

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

Fifth Third Bank, National Association

Plaintiff,

vs.

Corinne E. Genis, et al.

Defendants.

Case No. 22CV003061

Judge Andy D Miller

ORDER FOR SALE

To Cynthia Schillig, court authorized Private Selling Officer ("PSO"), GREETINGS:

Whereas, in the Court of Common Pleas of Franklin County, Ohio, on 23rd day of November, 2022, Fifth Third Bank, National Association obtained a judgment and decree against Corinne E. Genis for the sum of 58,541.39 Dollars and costs of suit, in Case No. 22CV003061.

And whereas, it was then and there by said Court, ordered, adjudged and decreed that the said Corinne E. Genis within three (3) days from the 23rd day of November, 2022, pay unto the said Fifth Third Bank, National Association the said sum of 58,541.39 Dollars with interest at 4.74 percent, from the 1st day of June, 2021 and costs aforesaid, and upon default to pay the same, that an order of sale issue commanding to proceed according to the statutes 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 advertise and sell, according to the statutes regulating judgments and executions at law, the following described

lands and tenements, situate in Franklin County, Ohio, to-wit:

Situated in the State of Ohio, County of Franklin and located in Madison Township and further described as:

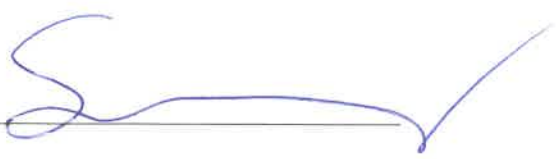
Being all of Lot Number Four Hundred Sixty (460), of Blacklick Estates Section Number One (1), as the same is numbered and delineated upon the recorded plat thereof, of recorded in Plat Book 34, Pages 66 through 68, Recorder's Office, Franklin County, Ohio:

Parcel Number: 180-002318-00

Address: 5130 Gunston Drive, Columbus, OH 43232

to make the sum of \$58,541.39 (Fifty-Eight Thousand Five Hundred Forty-One and 39/100 Dollars) judgment with the said interest thereon, and costs of 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 _____, Ohio, this 21 day of DEC, 20 22.

By: 
Deputy

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

Fifth Third Bank, National Association
Plaintiff,

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Defendants.

Case No. 22CV003061

Judge Andy D Miller

IN REM JUDGMENT ENTRY AND
DECREE IN FORECLOSURE

This matter is before the Court on Plaintiff's Motion for Default Judgment. The real property that is the subject of this foreclosure action (the "Property") is as follows:

Situated in the State of Ohio, County of Franklin and located in Madison Township and further described as:

Being all of Lot Number Four Hundred Sixty (460), of Blacklick Estates Section Number One (1), as the same is numbered and delineated upon the recorded plat thereof, of recorded in Plat Book 34, Pages 66 through 68, Recorder's Office, Franklin County, Ohio.

In response to the Motion for Default Judgment, the Court finds that John Doe Name Unknown, the Unknown Spouse of Corinne E. Genis (if any) and John Doe(s), Name(s) Unknown, the Unknown heirs, devisees, legatees, beneficiaries of Corinne E. Genis and their unknown spouses and creditors were served by publication pursuant to Rule 4.4 of the Ohio Rules of Civil Procedure, but are in default for failure to file an Answer or other responsive pleading. The Court finds the failure to deny the allegations contained in the Complaint result in

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

**Fifth Third Bank, National Association
Plaintiff,**

vs.

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Defendants.

Case No. 22CV003061

Judge Andy D Miller

**IN REM JUDGMENT ENTRY AND
DECREE IN FORECLOSURE**

This matter is before the Court on Plaintiff's Motion for Default Judgment. The real property that is the subject of this foreclosure action (the "Property") is as follows:

Situated in the State of Ohio, County of Franklin and located in Madison Township and further described as:

Being all of Lot Number Four Hundred Sixty (460), of Blacklick Estates Section Number One (1), as the same is numbered and delineated upon the recorded plat thereof, of recorded in Plat Book 34, Pages 66 through 68, Recorder's Office, Franklin County, Ohio.

In response to the Motion for Default Judgment, the Court finds that John Doe Name Unknown, the Unknown Spouse of Corinne E. Genis (if any) and John Doe(s), Name(s) Unknown, the Unknown heirs, devisees, legatees, beneficiaries of Corinne E. Genis and their unknown spouses and creditors were served by publication pursuant to Rule 4.4 of the Ohio Rules of Civil Procedure, but are in default for failure to file an Answer or other responsive pleading. The Court finds the failure to deny the allegations contained in the Complaint result in

For good cause shown, the Court hereby dismisses Corinne E. Genis from this action.

