

19-02258

IN THE COURT OF COMMON PLEAS  
MUSKINGUM COUNTY, OHIO

FILED  
COMMON PLEAS COURT  
MUSKINGUM CO. OHIO

2022 SEP 28 AM 10:58

WENDY L. SOWERS  
CLERK

Bayview Loan Servicing, LLC, a Delaware  
Limited Liability Company/ 1st Substitution of  
Plaintiff - Community Loan Servicing, LLC

CASE NO. CE2019-0337

JUDGE KELLY J. COTTRILL

Plaintiff

-vs-

Karen E. Green, et al.

Defendant(s)

**PRAECIPE FOR ORDER OF APPRAISAL  
AND ORDER OF SALE**

To the Clerk of Court of Common Pleas:

Please issue, within three (3) days of receipt, an Order of Sale to the Private Selling Officer, whose information is listed below, for the real property described herein, and pursuant to the time Stamped Judgment Entry and Decree of Foreclosure, and the Order Appointing the Private Selling Officer, attached as Exhibits "A" and "B."

Please issue an order of Appraisal to the Sheriff of Muskingum County, Ohio, instructing such Sheriff to appraise the real property described as follows:


SEE PRE APPROVED LEGAL DESCRIPTION ATTACHED HERETO AS  
EXHIBIT "C"

Said premises also known as: 63 Cherry Lane, New Concord, OH 43762  
PPN: 66-28-01-27-000

Pursuant to the Judgment Entry and Decree of Foreclosure in the above referenced case.

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 by electronic mail at [schilligestatesandauctions.com](mailto:schilligestatesandauctions.com), or by fax at 877-291-4767 and to Plaintiff's Counsel at [salesteam@clunkhoose.com](mailto:salesteam@clunkhoose.com), and by fax at 330 436-0301. The physical mailing address for the Private Selling Officer, Cynthia Schillig, is 175 S. 3<sup>rd</sup> Street, Suite 100, Columbus, OH 43215-5066.

CLUNK, HOOSE CO., LPA

  
Robert R. Hoose #0074544  
Attorneys for Substituted-Plaintiff  
495 Wolf Ledges Pkwy  
Akron, OH 44311  
(330) 436-0300 - telephone  
(330) 436-0301 - facsimile  
[notice@clunkhoose.com](mailto:notice@clunkhoose.com)

19-02258

Received

SEP 02 2022

File #

IN THE COURT OF COMMON PLEAS  
MUSKINGUM COUNTY, OHIO

FILED  
COMMON PLEAS COURT  
MUSKINGUM COUNTY, OHIO  
2022 AUG 31 AM 9:46  
WENDY L. SUMMERS  
CLERK

Nationstar Mortgage LLC

Plaintiff

-vs-

Karen E. Green, et al.

Defendant(s)

CASE NO. CE2019-0337

JUDGE KELLY J. COTTRILL

JUDGMENT ENTRY

THIS CAUSE was submitted to the Court and heard upon the Complaint of Substitute-Plaintiff, the Answer of Defendant, Treasurer of Muskingum County, Substitute-Plaintiff's Motion for Default Judgment and the evidence.

The Court finds that all necessary parties have been served with summons according to law and are properly before the Court; that the Defendants, Karen E. Green, and Unknown Spouse, if any, of Karen E. Green, are in default of an Answer or other pleading and thereby confessed the allegations of the Complaint to be true and said Defendants are forever barred from asserting any right, title or interest in and to the premises described herein.

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

The Court finds on the evidence adduced that there is due Substitute-Plaintiff on the promissory note set forth in the First Count of the Complaint and Loan Modification Agreement, the sum of \$94,988.63, plus interest thereon at the rate of 7.921% per annum from January 1, 2019, and at such interest rate as may change from time to time pursuant to the terms of the note; plus all late charges due under the Note and Mortgage, any deferred non interest/interest bearing amount(s), all advances made for the payment of real estate taxes and assessments and insurance premiums, and all costs and expenses incurred for the enforcement of the Note and Mortgage, except to the extent the payment of one or more specific such items is prohibited by Ohio law, for which sum judgment is hereby rendered in favor of Substitute-Plaintiff against the Defendant, Karen E. Green.

