

CLERK COMMON
PLEAS COURT
LICKING CO. OHIO

Case No. 2019 CV 01366

2022 APR -5 AM 11:47

**ORDER OF SALE
FOR PRIVATE SELLING OFFICER**

OLIVIA C. PARKINSON
CLERK

REVISED CODE, SECS. 2329.08, .17 TO.53

The State of Ohio, Licking County, Court of Common Pleas

To the Private Selling Officer :

WHEREAS, at the 2022 Session of the Court of Common Pleas held at The Court House in and for said County, CARRINGTON MORTGAGE SERVICES LLC obtained a judgment and decree against APRIL M. BRUNING AND RICHARD J. BRUNING AKA RICHARD BRUNING for the sum of ONE HUNDRED THIRTY EIGHT THOUSAND SIX HUNDRED SEVENTY FIVE AND 49/100 Dollars, and costs of suit, in Case No. 2019 CV 01366

WHEREAS, it was then and there by said Court ordered, adjudged and decreed that the said AS-AFORESAID Within 3 days from the 1ST day of JULY, 2019 pay unto the said as-aforsaid the said sum of AS-AFORESAID Dollars, with interest at 6.0000%, per annum/centum/diem from 1ST day of JULY, 2019 and costs aforesaid; and, upon default to pay the same, that an order of sale issue to the Private Selling Officer, commanding the officer to proceed, according to the statutes regulating judgments and executions at law, to sell the real estate described in the Plaintiff's Petition.

WHEREAS, the 3 days aforesaid have fully expired and the said judgment 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 advertise and sell, according to the statutes regulating judgments and executions at Law, the following described lands and tenements (see attached legal description), situated in State of Ohio, County of Licking and VILLAGE OF JOHNSTOWN for the sum of AS-AFORESAID Dollars, 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 hand and the seal of said Court, April 5, 2022

OLIVIA C. PARKINSON
CLERK OF COURTS

By 
Deputy

LEGAL DESCRIPTION

SITUATED IN THE STATE OF OHIO, COUNTY OF LICKING, AND IN THE VILLAGE OF JOHNSTOWN:

BEING LOT NUMBER EIGHTY-EIGHT (88), OF LEAFY DELL SECTION II, AS THE SAME IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK 17, PAGE 82, OF THE RECORDER'S OFFICE, LICKING COUNTY, OHIO.

PERMANENT PARCEL NO.: 053-172440-00-091

PROPERTY ADDRESS: 55 WEEPING WILLOW RUN DRIVE, JOHNSTOWN, OH 43031

PRIOR DEED REFERENCE: INSTRUMENT NO. 200412140044131

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED:	CONDITIONAL:
<input checked="" type="checkbox"/>	<input type="checkbox"/>
APPROVED BY:	<i>ec</i>
DATE:	<i>2-3-2020</i>

CLERK COMMON
PLEAS COURT
LICKING CO. OHIO

2022 APR -5 AM 11:47

SMG/KS
19-01499
01/17/2022

IN THE COURT OF COMMON PLEAS OLIVIA C. PARKINSON
LICKING COUNTY, OHIO CLERK
Civil Division


CARRINGTON MORTGAGE SERVICES, : CASE NO. 2019-CV-01366
LLC :
Plaintiff : JUDGE THOMAS MARCELAIN
: :
- vs - : :
: :
APRIL M. BRUNING, ET AL : PRAECIPE FOR ORDER OF SALE
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: 55 Weeping Willow Run Drive, Johnstown, OH 43031
Parcel Number: 053-172440-00.091
Legal Description: See "Exhibit A" attached hereto.

