

WESLEY T HARLAN
CLERK OF COURT

WILMINGTON SAVINGS FUND
SOCIETY, FSB, AS TRUSTEE OF
QUERCUS MORTGAGE INVESTMENT
TRUST

Plaintiff

-vs-

SHERRY ROCK A/K/A SHERRY LYNN
ROCK, et al.

Defendants

CASE NO. 20-CV-00227

JUDGE: TINA BOYER

PRAECIPE FOR APPRAISAL

To Clerk of Common Pleas Court, Perry County

Please Issue Order a Praecipe for Order of Appraisal to the Sheriff of Perry County directing him to appraise the real property described located at 109 Washington Street, Corning, OH 43730 pursuant to Ohio Revised Code §2329.152.

The Appraisers pursuant to O.R.C. § 2329.17 shall, contemporaneously with their delivery of the appraisal to the Sheriff, deliver a copy of the appraisal to the Private Selling Officer, Cynthia Schillig either by:

Electronic Mail at: Cynthia@schilligestatesandauctions.com, or

- **Fax at *.**

Appraisal may also be mailed to the following physical address: 175 S. Third Street, Suite 100, Columbus, OH 43215

PREMISES COMMONLY KNOWN AS: 109 Washington Street, Corning, OH 43730

PERMANENT PARCEL NUMBER: 22000279000

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

PRAECIPE FOR ORDER OF SALE

COMMON PLEAS COURT OF PERRY COUNTY

WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF QUERCUS
MORTGAGE INVESTMENT TRUST, Plaintiff

-vs-

SHERRY ROCK A/K/A SHERRY LYNN ROCK, et al. Defendants

Case No.: 20-CV-00227

Judge: TINA BOYER

Our File: 20-038589 FC01

To Clerk of Common Pleas Court, Perry County

Please issue a Praecipe for 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, or by fax at *, directing him to advertise and then sell the property located at 109 Washington Street, Corning, OH 43730.

X ORDER OF SALE PARCEL NUMBER:22000279000

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