

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

WILMINGTON SAVINGS FUND
SOCIETY, FSB, AS TRUSTEE OF
STANWICH MORTGAGE LOAN TRUST F

Plaintiff

-vs-

UNKNOWN HEIRS, FIDUCIARIES,
BENEFICIARIES, DEVISSSES AND
DONEES OF HELEN L. SARFATY, et al.

Defendants

CASE NO. 21 CV 003894

JUDGE: CHRISTOPHER BROWN

FINAL JUDGMENT ENTRY

THIS CAUSE was submitted to the Court and heard upon the Complaint of the Substitute Plaintiff, Substitute Plaintiff's Motion for Default Judgment, and the evidence. The Treasurer of Franklin County by counsel hereby enters his appearance herein for all purposes and approves these proceedings.

All necessary parties have been served with summons according to law and are properly before the Court. Further, Defendants, Unknown Heirs, Fiduciaries, Beneficiaries, Devisses and Donees of Helen L. Sarfaty and Unknown Spouse, if any, of Helen L. Sarfaty 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 Substitute Plaintiff's Motion for Default Judgment is granted.

The Court finds that on January 11, 2008, Helen L. Sarfaty executed a promissory note in favor of Substitute Plaintiff's predecessor in the principal sum of \$59,935.00 plus interest at the rate of 6% per year. Thereafter, Helen L. Sarfaty 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 Substitute Plaintiff is owed the sum of \$47,027.84 on the promissory note plus interest of 6% per year from May 1, 2020.

IT IS THEREFORE ORDERED that Substitute Plaintiff is granted a Judgment in the amount of \$47,027.84 on the promissory note plus interest of 6% 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 Substitute 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 Substitute 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 Substitute Plaintiff for said advances.

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

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

Said Premises Commonly Known As: 3164 Hamilton Avenue, Columbus, OH 43224

Permanent Parcel Number: 010-095839-00

The Court finds that said mortgage was duly filed with the Recorder of Franklin County, Ohio, on January 22, 2008, and was thereafter recorded as Instrument No. 200801220010113 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 Substitute 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 Substitute 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 Franklin 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.

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 Franklin County Clerk of Courts.
- SECOND: To the Treasurer of Franklin County, the unpaid taxes, assessments, interest and penalties due and payable on said premises.
- THIRD: To the Substitute Plaintiff, the sum of \$47,027.84 plus interest thereon at the rate of 6% 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 Substitute 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 Praeceptum for Appraisal by Substitute Plaintiff's attorney shall thereafter issue to the Sheriff of Franklin County, directing an appraisal of subject property and an

Order of Sale by Substitute 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 Substitute 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 Substitute 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 CHRISTOPHER BROWN

Date: _____

Approved by:

/s/ Jessica M. Johnson
LOGS Legal Group LLP
Jessica M. Johnson (#0093300)
4805 Montgomery Road, Suite 320
Norwood, OH 45212
Phone: (513) 396-8100
Fax: (847) 627-8805
Email: jesjohnson@logs.com

21-040761 FC01; sk; January 5, 2022

EXHIBIT A
LEGAL DESCRIPTION

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN AND IN THE CITY OF COLUMBUS AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEING LOT NUMBERED SIX (6) OF OAK PARK ADDITION NO. 2, AS THE SAME IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK 23, PAGE 2, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

CERTIFICATE OF SERVICE

Copies of the foregoing entry have been sent via ordinary U.S. Mail, or via e-mail if an e-mail address is available in the court's case management system, to the following:

LOGS Legal Group LLP
4805 Montgomery Road, Suite 320
Norwood, OH 45212
Attorney for Substitute Plaintiff
mwhalen@logs.com

Charles R. Ellis, 0090492
373 S. High St.
15th Floor
Columbus, OH 43215
Email: cellis@franklincountyohio.gov

Copies Mailed by Clerk: _____

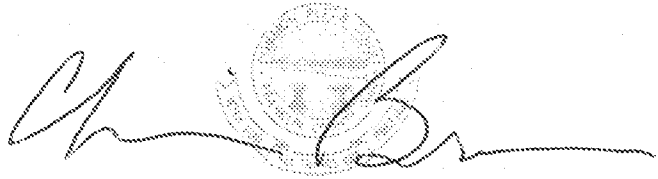
(Date) _____

CLERK OF COURTS

Franklin County Court of Common Pleas

Date: 03-04-2022
Case Title: WILMINGTON SAVINGS FUND SOCIETY FSB -VS- UNKNOWN
HEIRS OF HELEN L SAFATY
Case Number: 21CV003894
Type: ORDER

It Is So Ordered.

A handwritten signature in black ink, appearing to read 'Christopher M. Brown', is written over a circular, textured seal or stamp. The signature is fluid and cursive.

/s/s Judge Christopher M. Brown

Court Disposition

Case Number: 21CV003894

Case Style: WILMINGTON SAVINGS FUND SOCIETY FSB -VS-
UNKNOWN HEIRS OF HELEN L SAFATY

Case Terminated: 12 - Default

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 21CV0038942022-01-1499980000
Document Title: 01-14-2022-MOTION FOR DEFAULT JUDGMENT
- PLAINTIFF: WILMINGTON SAVINGS FUND SOCIETY FSB
Disposition: MOTION GRANTED