

MSS/BS  
22-00052  
07/01/2022

2022 JUL -5 PM 3:15

**IN THE COURT OF COMMON PLEAS  
BELMONT COUNTY, OHIO  
Civil Division**

<b>J.P. MORGAN MORTGAGE ACQUISITION</b>	:	<b>CASE NO. 22 CV 0038</b>
<b>CORP.</b>	:	
<i>Plaintiff</i>	:	<b>JUDGE FRANK FREGIATO</b>
	:	
<b>- vs -</b>	:	
	:	
<b>KEVIN L. TOMLINSON, ET AL</b>	:	<b><u>JUDGMENT ENTRY AND</u></b>
<i>Defendants</i>	:	<b><u>FORECLOSURE DECREE</u></b>
	:	
	:	

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, 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 Kevin L. Tomlinson, Jane Doe, Name Unknown, Unknown Spouse if any of Kevin L. Tomlinson, and Portfolio Recovery Associates, LLC, are in default of Answer or other pleading, and thereby confess the allegations of the Complaint to be true, therefore, the aforementioned Defendants and New Party Defendant are forever barred from asserting any right, title, or interest in and to the hereinafter described premises.

There is due the Belmont 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 Belmont 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 \$103,710.67 plus interest at 4.5000% per annum from June 1, 2021, for which sum judgment is hereby rendered in favor of Plaintiff against the Defendant Kevin L. Tomlinson.

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, Kevin L. Tomlinson, 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 Polaris Home Funding Corp., A Florida Corporation the following described premises (the "Premises"):

See Legal Description attached marked Exhibit "A"

The Premises are also known as 3840 Florence Avenue, Shadyside, OH 43947

Tax Parcel Numbers 17-00867.000, 17-00868.000 & 17-00869.000

That the Mortgage was duly filed with the Recorder of Belmont County on July 18, 2014, and was thereafter recorded in Volume 491, Page 239 of the Mortgage Records of Belmont County, and assigned unto the Plaintiff on January 31, 2022, and recorded on February 7, 2022, as Instrument No. 202200000970, 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<sup>1</sup> foreclosed.

The Court further finds that there is no just reason for delay in entering the judgment<sup>1</sup> 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 Belmont 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<sup>1</sup> 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.

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 Belmont 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 Belmont 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, **\$103,710.67** plus interest at 4.5000% per annum from June 1, 2021, 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.

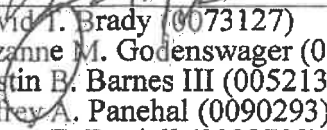
It is therefore ORDERED, ADJUDGED, AND DECREED that since Plaintiff is the first and best lien holder, should it be the successful bidder at the Sale, the deposit required is hereby waived; Plaintiff lien holder shall not be required to make a deposit at the time of sale, but shall pay all costs, taxes, and assessments upon presentment of a statement from the Belmont 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.

**Frank A. Fregiato**

\_\_\_\_\_  
Judge Fregiato

Submitted by,



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David T. Brady (0073127)  
Suzanne M. Godenswager (0086422) *SMG*  
Austin B. Barnes III (0052130)  
Jeffrey A. Panehal (0090293)  
Robert E. Daniell (0098708)  
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 VILLAGE OF SHADYSIDE, COUNTY OF BELMONT AND STATE OF OHIO, AND KNOWN AS AND BEING LOTS NUMBERED 12, 13 AND 14, BLOCK L, OF THE NEFF IMPROVEMENTS COMPANY'S FIRST ADDITION TO SAID VILLAGE OF SHADYSIDE, OHIO. (CABINET B, SLIDE 330)

For Informational Purposes Only

Permanent Parcel No.: 17-00867.000 17-00868.000 & 17-00869.000

Premises commonly known as: 3840 FLORENCE AVE, Shadyside, OH 43947

CERTIFICATE OF SERVICE

A copy of the foregoing was sent by regular U.S. Mail on this 1<sup>st</sup> day of July,


20 22, to the following:

Kevin L. Tomlinson  
3840 Florence Avenue  
Shadyside, OH 43947

Belmont County Treasurer  
101 W Main St  
St Clairsville, OH 43950

Jane Doe, Name Unknown, Unknown  
Spouse if any of Kevin L. Tomlinson  
3840 Florence Avenue  
Shadyside, OH 43947

Portfolio Recovery Associates, LLC  
c/o Corporation Service Company, R/A  
3366 Riverside Drive, Suite 103  
Upper Arlington, OH 43221