The Court does not grant personal judgment against Corinne E. Genis but does grant judgment in rem.

The Court finds that the Mortgage was recorded with the County Recorder and is a valid and subsisting first mortgage on the Property. The Court further finds that the parties to the Mortgage intended that it attach to the entire fee simple interest in the Property. The Mortgage is, however, junior in priority under Ohio law to the lien held by the County Treasurer to secure the payment of real estate taxes and assessments. All amounts payable under Section 323.47 of the Ohio Revised Code shall be paid from the proceeds of the sale before any distribution is made to other lien holders.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that unless the sums found to be due to Plaintiff are fully paid within three (3) days from the date of the entry of this decree, the equity of redemption of the defendant title holders in the Property shall be foreclosed and the Property shall be sold free of the interests of all parties to this action, except for the statutory lien of the Treasurer. In addition, an order of sale shall issue directing the appraisal, advertisement, and sale of the Property according to the law and the orders of this Court. If the court authorizes a private selling officer to sell the Property and the Plaintiff elects to use a private selling officer, then the sale must proceed in accordance with O.R.C. §2329.152. Otherwise, the Property is to be sold by the Sheriff, and he is to report his proceedings to the Court.

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 O.R.C. §2329.20. The second auction shall be held no earlier than seven days and not later than thirty days after the first auction.

If there is a successful purchaser at the second or subsequent auctions, 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 O.R.C. §2329.31 with the redeeming party considered the successful purchaser at sale.

Notice of the time and place of the sale of the Property shall be given to all persons who have an interest in the Property according to the provisions of Section 2329.26 of the Ohio Revised Code.

Following the sale of the Property, the proceeds shall be distributed in the following order of priority:

- First, the Clerk of Courts shall be paid for all costs of this action.
- Second, the Franklin County Treasurer shall be paid for all unpaid taxes, assessments, interest, and penalties on the Property.
- Third, the Private Selling Officer shall be paid for costs and fees related to the sale of the Property as set forth in O.R.C. § 2329.152.
- Fourth, Plaintiff shall be paid principal in the amount of \$58,541.39, plus interest on the principal amount at the rate of 4.74% per annum from June 1, 2021, 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.
- Fifth, the balance of the proceeds, if any, shall be held pending further order of the Court.

There is no just reason for delay in entering Judgment as aforesaid.

IT IS SO ORDERED.

.....
Judge Andy D Miller
Common Pleas Judge

cc: John Doe Name Unknown, the Unknown Spouse of Corinne E. Genis (if any)
Franklin County Treasurer
John Doe(s), Name(s) Unknown, the Unknown heirs, devisees, legatees, beneficiaries of Corinne
E. Genis and their unknown spouses and creditors

Direction to Clerk:

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 in a manner prescribed by Civ.R. 5(B) within three days of the judgment's entry upon the journal, and note the service in the appearance docket.

Approved:

/s/ Kyle E. Timken

Kyle E. Timken (0071381)
Angela D. Kirk (0075177)
Matthew P. Curry (0078306)
Ann Marie Johnson (0072981)
Michael E. Carleton (0083352)
Carla M. Allen (0100929)
Kimberly D. Fulkerson (0073756)
Justin M. Ritch (0085358)
Richard J. Sykora (0093134)
Manley Deas Kochalski LLC
P. O. Box 165028

22-010065_MLB

Columbus, OH 43216-5028
Telephone: 614-220-5611
Fax: 614-220-5613
Email: ket@manleydeas.com
Attorney for Plaintiff
MDK File Number 22-010065

Franklin County Court of Common Pleas

Date: 11-23-2022
Case Title: FIFTH THIRD BANK NATIONAL ASSOCIATION -VS- CORINNE
E GENIS ET AL
Case Number: 22CV003061
Type: JUDGMENT ENTRY

It Is So Ordered.



/s/ Judge Andrew D.M. Miller

Court Disposition

Case Number: 22CV003061

Case Style: FIFTH THIRD BANK NATIONAL ASSOCIATION -VS-
CORINNE E GENIS ET AL

Case Terminated: 12 - Default

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 22CV0030612022-10-1499980000
Document Title: 10-14-2022-MOTION FOR DEFAULT JUDGMENT
- PLAINTIFF: FIFTH THIRD BANK NATIONAL ASSOCIATION
Disposition: MOTION GRANTED

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FRANKLIN COUNTY, OHIO

Fifth Third Bank, National Association

Plaintiff,

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Defendants.

