[Cite as *Rinaldi v. Rinaldi,* 2015-Ohio-2852.]

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
ATHENS COUNTY

JOHN G. RINALDI, JR., et al. ,

:

Plaintiffs-Appellees, Case No. 12CA41

:

vs.

:

JOHN G. RINALDI, SR., DECISION AND JUDGMENT ENTRY :

Defendant-Appellant.

APPEARANCES:

COUNSEL FOR APPELLANT JOHN G. RINALDI, SR. — Stephen H. Dodd, 600 South High Street., Ste. 100, Columbus, Ohio 43215[1]

COUNSEL FOR APPELLEE JOHN G. RINALDI, JR. — Robert J. Shostak, & Michael J. Hollingsworth, 8 North Court Street, Ste. 502, Athens, Ohio 45701

CIVIL APPEAL FROM COMMON PLEAS COURT
DATE JOURNALIZED:6-29-15
PER CURIAM.

{¶ 1} This is an appeal from an Athens County Common Pleas Court judgment in favor of John G. Rinaldi, Jr., plaintiff below and appellee herein, on claims against his father, John G. Rinaldi, Sr., defendant below and appellant herein, as well his father's counterclaims against

[1] Many different counsel represented appellant during the trial court proceedings.

him.[2] Appellant assigns the following errors for review:

> FIRST ASSIGNMENT OF ERROR:
>
> "THE COMMON PLEAS COURT ERRED TO THE PREJUDICE OF APPELLANT IN DETERMINING THAT APPELLANT HAD NO OWNERSHIP INTEREST IN THE THREE RENTAL PROPERTIES REFERRED TO AS 52 GROSVENOR STREET, 197 E. STATE STREET AND 14 MARIETTA ST., ATHENS, OHIO."
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> SECOND ASSIGNMENT OF ERROR:
>
> "THE COMMON PLEAS COURT ERRED TO THE PREJUDICE OF APPELLANT IN REFUSING TO ORDER A PARTITION OF THE THREE RENTAL PROPERTIES REFERRED TO AS 52 GROSVENOR STREET, 197 E. STATE STREET AND 14 MARIETTA ST., ATHENS, OHIO"
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> THIRD ASSIGNMENT OF ERROR:
>
> "THE COMMON PLEAS COURT ERRED TO THE PREJUDICE OF APPELLANT IN REFUSING TO ORDER AN ACCOUNTING RELATING TO THE RENTAL INCOME AND EXPENSES FOR THE THREE RENTAL PROPERTIES REFERRED TO AS 52 GROSVENOR STREET, 197 E. STATE STREET AND 14 MARIETTA ST., ATHENS, OHIO."
>
> FOURTH ASSIGNMENT OF ERROR:
>
> "THE COMMON PLEAS COURT ERRED TO THE PREJUDICE OF APPELLANT IN DISMISSING APPELLANT'S CLAIM FOR A DETERMINATION THAT HE HELD AN EQUITABLE INTEREST IN THE ENTITIES ATHENS TRANSPORTATION. LTD AND ST. MARTIN ONLINE SERVICES, LLC."

{¶ 2} Although the procedural posture of this case is difficult to decipher, the

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[2] Judith Ann Rinaldi, appellee's mother and appellant's ex-wife, was originally represented by her son's attorney, but later retained her own counsel. However, she did not enter an appearance in this appeal and, thus, any reference we make to her is to "Judith" rather than "appellee."

underlying issues are relatively straight-forward. Appellant and Judith Rinaldi married in 1972 and have four children, including appellee who apparently is their eldest child.

{¶ 3} Appellee was attending his final year at Ohio University in 2000 and moved to various places in Athens. His parents paid most of his bills, including housing.[3] John and his parents eventually decided that it might be advantageous to buy a home for John rather than to pay rent.

{¶ 4} On August 25, 2000, the Rinaldis acquired property at 52 Grosvenor Street. Appellee's parents provided the $16,000 down payment and father and son both executed a mortgage to pay the remaining balance of the purchase price.[4] The deed that transferred title also listed father and son as joint tenants with rights of survivorship. Appellee lived at the property for the rest of his time in school and leased other rooms to fellow students.