The Court finds that in order to secure the payment of the promissory note aforesaid, the Defendant, Karen E. Green and executed and delivered to CitiFinancial Servicing LLC, a Delaware Limited Liability Company, successor by merger to CitiFinancial, an Ohio Corporation, a mortgage deed as set forth in the Second Count of said Complaint thereby conveying to it the following described premises:

SEE THE APPROVED LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

Said premises also known as:  
63 Cherry Lane, New Concord, OH 43762  
PPN: 66-28-01-27-000

The Court finds that said mortgage was duly filed with the Muskingum County Recorder on February 17, 2004 and recorded in Book 1841, Page 281 of the Mortgage Records of said County 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 mortgage deed was assigned to Substituted-Plaintiff through a chain of assignments: assignment from CitiFinancial Servicing LLC, a Delaware Limited Liability Company, successor by merger to CitiFinancial, an Ohio Corporation to Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, Recorded on May 8, 2017 in Book 2722, Page 588, of Muskingum County, Ohio Records and assignment from Community Loan Servicing LLC fka Bayview Loan Servicing, LLC to Nationstar Mortgage, LLC, Recorded on June 24, 2022 in Book 3085, Page 876-877, of Muskingum County, Ohio Records Copies of the mortgage and the assignments are attached as exhibits to the Complaint. The Court further finds that said conditions in the mortgage deed have been broken and the same has become absolute and that Substituted-Plaintiff is entitled to have the equity of redemption and dower of all Defendants in and to said premises foreclosed.

The Court finds that Substitute-Plaintiff has and will from time to time advance sums for taxes, insurance and property protection. Substitute-Plaintiff has the first and best lien for these amounts in addition to the amount set forth above. The Court makes no finding as to the amounts of the advances and continues same until the confirmation of sale.

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

### **ORDER**

It is therefore ORDERED, ADJUDGED AND DECREED that unless the sums found due herein, 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 Defendants in and to said premises shall be foreclosed and that Substitute-Plaintiff may cause an order of sale to be issued to the Sheriff of Muskingum County, directing him to appraise, 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.

It is further ordered that the Sheriff, upon confirmation of sale, shall pay from the proceeds thereof the following:

- FIRST: To the Clerk of Courts the costs of this action, including the fees of the appraisers.
- SECOND: To the Muskingum County Treasurer, real estate taxes, assessments, interest and penalties due and payable on said premises.
- THIRD: To the Substitute-Plaintiff, the sum of \$94,988.63 plus interest thereon at the rate of 7.921% per annum from January 1, 2019, together with all late charges due under the Note and Mortgage, any deferred non interest/interest bearing amount(s), all advances made for the payment of real estate taxes and assessments and insurance premiums, and all costs and expenses incurred for the enforcement of the Note and Mortgage, except to the extent the payment of one or more specific such items is prohibited by Ohio law.
- FOURTH: The balance, if any, to be deposited with the clerk pending further order of the Court.

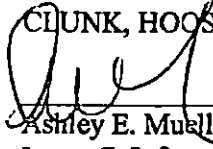
**TO THE CLERK:**

PURSUANT TO CIVIL RULE 58(B), THE CLERK IS DIRECTED TO SERVE UPON THE PARTIES A NOTICE OF THE FILING OF THIS JUDGMENT ENTRY AND OF THE DATE OF ENTRY UPON THE JOURNAL.

RECORD IS HEREBY ORDERED.

