

16-1904

ORIGINAL

4/5/17 Motion to Stay —
 Appellant Mary Lavelle requests
 Ohio Supreme Court for its yet
 unheard 16-1904 case re: Rule 52, 59 & 60
 to grant 26784 Fairfax Lane remain
 unsold. (*A 3/31/17 decision has
 the occupied house to go to Sheriff
 sale 5/1/17 by 13-800 578 Cuyahoga
 County judge.) Citizen appealed

**

16-104234 within appeal period to

O.S.C. Here are 10 copies.

[10 copies to: Chs. Gasior / T. Humbert
 — rep USBNA —
 4500 Ct. Ms. Blvd. #400

Sincerely, *M. Lavelle* FILED Stow, OH 44240]

RECEIVED
 APR 11 2017
 CLERK OF COURT
 SUPREME COURT OF OHIO

FILED
 APR 11 2017
 CLERK OF COURT
 SUPREME COURT OF OHIO

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CASE INFORMATION

CV-13-800578 U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE ETC. vs. MARY L. LAVELLE - ET AL.

[Printer Friendly Version](#)

Docket Information

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Filing Date	Side	Type	Description	Image
04/03/2017	P1	NT	NOTICE FILED BY P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE ATTORNEY CHARLES V. GASIOR 0075946 NOTICE OF SHERIFF'S SALE	
03/31/2017	N/A	JE	NOTICE OF SALE AND APPROVAL OF APPRAISERS' FEES. THE SALE IS SCHEDULED FOR 05/01/2017 AT 9:00 A.M. AT THE CUYAHOGA COUNTY JUSTICE CENTER AUDITORIUM, 1215 WEST 3RD STREET, CLEVELAND, OHIO 44113. IF NOT SOLD 05/01/2017 WILL BE RE-OFFERED ON 05/15/2017 WITHOUT RESERVE PURSUANT TO LOCAL RULE 27 IT IS HEREBY ORDERED THAT EACH APPRAISER NAMED BE COMPENSATED BY THE CLERK OF COURTS, FROM THE FUNDS ON DEPOSIT AS FOLLOWS: JAMES BITTERMAN, APPRAISAL COST \$51.5 REGULAR FEE AND MILEAGE. EDWARD D HORTON, APPRAISAL COST: \$50 REGULAR FEE. CATHLEEN A. HIGGINS, APPRAISAL COST: \$50 REGULAR FEE. FEES TO BE TAXED AS COSTS IN CASE NO. CV-13-800578 DATED THIS 28th DAY OF MARCH, 2017 NOTICE ISSUED NOTICE ISSUED	
03/31/2017	N/A	OT	ALI LAND APPRAISAL FILED	
03/20/2017	N/A	OS	ALIAS ORDER OF SALE ISSUED TO SHERIFF WITH RE-APPRAISAL	
03/15/2017	P1	SF	DEPOSIT AMOUNT PAID CHARLES V. GASIOR	
03/15/2017	P1	OS	PRAECIPE FOR ORDER OF SALE \$600 PRAECIPE ALIAS ORDER OF SALE	
11/17/2016	N/A	JE	Affirmed.> Eileen T. Gallagher, J., Larry A. Jones, Sr., A.J., and Sean C. Gallagher, J., concur. Notice issued.	
10/17/2016	P1	\$\$	PAYMENT ON ACCOUNT MADE ON BEHALF OF US BANK NATIONAL ASSOCIATION AS TRUSTEE IN THE AMOUNT OF \$602.35	
09/12/2016	N/A	CS	COURT COST ASSESSED US BANK NATIONAL ASSOCIATION AS TRUSTEE BILLED C/O ATTY BILL AMOUNT 1973.4 PAID AMOUNT 1371.05 AMOUNT DUE 602.35	
09/12/2016	N/A	CS	COURT COST ASSESSED US BANK NATIONAL ASSOCIATION AS TRUSTEE BILL AMOUNT 1973.4 PAID AMOUNT 1371.05 AMOUNT DUE 602.35	