  
\_\_\_\_\_  
David T. Brady (0073127)  
Suzanne M. Goldenswager (0086422) ✓ *SM*  
Austin B. Barnes III (0052130)  
Jeffrey A. Panehal (0090293)  
Robert E. Daniell (0098708)  
**Attorneys for Plaintiff**



**CERTIFICATE OF SERVICE**

A copy of the foregoing was sent by regular U.S. Mail on this 12 day of Aug. 2022, to the following:

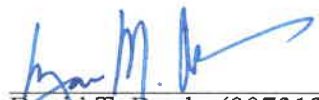
Kevin L. Tomlinson  
3840 Florence Avenue  
Shadyside, OH 43947

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

Belmont County Treasurer  
101 W Main St  
St Clairsville, OH 43950

Jane Doe, Name Unknown, Unknown  
Spouse if any of Kevin L. Tomlinson  
3840 Florence Avenue  
Shadyside, OH 43947

Portfolio Recovery Associates, LLC  
c/o Corporation Service Company, R/A  
3366 Riverside Drive, Suite 103  
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\_\_\_\_\_  
David T. Brady (0073127)  
Suzanne M. Godenswager (0086422) *vsm6*  
Austin B. Barnes III (0052130)  
Jeffrey A. Panehal (0090293)  
Robert E. Daniell (0098708)  
**Attorney for Plaintiff**

SMG/KS  
22-00052  
08/11/2022

2022 AUG 24 AM 8:12  
CLERK OF COURT

**IN THE COURT OF COMMON PLEAS  
BELMONT COUNTY, OHIO  
Civil Division**

**J.P. MORGAN MORTGAGE  
ACQUISITION CORP.**  
*Plaintiff*

: **CASE NO. 22 CV 0038**

:

: **JUDGE FRANK FREGIATO**

:

- vs -

:

:

**KEVIN L. TOMLINSON, ET AL**  
*Defendants*

: **PRAECIPE FOR ORDER OF SALE**

:

:

**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: 3840 Florence Avenue, Shadyside, OH 43947  
Parcel Number: 17-00867.000, 17-00868.000 & 17-00869.000  
Legal Description: See "Exhibit A" attached hereto.

Pursuant to the Judgment Entry and Decree of Foreclosure filed July 6, 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)  
Robert E. Daniell (0098708)  
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 Belmont COUNTY

CASE NO:	22 CV 0038
PROPERTY ADDRESS(ES):	3840 Florence Avenue, Shadyside, OH 43947
PLAINTIFF:	J.P. Morgan Mortgage Acquisition Corp.
DEFENDANT:	Kevin L. Tomlinson
SUBMITTED BY:	Sandhu Law Group, LLC
ATTORNEY & ID#	Suzanne M. Godenswager (0086422)
ATTORNEY'S PHONE:	216-373-5541
CONTACT PERSON:	Kaitlyn Sternad (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 Belmont 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: \_\_\_\_\_

DESCRIPTION APPROVED  
TERRY D. LIVELY, P.S., P.E.  
BELMONT COUNTY ENGINEER

BY Terry D. Lively

DATE 08-04-22

The document information must be corrected and resubmitted for approval.

LEGAL DESCRIPTION

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Parcel No.: 17-00867.000; 17-00868.000; 17-00869.000

Property Address: 3840 FLORENCE AVE, Shadyside, OH 43947

Prior Deed Reference: Book 0491 Page 237 Instrument NO. 201400010560

SMG/KS  
22-00052  
08/11/2022

2022 AUG 24 AM 8:12  
CLERK OF COURT

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

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ACQUISITION CORP.  
*Plaintiff*

: CASE NO. 22 CV 0038  
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: JUDGE FRANK FREGIATO  
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- vs -

KEVIN L. TOMLINSON, ET AL  
*Defendants*

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**TERRY D. LIVELY, P.S., P.E.**  
**BELMONT COUNTY ENGINEER**  
 BY: *Terry D. Lively*  
 DATE: 08-04-22

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Property Address: 3840 FLORENCE AVE, Shadyside, OH 43947

Prior Deed Reference: Book 0491 Page 237 Instrument NO. 201400010560

SMG/KS  
22-00052  
08/11/2022

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CYNTHIA SCHILLIG  
CLERK OF COURTS

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BELMONT COUNTY, OHIO  
Civil Division**

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*Plaintiff*

: **CASE NO. 22 CV 0038**  
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: **JUDGE FRANK FREGIATO**  
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- vs -

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