Case No. 22CV003061

Judge Andy D Miller

ORDER TO APPOINT PRIVATE
SELLING OFFICER

This matter is before the Court on the Motion of Plaintiff, Fifth Third Bank, National Association ("Plaintiff") to Appoint a Private Selling Officer pursuant to ORC § 2329.152. The Court finds Cynthia Schillig is a resident of Ohio, a licensed auctioneer pursuant to ORC § 4707.01, *et. seq.*, and a licensed real estate broker or real estate salesperson pursuant to ORC § 4735.01, *et. seq.* The Court finds the Motion to be well-taken and **GRANTS** Plaintiff's request.

Therefore, it is hereby **ORDERED, ADJUDGED** and **DECREED**:

1. Plaintiff is authorized to use Cynthia Schillig as the Private Selling Officer ("PSO") for the purpose of conducting the sale of the real property commonly known as 5130 Gunston Drive, Columbus, OH 43232 ("Property").

2. The PSO shall advertise the Property in a newspaper of general circulation for a minimum of three (3) consecutive weeks pursuant to O.R.C. §§ 2329.26-2329.27 and may place the Property with the area Multiple Listing Service (MLS) if the PSO is a member of the area MLS. The PSO may perform additional advertisement related to the sale of the Property, including, but not limited to, online advertisement, social media advertisement, and direct marketing to potential purchasers. The PSO may perform additional advertisement related to the sale of the Property, including, but not limited to, online advertisement, social media advertisement, listing with the local Multiple Listing Service (MLS), and direct marketing to potential purchasers.
3. The PSO may hold an open house or photograph the interior of the Property pursuant to ORC § 2329.272 if the Property is not occupied and was previously secured and within the control of the Plaintiff.
4. The PSO shall sell the Property in accordance with the applicable sections of O.R.C. §§ 2329.01 to 2329.61.
5. The PSO shall engage the services of a duly licensed title agent or title company to provide title, escrow, and closing services related to the sale of the Property, which may also provide additional administrative services to the PSO.
6. The PSO shall not be required to provide or obtain an Agency Disclosure Statement and Residential Property Disclosure Form related to the sale of the Property.
7. The PSO shall execute a deed of conveyance to the purchaser (or purchaser's designee) of the Property and cause the deed to be recorded on behalf of the purchaser.
8. In the event the Property is purchased by a third party, the third party purchaser shall pay to the PSO a Buyer's Premium as established by the terms of sale.

9. The PSO shall file with the court an itemized report that includes the costs incurred for appraisal, publication, marketing, and any other expenses; and the fees charged by the PSO related to the sale of the Property. The costs and fees related to the sale of the Property are to be taxed as costs to the case as set forth in O.R.C. § 2329.152.

IT IS SO ORDERED.

.....
Judge Andy D Miller
Common Pleas Judge

cc: John Doe Name Unknown, the Unknown Spouse of Corinne E. Genis (if any)
Franklin County Treasurer
John Doe(s), Name(s) Unknown, the Unknown heirs, devisees, legatees, beneficiaries of Corinne E. Genis and their unknown spouses and creditors

Approved:

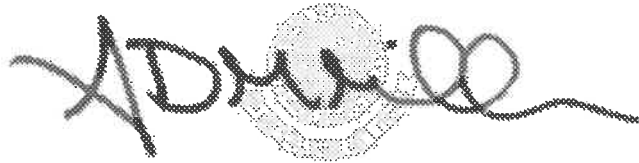
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Attorney for Plaintiff

Franklin County Court of Common Pleas

Date: 11-23-2022
Case Title: FIFTH THIRD BANK NATIONAL ASSOCIATION -VS- CORINNE E GENIS ET AL
Case Number: 22CV003061
Type: ORDER

It Is So Ordered.



/s/ Judge Andrew D.M. Miller

Court Disposition

Case Number: 22CV003061

Case Style: FIFTH THIRD BANK NATIONAL ASSOCIATION -VS-
CORINNE E GENIS ET AL

Motion Tie Off Information:

1. Motion CMS Document Id: 22CV0030612022-10-1499970000

Document Title: 10-14-2022-MOTION - PLAINTIFF: FIFTH THIRD
BANK NATIONAL ASSOCIATION - TO APPOINT PRIVATE SELLING
OFFICER

Disposition: MOTION GRANTED

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