Pursuant to the Judgment Entry and Decree of Foreclosure filed March 19, 2020, 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) *SM*
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

PROPERTY DESCRIPTION APPROVAL FORM

Licking COUNTY

2019 APR -5 AM 11:47

OLIVIA C. PARKINSON
CLERK

CASE NO:	2019-CV-01366
PROPERTY ADDRESS(ES):	55 Weeping Willow Run Drive, Johnstown, OH 43031
PLAINTIFF:	Carrington Mortgage Services, LLC
DEFENDANT:	April M. Bruning
SUBMITTED BY:	Sandhu Law Group, LLC
ATTORNEY & ID#	Suzanne M. Godenswager (0086422)
ATTORNEY'S PHONE:	216-373-5541
CONTACT PERSON:	Kaitlyn Green
CONTACT PHONE:	216-373-1001

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

This document along with the "stamped approved" original legal description must be attached to the Order of Sale when filed with the Licking 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 County Auditor's Office and 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:

Pre-Approved Legal

The document information must be corrected and resubmitted for approval

LEGAL DESCRIPTION

SITUATED IN THE STATE OF OHIO, COUNTY OF LICKING, AND IN THE VILLAGE OF JOHNSTOWN:

BEING LOT NUMBER EIGHTY-EIGHT (88), OF LEAFY DELL SECTION II, AS THE SAME IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK 17, PAGE 82, OF THE RECORDER'S OFFICE, LICKING COUNTY, OHIO.

PERMANENT PARCEL NO.: 053-172440-00-091

PROPERTY ADDRESS: 55 WEEPING WILLOW RUN DRIVE, JOHNSTOWN, OH 43031

PRIOR DEED REFERENCE: INSTRUMENT NO. 200412140044131

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED:	CONDITIONAL:
<input checked="" type="checkbox"/>	<input type="checkbox"/>
APPROVED BY:	<i>ec</i>
DATE:	<i>2-3-20 20</i>

Michael L. Smith, Auditor
Roy Van Atta, Treasurer

- Map
- BOR
- CAUV
- Documents
- Land
- Parcel
- Pictometry
- Sketch
- Street View
- Structures
- Taxes
- Transfers
- Values
- Help
- Login

Taxes Due February 16th

- BOR
- CAUV
- Dog License
- Downloads
- Forms
- GIS
- Homestead
- Taxes
- Other

FIND YOUR PARCEL

Owner

Trails Searching?



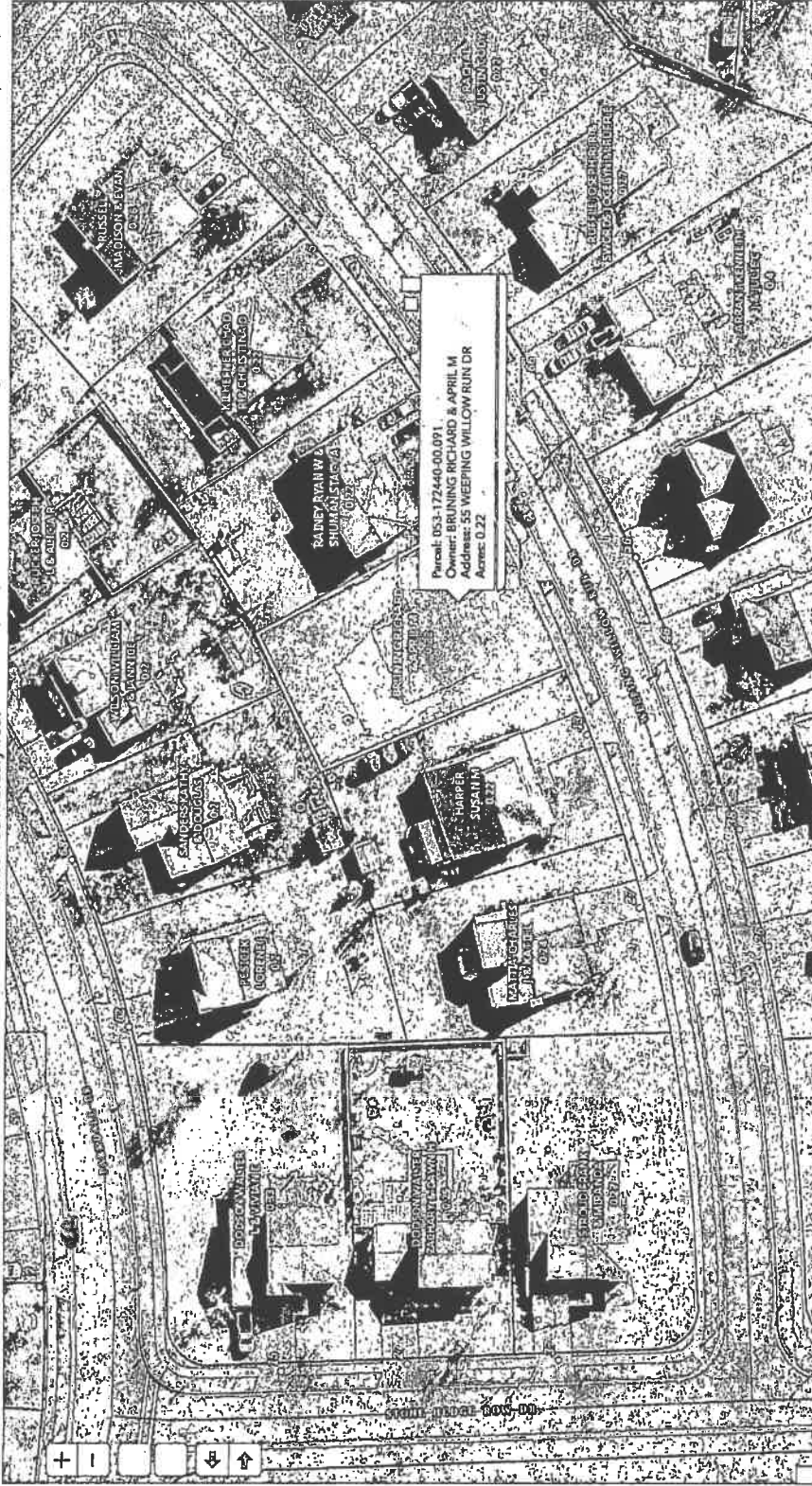
053-172440-00.091
BRUNING RICHARD &
APRIL M
55 WEEPING WILLOW
RUN DR
JOHNSTOWN, OH 43031