{¶ 5} Once out of school, appellee continued to invest in real estate and other ventures. In 2003, a deed transferred the property at 197 East State Street to all three Rinaldis for their joint lives, with remainder to the survivor(s) of them. John and his parents also executed a mortgage to pay the remainder of the purchase price. The following month, another deed transferred the property at 14 Marietta Avenue to all three Rinaldis, for their joint lives remainder to the survivor of them. Appellee and his parents also executed a mortgage for payment of the balance of the purchase price.

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[3] John's parents apparently resided in Connecticut, although the record suggests that Jack has since moved to Florida.

[4] That mortgage has been satisfied and released. The uncontroverted evidence shows that John paid the mortgage without any assistance from his parents.

{¶ 6} The structure of these transactions fueled a portion of the controversy in this case. Appellee believed, and his mother testified, that she intended that the $16,000 provided for the Grosvenor Street down payment was a gift and that appellant was to be sole owner of all three rental properties. Appellant did not act in any manner inconsistent with this belief until he and his wife filed for divorce in 2008. At that point, appellant began to assert that he had an ownership interest in all three properties.[5]

{¶ 7} Rental real estate was not the family's only commercial venture as one or more family members were involved in the creation of a cab service (Athens Transport), as well as a travel agency (St. Martin Online Services). As with the three rental properties, appellee claimed that he is the sole founder of both, and the owner of St. Martin.[6] His father, (appellant) believed, however, that he is a co-founder and co-owner of the two companies.

{¶ 8} Appellee and his mother commenced the instant action and sought, inter alia, declaratory judgments as to the ownership of the three rental properties, as well as a judgment to quiet title to the rental properties. In Count three of the complaint, appellee also sought specific performance of what he characterized as his father's offer of settlement regarding the ownership of the rental properties.

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[5] Appellee testified that his father did not assert any ownership interest in his various businesses until after the start of his parents' divorce. He characterized his father as an "angry" man, and speculated that his father sought ownership interests in his various businesses because he believed that his oldest son was responsible for the divorce. The divorce was finalized in 2010, after the case had commenced.

[6] Appellee testified that at the time of the trial, he had sold Athens Transport to an employee of the company.

{¶ 9} Appellant denied the allegations and asserted a variety of counterclaims against both his son and ex-wife. What followed was a blizzard of amended claims, counterclaims and replies. We also point out part of the delay in bringing this case to trial is attributable to appellant's actions. One example is appellant's request for a continuance of the 2012 trial. On April 30, 2012, the trial court denied his motion. That same day, appellant, acting pro se, faxed a message to the trial court. Then, on May 4, 2012, counsel filed a motion asking the trial court judge to recuse himself as having received an unsolicited e-mail. The trial court wisely refused, and denied appellant's motion.[7]

{¶ 10} The matter came on for partial bench trial as to appellant's claim for specific performance of his father's alleged settlement proposal. Appellee testified his father offered $90,000 to settle the family dispute, and despite appellee's misgivings that this sum far exceeded his father's investment in the properties, he was willing to accept the offer to end the family conflict.[8] Appellant, however, testified that he did not agree to a final resolution of the case. In the end, the trial court found no "meeting of the minds" as to any proposed settlement agreement and ruled in favor of appellant on this particular issue.

{¶ 11} The remaining matters came on for bench trial in May 2012.[9] Oddly enough, the

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[7] This type of "action," if allowed to stand, would enable any litigant to remove a judge and obtain a continuance by simply making an unsolicited ex parte contact with the trial court.

[8] Not surprisingly, in light of the acrimony involved in this case, appellee testified he had not spoken to his father in a number of "years."

[9] Appellant, who had already retained a number of different attorneys over the years, represented himself pro se at the bench trial. Days prior to start of the trial, appellant contacted the

testimony adduced at trial was relatively uncontested. Appellant conceded that he and his son had no written ownership agreement in any of the rental properties or in the two side-businesses. Insofar as the rental properties are concerned, appellant conceded that his son managed them, collected the rents and paid the mortgages. Although the Grovesnor Street property was the only property for which the mortgage was satisfied, appellant offered no written documentation to show that he paid any amount on that property or the other two properties. Appellant also offered no evidence beyond his own testimony to show that he co-owned any of the rental properties or the two businesses.