09/09/2016	N/A	CS	ORDER OF SALE Parcel Number: 232-21-109 ORDER OF SALE, WITH REPORT OF SALE ATTACHED, RETURNED 09/07/2016. BY ORDER OF THE COURT. NO SALE FORECLOSURE CLERK FEE - \$5.00 CUYAHOGA COUNTY SHERIFF DEPT SERVICE FEE \$62.00 ORDER OF SALE - NO SALE - LEGAL NEWS COST: \$427.50 LEGAL NEWS ABSTRACT \$ 5.00 *****SHERIFF FEES***** NOTICE TO PRINTER 0.00 SERVICE & RETURN 0.00 POUNDAGE(*) 0.00 COST OF DEED PREPERATION 0.00 LEGAL NEWS 0.00 =====TOTAL OF FEES \$0.00.	
09/09/2016	N/A	CS	LEGAL NEWS ABSTRACT \$ 5.00	
09/09/2016	N/A	CS	ORDER OF SALE - NO SALE - LEGAL NEWS COST: \$427.50	
09/09/2016	N/A	SH	CUYAHOGA COUNTY SHERIFF DEPT SERVICE FEE \$62.00	
09/09/2016	N/A	CS	NO SALE FORECLOSURE CLERK FEE - \$5.00	
08/25/2016	N/A	JE	MOTION OF THE PLAINTIFF TO RETURN THE ORDER OF SALE WITHOUT EXECUTION IS GRANTED. O.S.J. NOTICE ISSUED	
08/22/2016	P1	MO	MOTION FILED FOR P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE CHARLES V. GASIOR 0075946 RETURN ORDER OF SALE WITHOUT EXECUTION 08/25/2016 - GRANTED	
08/16/2016	N/A	JE	MOTION OF THE PLAINTIFF TO STAY SHERIFF'S SALE IS DENIED. THE DEFENDANT MUST POST AN ADEQUATE SUPERSEDEAS BOND TO OBTAIN A STAY OF EXECUTION. NOTICE ISSUED	
08/15/2016	P1	OB	OBJECTION FILED BY P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE ATTORNEY BENJAMIN D. CARNAHAN 0079737 PLAINTIFF'S OBJECTION TO DEFENDANT'S MOTION TO STAY SHERIFF'S SALE	
08/08/2016	D1	MO	MOTION FILED FOR D1 MARY L. LAVELLE SCOTT D WHITE 0061601 MOTION TO STAY SHERIFF'S SALE 08/16/2016 - DENIED	
08/08/2016	P1	NT	NOTICE FILED BY P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE ATTORNEY CHARLES V. GASIOR 0075946 NOTICE OF SHERIFF'S SALE	
08/01/2016	N/A	JE	NOTICE OF SALE AND APPROVAL OF APPRAISERS' FEES. THE SALE IS SCHEDULED FOR 09/06/2016 AT 9:00 A.M. AT THE CUYAHOGA COUNTY JUSTICE CENTER AUDITORIUM, 1215 WEST 3RD STREET, CLEVELAND, OHIO 44113. PURSUANT TO LOCAL RULE 27 IT IS HEREBY ORDERED THAT EACH APPRAISER NAMED BE COMPENSATED BY THE CLERK OF COURTS, FROM THE FUNDS ON DEPOSIT AS FOLLOWS: LANA BLAZE, APPRAISAL COST: \$51.85 REGULAR FEE AND MILEAGE. MARK BUTLER, APPRAISAL COST: \$50 REGULAR FEE. CRYSTAL A WILLIAMS, APPRAISAL COST: \$50 REGULAR FEE. FEES TO BE TAXED AS COSTS IN CASE NO. CV-13-800578 DATED THIS 26th DAY OF JULY, 2016 NOTICE ISSUED NOTICE ISSUED	
07/29/2016	N/A	OT	OOS. LAND APPRAISAL FILED.	
07/21/2016	N/A	OS	ORDER OF SALE ISSUED TO SHERIFF	
07/19/2016	P1	SF	DEPOSIT AMOUNT PAID CHARLES V. GASIOR	
07/19/2016	P1	OS	PRAECIPE FOR ORDER OF SALE \$600 ORDER OF SALE	
06/30/2016	P1	NT	NOTICE OF SUBSTITUTION OF COUNSEL FILED	
04/12/2016	N/A	CA	APPELLANT'S 9C RECORD TRANSMITTED TO THE COURT OF APPEALS CONSISTING OF THE TRANSCRIPT OF THE DOCKET, JOURNAL ENTRIES AND THE ORIGINAL PAPERS ON CA NO. 104234.	
03/14/2016	D1	CA		