Acres: 0.22
LOT 88 LEAFY DELL SEC 2
(0.217 AC)

Land: \$59,300
Improv: \$168,800
Total: \$228,100

Transfer Date: 12/14/2004
Amount: \$211,368
Conveyance: 05027
Valid Sale: No

Homestead: No
Owner Occ: Yes
Foreclosure: Yes
Certified Delq: No
On Contract: No



Parcel: 053-172440-00.091
Owner: BRUNING RICHARD & APRIL M
Address: 55 WEEPING WILLOW RUN DR
Acres: 0.22

CLERK COMMON
PLEAS COURT
LICKING CO. OHIO

2022 APR -5 AM 11:47

OLIVIA C. PARKINSON
CLERK

MSS/BS
19-01499
03/10/2020

CLERK COMMON
PLEAS COURT
LICKING CO. OHIO

2020 MAR 19 AM 8:37

GARY R. WALTERS
CLERK

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

CARRINGTON MORTGAGE SERVICES,
LLC

Plaintiff

- vs -

APRIL M. BRUNING, ET AL

Defendants

: CASE NO. 2019-CV-01366

: JUDGE THOMAS MARCELAIN

: JUDGMENT ENTRY AND
: FORECLOSURE DECREE

THIS DAY this causē 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 State of Ohio, Ohio Department of Taxation, the Answer of Defendant Licking County Treasurer, 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 April M. Bruning, Richard J. Bruning aka Richard Bruning, Mortgage Electronic Registration Systems, Inc. as nominee for Irwin Union Bank and Trust Company, and Leafy Dell Homeowners' Association, Inc. 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 Licking 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 Licking 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"), the sum of \$138,675.49 plus interest at 6.0000% per annum from July 1, 2019, for which sum judgment is hereby rendered in favor of Plaintiff against the Defendants April M. Bruning and Richard J. Bruning aka Richard Bruning.