{¶ 12} Appellee explained that the reason his father and mother were named on the mortgage was to obtain a lower interest rate on mortgage loans, and that his parent(s) were placed on the survivorship deeds to protect their interests should appellant die or become unable

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Athens County Prosecutor and accused his then counsel of criminal fraud. He also drove to his attorney's residence, while counsel and his immediate family were gone for the day, "knocked on the door vigorously more than once" thus "frightening" counsel's mother-in-law who is described as "eighty seven years old and frail and a timid woman." Appellant parked across the street for several hours and watched the home, presumably, in anticipation that his counsel would return. Appellant eventually left, but returned the next day and repeated the same conduct. Although counsel was not home, his wife answered the door and instructed appellant to leave. Appellant, however, returned shortly thereafter and counsel's wife then called the Lancaster Police Department. Counsel and his family filed a complaint against appellant charging him with "stalking and trespass." Not surprisingly, counsel represented to the trial court that he could no longer represent appellant under such circumstances. The court agreed, allowed counsel to withdraw and then called appellant's actions "abominable." After his latest counsel resigned, appellant asked to be his own attorney claiming that he could "do a better job representing himself" than if he had counsel. The trial court granted appellant's request. Thus, appellant represented himself during the remainder of proceedings at the trial level.

to satisfy the debts. Judith Rinaldi, appellee's mother and appellant's ex-wife, despite having no interest in the proceeding whatsoever, confirmed her son's interpretation of proceedings. Ms. Rinaldi testified that the down payment she and her ex-husband gave appellee for the Grosvenor Street property was a gift, that she did not expect any money from her son on any of his Athens County real estate investments and neither did her ex-husband (until, however, their divorce began).

{¶ 13} Furthermore, appellant's tax returns showed that he did not claim any of the rental properties for determining his income, whereas his son's returns included all the three investments for tax purposes. Appellee characterized his father as an "angry" man and related that his father blamed him for his parents' divorce. Only after the divorce proceeding was commenced did appellant seek payment for the rental properties.

{¶ 14} The transcript also includes considerable testimony concerning the ownership of St. Martin (but considerably less as to Athens Transport that appellee testified he sold to an employee before the case began). Appellant presented many documents, but not one showed any partnership agreement with his son as he claimed throughout these proceedings.

{¶ 15} After hearing the evidence, the trial court issued an extensive and well-reasoned decision and judgment in appellee's favor on all his claims, and against his father on his (appellant's) counterclaims. The trial court ruled that appellant has no claim to any of the rental properties and, thus, ordered him to transfer his interests to his son. The court also ruled that appellee has no interest in Athens Transport or St. Martin. This appeal followed.

I

{¶ 16} In his first assignment of error, appellant argues that the trial court erred by

determining he held no ownership interest in the rental properties. Specifically, appellant points to survivorship language in the deeds to the rental properties and then cites R.C. 5302.20(B) that states, inter alia, if "two or more persons hold an interest in the title to real property as survivorship tenants, each survivorship tenant holds an equal share of the title during their joint lives unless otherwise provided in the instrument creating the survivorship tenancy." (Emphasis added.) Appellant concludes that in view of the statutory language, the trial court erred by concluding that he has no ownership interests in the rental properties. We disagree with appellant.

{¶ 17} First, as appellee points out in his brief and appellant so concedes in his reply brief, this issue was not raised during the trial court proceeding below. Generally, issues not raised in the trial court will not be considered for the first time on appeal. *Adkins v. Bratcher*, 4th Dist. Washington No. 07CA55, 2009-Ohio-42, at ¶39; *Hine v. Byler*, 4th Dist. Ross App. No. 07CA2961, 2008-Ohio-150, ¶32. At the same time, however, we allow considerable leniency to pro se litigants. *Wall v. Wall*, 4th Dist. Pike No. 14CA848, 2015-Ohio-1928, at ¶7; *Ogle v. Ohio Power Co.*, 4th Dist. Hocking No. 14CA15, 2015-Ohio-1724, at ¶9. Although we typically apply this latter principle to cases of pro se representation on appeal, and although it is tempting to deny any leniency to appellant because his pro se status was due to his own misconduct, we believe that the interests of justice are best served by considering the merits of this issue.