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16-104234

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		----- NOTICE OF APPEAL ----- CA NO. CA-16-104234 NOTICE OF APPEAL FILED BY THE DEFT. APPELLANT W/A 9(C) PRAECIPE AND DOCKETING STATEMENT ON THE REGULAR CALENDAR. COPIES MAILED.	
03/11/2016	D1	NT	NOTICE OF APPEAL-DOCKETING STATEMENT FILED DOCKETING STATEMENT
03/11/2016	D1	NT	NOTICE OF APPEAL FILED NOTICE OF APPEAL
02/17/2016	N/A	JE	THE COURT HEREBY ADOPTS THE MAGISTRATE'S DECISION ATTACHED HERETO AND OVERRULES THE OBJECTIONS. ORDER SEE JOURNAL (FINAL) NOTICE ISSUED
02/10/2016	P1	BR	REPLY BRIEF FILED BY P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE HUNTER G. CAVELL 0090567 PLAINTIFF'S RESPONSE TO DEFENDANT'S OBJECTION TO MAGISTRATE'S DECISION TO GRANT PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
02/08/2016	N/A	JE	MOTION OF DEFENDANT MARY LAVELLE FOR AN EXTENSION OF TIME TO FILE OBJECTIONS TO THE MAGISTRATE'S DECISION IS DENIED MOOT. MARY LAVELLE FILED HER OBJECTIONS TO THE MAGISTRATE'S DECISION ON FEBRUARY 4, 2016. NOTICE ISSUED
02/04/2016	D1	OB	OBJECTION FILED BY D1 MARY L. LAVELLE ATTORNEY SCOTT D WHITE 0061601 OBJECTION TO MAGISTRATE'S DECISION
02/04/2016	D1	MO	MOTION FOR EXTENSION OF TIME MOTION TO EXTEND TIME WITHIN WHICH TO FILE OBJECTIONS TO MAGISTRATE'S DECISION 02/08/2016 - DENIED AS MOOT
01/22/2016	P1	SR	MAGISTRATE'S DECISION(28117218) SENT BY REGULAR MAIL SERVICE. TO: BENJAMIN D. CARNAHAN 25700 SCIENCE PARK DRIVE SUITE 250 CLEVELAND, OH 44122-0000
01/22/2016	P1	SR	MAGISTRATE'S DECISION(28117217) SENT BY REGULAR MAIL SERVICE. TO: HUNTER G. CAVELL 25700 SCIENCE PARK DRIVE SUITE 250 CLEVELAND, OH 44122-0000
01/22/2016	D1	SR	MAGISTRATE'S DECISION(28117216) SENT BY REGULAR MAIL SERVICE. TO: SCOTT D WHITE 21300 LORAIN ROAD SUITE 108 FAIRVIEW PARK, OH 44126-0000
01/22/2016	D1	SR	MAGISTRATE'S DECISION(28117215) SENT BY REGULAR MAIL SERVICE. TO: FRANCES F ALLINGTON 21300 LORAIN RD. FAIRVIEW PARK, OH 44126-0000
01/22/2016	D2	SR	MAGISTRATE'S DECISION(28117214) SENT BY REGULAR MAIL SERVICE. TO: JOHN DOE UNKNOWN SPOUSE IF ANY OF MARY L. LAVELLE 26784 FAIRFAX LANE NORTH OLMSTED, OH 44070-0000
01/22/2016	D4	SR	MAGISTRATE'S DECISION(28117213) SENT BY REGULAR MAIL SERVICE. TO: CITIFINANCIAL INC C/O CT CORPORATION SYSTEM 1300 EAST NINTH STREET CLEVELAND, OH 44114-0000
01/22/2016	D5	SR	MAGISTRATE'S DECISION(28117212) SENT BY REGULAR MAIL SERVICE. TO: SANDY RIDGE HOME OWNERS ASSOCIATION INC 26585 SUDBURY DRIVE NORTH OLMSTED, OH 44070-0000
01/22/2016	P1	SR	MAGISTRATE'S DECISION(28117211) SENT BY REGULAR MAIL SERVICE. TO: TED A HUMBERT 4500 COURTHOUSE BLVD., STE 400 STOW, OH 44224-0000
01/21/2016	N/A	OT	MAGISTRATE'S DECISION WITH FINDINGS OF FACT AND CONCLUSIONS OF LAW COPIES SENT TO ALL PARTIES ON SERVICE PAGE. FILED.
01/04/2016	N/A	JE	MOTION OF DEFENDANT MARY L. LAVELLE TO DISMISS IS DENIED. NOTICE ISSUED
12/08/2015	P1	BR	BRIEF FILED BY P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE HUNTER G. CAVELL 0090567 PLAINTIFF'S BRIEF IN OPPOSITION OF MOTION TO DISMISS