  
\_\_\_\_\_  
JUDGE COTTRILL

APPROVED BY:  
CLUNK, HOOSE CO., LPA



---

Ashley E. Mueller #0095546  
Laura C. Infante #0082050  
Attorneys for Substitute-Plaintiff  
495 Wolf Ledges Pkwy  
Akron, Ohio 44311  
(330) 436-0300 - telephone  
(330) 436-0301 - facsimile  
notice@clunkhoose.com

Submitted for Objection  
Dennis E. Dove #0055215  
Attorney for Defendant,  
Treasurer of Muskingum County

# EXHIBIT A

**Muskingum County Sheriff's Office**  
**Matthew J. Lutz, Sheriff**  
28 N. Fourth Street  
Zanesville, OH 43701  
(740) 452-3637

*Chuck Olson*  
11-27-19

## Property Description Approval Form

Parcel # 68-28-01-27-000	Case No Court: CE2019-0337
Property Address: 63 Cherry Lane, New Concord OH 43762	
Plaintiff: Bayview Loan Servicing, LLC, a Delaware Limited Liability Company	
Defendants: Karen E. Green	
Submitted By: Clunk, Hoose Co., LPA	
Attorney & I.D. #: Ethan Clunk #0095546	
Attorney's Phone #: (330) 436-0300	
Contact Person:	
Contact Phone 330-436-0300 Ext.	Our File#: 19-02258

The attached legal description has been reviewed by the Muskingum County GIS Dept. 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 print deed, which will contain all of this information.

This document along with the stamped "approved" original legal description must be attached to the Precipe for Order of Sale when filed with the Muskingum County Clerk of Courts. You will be submitting the Precipe for Order of Sale, this Property Description Approval Form and the green stamped "approved" legal description to the Muskingum County Clerk of Courts.

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.

\*\*MUSKINGUM COUNTY GIS DEPT. USE ONLY\*\*

**APPROVED**

The following information has been reviewed by the Muskingum County GIS Dept. and has not been approved 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
- New description necessary, mortgage assigned post 01/01/08 (MCSIC 202.11 - ORC 319.203)
- Other: \_\_\_\_\_

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

FORM 608-13  
EFF. 10/16/13  
REV. 01/16/13

**63 Cherry Lane, New Concord, OH 43762**

**Legal Description:**

BEING IN LOT NUMBER FORTY-TWO (42) IN THE VILLAGE OF NEW CONCORD, MUSKINGUM COUNTY, OHIO AS THE SAME IS DESIGNATED AND DELINEATED ON A PLAT OF NEW CONCORD, RECORDED IN THE RECORDS OFFICE OF SAID MUSKINGUM COUNTY IN DEED BOOK 1, PAGE 526.

**Parcel Number(s):** 66-28-01-27-000

**Prior Deed Info.:**

Certificate of Transfer  
Recorded January 25, 2019  
Instrument Number 201900001036;  
Book 2832; Page 290

Warranty Deed  
Recorded March 21, 1984  
Book 914; Page 301

Received

SEP 12 2022

File #

19-02258

IN THE COURT OF COMMON PLEAS  
MUSKINGUM COUNTY, OHIO

FILED  
COMMON PLEAS COURT  
MUSKINGUM COUNTY, OHIO

2022 SEP -7 11:11:13

Bayview Loan Servicing, LLC, a Delaware  
Limited Liability Company/ 1st Substitution of  
Plaintiff - Community Loan Servicing, LLC

CASE NO. CE2019-0337

JUDGE KELLY J. COTTRILL

WENDY L. JOHNSON  
CLERK

Plaintiff

-vs-

Karen E. Green, et al.

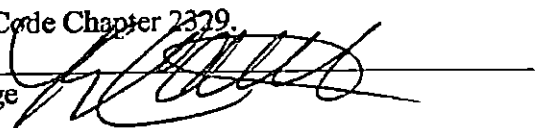
Defendant(s)

**ORDER APPOINTING PRIVATE  
SELLING OFFICER TO SELL REAL  
ESTATE**

This matter came on for consideration on the Plaintiff's Motion for an order authorizing Cynthia Schillig as Private Selling Officer, to sell the real property described in "Exhibit A" attached hereto (the "Property") at public auction. The Court finds said Motion well-taken and is hereby granted.

Therefore, it is hereby ORDERED that Cynthia Schillig is hereby appointed as Private Selling Officer to sell the Property at public auction in accordance with the Private Selling Officer's terms and in accordance with Ohio Revised Code Chapter 2329.