{¶ 18} After our review of this matter, we believe that appellant's reliance on R.C. 5302.20(B) is misplaced. Before we explain those reasons, we first note the proper standard of review. Appellant claims the trial court misapplied a statute. Thus, this is a question of law to which, as appellant correctly notes in his brief, we apply a de novo standard of review. See *In re*

R.M., 4th Dist. Athens Nos. 12CA43 & 12CA44, 2013-Ohio-3588, at ¶88; *State v. Clemons*, 4th Dist. Highland No. 12CA9, 2013-Ohio-3415, at ¶7. In other words we afford no deference to the trial court and instead we conduct our own, independent review. *Turner & Son Funeral Home v. Hillsboro*, 4th Dist. Highland No. 14CA16, 2015-Ohio-1138, at ¶6; *Holiday Haven Members Assn. v. Paulson*, 4th Dist. Hocking No. 13CA13, 2014-Ohio-3902, at ¶13.

{¶ 19} We believe that the flaw in appellant's reliance on R.C. 5302.20(B) is that the portion of the statute that he cites says nothing about "ownership." Rather, it refers to joint and survivorship tenants as persons who happen to hold "an interest" in the property. An "interest" in property may mean an "ownership" interest, but it may also mean something else. To read the word "ownership" into the statute as appellant does adds more language to the provision than the Ohio General Assembly sought to give it.

{¶ 20} Ohio law provides that interests in real estate may include many different interests, including bare legal title and equitable property interests. See e.g. *O'Brien v. Givens*, 91 Ohio App. 549, 553, 109 N.E.2d 293 (1st Dist. 1952); also see *Rodefer v. Colbert*, 2nd Dist. Darke No. 2014–CA–3, 2015-Ohio-1982, at ¶21 (discussing Ohio Adm.Code 5101:1–39–05(B)(10)(a) regarding Medicaid); *Doucet v. Telhio Credit Union, Inc.*, 10th Dist. Franklin No. 05AP-307, 2006-Ohio- 4342, at ¶¶6-7 (discussing federal bankruptcy law). Here, we agree that pursuant to R.C. 5302.20(B), appellant had an interest in the bare legal title to the rental properties, but that is not the same as an "ownership" interest.

{¶ 21} " An 'equitable owner' is one who is recognized in equity as the owner of the property, because the real and beneficial use and title [all] belong to him, although the bare legal title is invested in another." *Levin v. Carney*, 161 Ohio St. 513, 518, 120 N.E.2d 92 (1954). "A

'legal owner' is one in whom the legal title to real estate is vested, but subject to the rights of any equitable owner." Id.; also see *Wells Fargo Bank, N.A. v. Sessley*, 188 Ohio App.3d 213, 2010-Ohio-2902, 935 N.E.2d 70, at ¶34 (10th Dist.). As our First District colleagues explained:

> "[T]he term "owner" as used in the law is "a nomen genralissimum [and] * * * its meaning is to be gathered from the connection in which it is used * * *." Black's Law Dictionary (5Ed.1979), 996. A legal owner is one "who is recognized and held responsible by the law as the owner of the property," while an equitable owner is one "who is recognized in equity as the owner of [the] property, because the real and beneficial use and title belong to him, although the bare legal title is vested in another." *State v. Heap*, 1st Dist. Hamilton No. C-040007, 2004-Ohio-5850, at ¶20.

{¶ 22} In the case sub judice, appellee and his mother testified that the funds used to purchase the Grosvenor street property were a gift. Judith Rinaldi testified that she did not expect repayment of that amount, and did not envision herself as a co-owner of the rental properties that she and her ex-husband helped her son acquire. Furthermore, no evidence shows that either appellant or his ex-wife provided additional funds to purchase the two properties on East State Street or Marietta Avenue. It is uncontroverted that appellee managed these properties, paid the mortgage on at least one of the properties, reported the properties as his own on his tax returns (whereas his father did not) and was not contested as to ownership until after the divorce proceedings occurred. All of this, we readily conclude, provides ample evidence for the trial court to conclude that appellee held all equitable interests in the real estate.

{¶ 23} Moreover, appellant neglects to remember that his son's second "cause of action" was brought to remedy the fact that his mother and father held interests in the legal title to the property, whereas he claimed to hold an equitable interest in the land. R.C. 5303.01 states, inter alia, that an "action may be brought by a person in possession of real property . . . against any

person who claims an interest therein adverse to him, for the purpose of determining such adverse interest." Appellant claims ownership rights in the three rental properties that are adverse to his son's equitable interests. Thus, a quiet title action is the proper vehicle to "determine" those competing interests.