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, April M. Bruning and Richard J. Bruning aka Richard Bruning, executed and delivered a certain mortgage deed set

forth in the Second Count of the Complaint (the "Mortgage"), thereby conveying to Affinity Group Mortgage the following described premises (the "Premises"):

See Legal Description attached marked Exhibit "A"

The Premises are also known as 55 Weeping Willow Run Drive, Johnstown, OH 43031

Tax Parcel Number 053-172440-00.091

That the Mortgage was duly filed with the Recorder of Licking County on December 14, 2004, and was thereafter recorded as Instrument No. 200412140044132 of the Mortgage Records of Licking County, and assigned unto the Plaintiff on December 2, 2016, and recorded on December 7, 2016, as Instrument No. 201612070027090, 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 State of Ohio Department of Taxation 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/they 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 State of Ohio Department of Taxation as set forth in its pleading 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 Licking 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 Praeceptum for those sales.

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 Licking 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 Licking 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, \$138,675.49 plus interest at 6.0000% per annum from July 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 Licking County Sheriff. Also, in the event Plaintiff is the successful bidder at the Sheriff's Sale, the amount of the

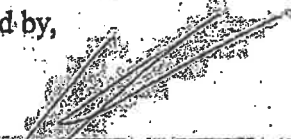
deposits made herein by Plaintiff and the costs of the Preliminary Judicial Report shall be deducted from the total amount of court costs otherwise payable herein.

Record is hereby ordered.



Judge Marcelain

Submitted by,



David T. Brady (0073427)
Suzanne M. Godenswager (0086422)
Austin B. Barnes III (0052130)
Mark M. Schonhut (0093698)
Jeffrey A. Panchal (0090293)
SANDHU LAW GROUP, LLC
1213 Prospect Avenue, Suite 300
Cleveland, OH 44115
216-373-1001
216-373-1002
mschonhut@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

DESCRIPTION OF LAND

SITUATED IN THE STATE OF OHIO, COUNTY OF LICKING, AND IN THE VILLAGE OF JOHNSTOWN:

BEING LOT NUMBER EIGHTY-EIGHT (88), OF LEAFY DELL SECTION II, AS THE SAME IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT HEREOF, OF RECORD IN PLAT BOOK 17, PAGE 82, RECORDER'S OFFICE, LICKING COUNTY, OHIO.

Permanent Parcel No. 053-172440-00.091

Premises commonly known as: 55 Weeping Willow Run Drive, Johnstown, OH 43091

CERTIFICATE OF SERVICE

A copy of the foregoing was sent by regular U.S. Mail on this 17 day of March

2020, to the following:

April M. Bruning
55 Weeping Willow Run Drive
Johnstown, OH 43031

Richard J. Bruning, aka Richard Bruning
55 Weeping Willow Run Drive
Johnstown, OH 43031

State of Ohio, Ohio Department of Taxation
150 East Gay Street
21st Floor
Columbus, OH 43215

Austin L. Leeklider (Adverse Attorney for
Licking County Treasurer)
20 South Second Street
Newark, OH 43055

Mortgage Electronic Registration Systems,
Inc. as nominee for Irwin Union Bank and
Trust Company
c/o CT Corporation System, S/A
4400 Easton Commons, Suite 125
Columbus, OH 43219

Leafy Dell Homeowners' Association, Inc.
c/o Kellie Walz, S/A
4872 Cemetery Road
Hilliard, OH 43026

David T. Brady (0073127)
Suzanne M. Godenswager (0086422)
Austin B. Barnes III (0052130)
Mark M. Schomhut (0093698)
Jeffrey A. Panehal (0090293)
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

A copy of the foregoing was sent by regular U.S. Mail on this 29th day of March

2022, to the following:

April M. Bruning
55 Weeping Willow Run Drive
Johnstown, OH 43031

Richard J. Bruning aka Richard Bruning
55 Weeping Willow Run Drive
Johnstown, OH 43031


State of Ohio, Ohio Department of Taxation
150 East Gay Street
21st Floor
Columbus, OH 43215

Austin L. Lecklider
20 South Second Street
Newark, OH 43055
Attorney for Licking County Treasurer

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

Stefanie Deka
25550 Chagrin Blvd., Suite 406
Cleveland, OH 44122
*Attorney for Mortgage Electronic
Registration Systems, Inc. as nominee for
Irwin Union Bank and Trust Company*

Leafy Dell Homeowners' Association, Inc.
c/o Kellie Walz, S/A
4872 Cemetery Road
Hillard, OH 43026



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