Judge



Submitted by:  
CLUNK, HOOSE CO., LPA

Robert R. Hoose 0074544  
Attorney(s) for Substituted-Plaintiff

EXHIBIT B



**Muskingum County Sheriff's Office**  
**Matthew J. Lutz, Sheriff**  
28 N. Fourth Street  
Zanesville, OH 43701  
(740) 452-3637

*Chad Clunk*  
11-27-19

**Property Description Approval Form**

Parcel # 66-28-01-27-000	Case No Court: CE2019-0337
Property Address: 63 Cherry Lane, New Concord OH 43762	
Plaintiff: Bayview Loan Servicing, LLC, a Delaware Limited Liability Company	
Defendants: Karen E. Green.	
Submitted By: Clunk, Hoose Co., LPA	
Attorney & I.D. #: Ethan Clunk #0095546	
Attorney's Phone #: (330) 436-0300	
Contact Person:	
Contact Phone 330-436-0300 Ext.	Our File#: 19-02258

The attached legal description has been reviewed by the Muskingum County GIS Dept. 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.

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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.

**\*\*\*MUSKINGUM COUNTY GIS DEPT. USE ONLY\*\*\***

**APPROVED**

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- Other: \_\_\_\_\_

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

FORM #08-19  
EFF. 10/10/08  
REV. 01/21/09

**63 Cherry Lane, New Concord, OH 43762**

**Legal Description:**

BEING IN-LOT NUMBER FORTY-TWO (42) IN THE VILLAGE OF NEW CONCORD, MUSKINGUM COUNTY, OHIO AS THE SAME IS DESIGNATED AND DELINEATED ON A PLAT OF NEW CONCORD, RECORDED IN THE RECORD'S OFFICE OF SAID MUSKINGUM COUNTY IN DEED BOOK 1, PAGE 526.

**Parcel Number(s):** 66-28-01-27-000

**Prior Deed Info.:**

Certificate of Transfer  
Recorded January 25, 2019  
Instrument Number 201900001036;  
Book 2832; Page 290

Warranty Deed  
Recorded March 21, 1984  
Book 914; Page 301

**CLUNK  
HOOSE** Co. LPA

495 Wolf Ledges Pkwy  
Akron, Ohio 44311  
Phone: (330) 436-0300  
Fax: (330) 436-0301  
E-mail: requests@clunkhoose.com  
Hours of Operation: M-F 8:30 AM – 5:00 PM

*Attorneys (Admitted In):*  
**John D. Clunk (OH, KY\*)**  
**Robert R. Hoose (OH, FL, KY)**  
**Ethan J. Clunk (OH, KY)**  
**Ted A. Humbert (OH)**  
**Laura C. Infante (OH, KY)**  
**LeAnn E. Covey (OH, KY, WV)**  
**Ashley E. Mueller (OH, KY)**  
**Travis W. Thompson (KY, IL\*)**  
**Heather D. Claycomb (KY)**  
**Sarah A. Crichigno (WV, VA)**  
**Richard B. Bardach (OH\*\*)**  
(\*inactive)  
(\*\*Of Counsel)

September 23, 2022

Clerk of Muskingum County  
Court of Common Pleas  
401 Main Street  
Zanesville, OH 43701

RE: Bayview Loan Servicing, LLC, a Delaware Limited Liability Company/ 1st Substitution  
of Plaintiff - Community Loan Servicing, LLC

-vs-

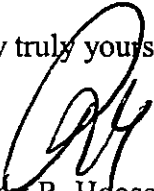
Karen E. Green, et al.  
Case No. CE2019-0337  
File No. 19-02258

Dear Clerk:

Enclosed please find an original and two copies of a Praecipe for Order of Appraisal and Order  
of Sale, the legal description and the time-stamped Judgment Entry in the above-captioned  
matter. Please file the  
Order and return a time-stamped copy to the undersigned in the envelope provided.

Thank you for your assistance in this matter.

Very truly yours,



Robert R. Hoose  
RRH/clo  
Enclosures