{¶ 24} Although equity jurisprudence can provide for unwieldy remedies, it also allows for the rendition of justice. For example, in cases of claims for constructive trusts, this Court and the Ohio Supreme Court have held that when "property has been acquired in such circumstances that the holder of the legal title may not in good conscience retain the beneficial interest, equity converts him into a trustee . . ." See *Ferguson v. Owens*, 9 Ohio St.3d 223, 225-226, 459 N.E.2d 1293 (1984); also see *Admr., State Medicaid Estate Recovery Program v. Miracle*, 4th Dist. Washington No. 14CA1, 2015-Ohio- 1516, at ¶33.

{¶ 25} We acknowledge that appellee did not request any constructive trust remedy. However, the objective of equity is to achieve justice. See *Cowles v. Raguet*, 14 Ohio 38, 45 (1846); *Harper v. Central Trust & Safe Deposit Co.*, 11 Ohio Dec. 240, 8 Ohio N.P. 157, 1901 WL 820 (1901). Appellee sought an equitable remedy. The trial court believed that appellee is entitled to that remedy in the form of quiet title. We will not second-guess the trial court here, particularly given the state of the record that indicates appellee is entitled to such relief.

{¶ 26} Appellant counters in his reply brief that to rule as we have, and as the trial court did, is to use the "intentions" of the parties to contradict the plain wording of the three joint and survivorship deeds. However, we cite testimony of the parties' intent to provide background information as to why they structured the acquisitions in this manner and we rely on the parties' actions over eight years to establish that appellee had all equitable ownership interests. It is

appellee, not his father, who paid the mortgage on Grosvenor Street. It is appellee, not his father, who provided the down payment for the other two properties and made all mortgage payments. It is appellee, not his father, who managed the rentals, paid utilities and by and large provided for their upkeep. It is appellee, not his father, who reported rental income and losses on his tax returns. Finally, appellant did not make a single claim of ownership until the time of his divorce.

{¶ 27} Once again, although we agree that all joint and survivorship tenants enjoyed equal legal title to these properties, only the appellee owned the entire equitable interest. For these reasons, we find no error on the part of the trial court and hereby overrule appellant's first assignment of error.

II

{¶ 28} We jointly consider appellant's second and third assignments of error because they both relate to, and incorporate, his first assignment of error. Arguing that the trial court erred in its determination as to the parties ownership interests in the rental properties, appellant concludes that the trial court also erred by not ordering a R.C. 5307.04 partition of those interests, as well as an accounting of rental income. Obviously, appellant's second and third assignments of error are both premised on his assumption that we would sustain his first assignment of error. We did not. Rather, our ruling renders his second and third assignments of error moot. See App.R. 12(A)(1)(c). More to the point, if appellant has no ownership (equitable) interests in the three rentals, he has no interest to be partitioned, nor does he have any right to ask for an accounting of rents.

{¶ 29} Accordingly, we hereby overrule appellant's second and third assignments of

error.

IV

{¶ 30} Appellant asserts in his fourth assignment of error that the trial court erred by determining that he had no ownership interest in St. Martin. In particular, he is critical of the trial court's focus on the absence of a written contract to show that they co-owned the business. Appellant argues that the "record contains more than sufficient evidence to support an imposition of a contract implied in law" to prevent his son from enjoying "unjust enrichment." We are not persuaded.

{¶ 31} Appellant had the burden to prove that he is the co-owner of St. Martin's. The trial court concluded, however, that he did not carry that burden to prove his ownership interest. At the outset, we point out that we will not disturb a trial court's judgment as being against the manifest weight of the evidence if some competent, credible evidence supports the judgment. *Shemo v. Mayfield Hts.*, 88 Ohio St.3d 7, 10, 722 N.E.2d 1018 (2000); *C.E. Morris Co. v. Foley Construction Co.*, 54 Ohio St.2d 279, 376 N.E.2d 578 (1978), at the syllabus. This standard of review is highly deferential and even some evidence is sufficient to sustain the judgment and prevent a reversal. *Barkley v. Barkley*, 119 Ohio App.3d 155, 159, 694 N.E.2d 989 (4th Dist. 1997); *Moore v. Kubota Tractor*, 4th Dist. Pickaway No. 12CA7, 2013-Ohio-226, at ¶11.

{¶ 32} In the case sub judice, appellee testified that he is the sole owner of St. Martin. Appellant also introduced documentary evidence, that the trial court deemed competent and credible, to support his claim. More important, other than his own testimony, his father introduced nothing to show that he had any claim to the company. Remarkably, despite three days of the bench trial, a voluminous three ring binder of exhibits and eight hundred pages of

trial transcripts, appellant could produce nothing other than his word that he co-owned the company. It is not the absence of a written contract or partnership agreement to show his interest in the company; rather, we find nothing at all that appellant introduced to support his claim.

{¶ 33} Appellant conceded that his son formed the company. He further conceded that, as with the three rental properties, he did not report any income from St. Martin on his federal income tax returns. Appellee, on the other hand, produced his returns and showed the business listed on his Schedule E.

{¶ 34} Once again, the only evidence appellant adduced as to his ownership of St. Martin is his own testimony. He argues in his brief that this is sufficient for the court to find a contract implied by law, or to exercise its equitable jurisdiction to prevent his son from obtaining unjust enrichment. However, what appellant neglects to recognize is that all questions that surround the weight of the evidence and witness credibility are issues that the trier of fact must determine. See e.g. *State v. Frazier*, 115 Ohio St.3d 139, 873 N.E.2d 1263, 2007–Ohio–5048, at ¶106; *State v. Dye*, 82 Ohio St.3d 323, 329, 695 N.E.2d 763 (1998); *State v. Williams*, 73 Ohio St.3d 153, 165, 652 N.E.2d 721 (1995). The case sub judice comes to us from a bench trial. This means that the trial court served as trier of fact. Thus, the trial court could opt to believe all, part or none of the testimony of any witness who appeared before it. See *State v. Mockbee*, 2013-Ohio-5504, 5 N.E.3d 50 (4th Dist.), at ¶13; *State v. Colquitt*, 188 Ohio App.3d 509, 2010–Ohio-2210, 936 N.E.2d 76, at ¶10, fn.1 (2nd Dist.); *State v. Nichols*, 85 Ohio App.3d 65, 76, 619 N.E.2d 80 (4th Dist. 1993). The underlying rationale for deferring to the trier of fact on evidentiary weight and credibility issues is that the trier of fact is better positioned to view the

witnesses and to observe their demeanor, gestures and voice inflections and then to use those observations to weigh witness credibility. See *Myers v. Garson*, 66 Ohio St.3d 610, 615, 614 N.E.2d 742 (1993); *Seasons Coal Co. v. Cleveland*, 10 Ohio St.3d 77, 80, 461 N.E.2d 1273 (1984).

{¶ 35} Here, the trial court was quite clear that it did not find appellant credible.

{¶ 36} On the other hand, appellee and his mother consistently testified that appellee owned all of the rental properties.[10]

More important, for this assignment of error, appellee also testified that he created St. Martin's and that his father had no interest whatsoever. In its ruling, the trial court implicitly found appellee more credible on this point and rejected his father's testimony. This is clearly within the court's prerogative as the trier of fact. Accordingly, for these reasons we hereby overrule appellant's fourth assignment of error. Having considered all of the errors assigned and argued, we hereby affirm the trial court's judgment in this matter.

JUDGMENT AFFIRMED.

[10] The record also indicates that appellee's counsel was displeased with appellant's behavior. Clearly frustrated, counsel asked appellant at one point during the trial, "[a]ren't you embarrassed by now? Goodness gracious."

JUDGMENT ENTRY

It is ordered that the judgment be affirmed and appellee recover of appellant costs herein taxed.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Athens County Common Pleas Court to carry this judgment into execution.

A certified copy of this entry shall constitute that mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

Abele, J.: Concurs in Judgment & Opinion
McFarland, J.: Concurs in Judgment Only
Hoover, P.J.: Concurs in Judgment & Opinion as to Assignment of Error IV and Dissents as to Assignments of Error I, II & III

For the Court

BY:_____
Peter B. Abele
Judge

BY:_____
Matthew W. McFarland
Judge

BY:_____
Marie Hoover
Presiding Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.