12/01/2015	D	MO	MOTION TO DISMISS FILED EXHIBITS US BANK V. LAVELLE MOTION TO DISMISS 01/04/2016 - DENIED
12/01/2015	D	MO	MOTION TO DISMISS FILED AFFIDAVIT OF KEVIN FLANNIGAN 01/04/2016 - DENIED
12/01/2015	D	MO	MOTION TO DISMISS FILED US. BANK V. LAVELLE MOTION TO DISMISS 01/04/2016 - DENIED
11/19/2015	P1	BR	REPLY BRIEF FILED BY P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE HUNTER G. CAVELL 0090567 PLAINTIFF'S REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT
11/09/2015	D1	OT	GENERAL PLEADING FILED BY D1 MARY L. LAVELLE ATTORNEY SCOTT D WHITE 0061601 EXHIBIT A
11/09/2015	D1	OT	GENERAL PLEADING FILED BY D1 MARY L. LAVELLE ATTORNEY SCOTT D WHITE 0061601 RESPONSE TO MOTION FOR SUMMARY JUDGMENT
10/27/2015	N/A	SC	FINAL PRETRIAL SCHEDULED FOR 11/16/2015 AT 08:30 AM IS CANCELLED.
10/19/2015	N/A	JE	MOTION OF THE PLAINTIFF TO STRIKE JURY DEMAND IS GRANTED. THE JURY TRIAL IS CANCELED. AS THE DEFENDANT WAS GRANTED UNTIL NOVEMBER 9, 2015 TO FILE A BRIEF IN OPPOSITION TO THE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, THE PLAINTIFF IS GRANTED UNTIL NOVEMBER 19, 2015 TO FILE A REPLY BRIEF (SEE LOCAL RULE 11(I)). ALSO, SINCE THE DEFENDANT WAS GRANTED UNTIL NOVEMBER 9, 2015 TO FILE A BRIEF IN OPPOSITION, THE FINAL PRETRIAL AND TRIAL ARE CANCELED. A FINAL PRETRIAL AND A BENCH TRIAL WILL BE RESET BY FURTHER ORDER. NOTICE ISSUED
10/19/2015	N/A	JE	MOTION OF THE PLAINTIFF FOR LEAVE TO FILE MOTION FOR SUMMARY JUDGMENT INSTANTER IS GRANTED. NOTICE ISSUED
10/16/2015	N/A	JE	MOTION OF THE DEFENDANT MARY LAVELLE FOR AN EXTENSION OF TIME UNTIL NOVEMBER 9, 2015, TO RESPOND TO THE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT IS GRANTED. NOTICE ISSUED
10/06/2015	D1	OT	GENERAL PLEADING FILED BY D1 MARY L. LAVELLE ATTORNEY SCOTT D WHITE 0061601 RESPONSE TO MOTION FOR LEAVE TO FILE MOTION FOR SUMMARY JUDGMENT
10/06/2015	D1	OT	GENERAL PLEADING FILED BY D1 MARY L. LAVELLE ATTORNEY SCOTT D WHITE 0061601 RESPONSE TO MOTION TO STRIKE JURY DEMAND AND CONVERT TO BENCH TRIAL
10/05/2015	N/A	JE	MOTION TO WITHDRAW AS COUNSEL IS GRANTED. THE CLERK OF COURTS IS HEREBY ORDERED TO REMOVE EDWARD M. GRAHAM (S.C. NO. 0001684) AS THE ATTORNEY OF RECORD FOR THE DEFENDANT MARY LAVELLE. NOTICE ISSUED
10/03/2015	D1	MO	MOTION FILED FOR D1 MARY L. LAVELLE FRANCES F ALLINGTON 0067979 MOTION TO CORRECT PRIOR MOTION 10/16/2015 - GRANTED
10/02/2015	D1	MO	MOTION TO WITHDRAW AS COUNSEL MOTION TO WITHDRAW AS COUNSEL 10/05/2015 - GRANTED
09/29/2015	N/A	JE	MOTION OF MARY LAVELLE FOR AN EXTENSION OF SEVEN DAYS TIME TO RESPOND TO PLAINTIFF'S MOTION FOR LEAVE TO FILE A MOTION FOR SUMMARY JUDGMENT INSTANTER AND MOTION TO STRIKE JURY DEMAND AND CONVERT JURY TRIAL INTO A BENCH TRIAL IS GRANTED. EXTENSION IS GRANTED FOR SEVEN DAY FROM THE DATE OF THIS ORDER. MOTION OF THE DEFENDANT MARY LAVELLE FOR "AN ADDITIONAL THIRTY DAYS TO RESPOND TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, UNTIL OCTOBER 9, 2015" IS DENIED AS MOOT. LOCAL RULE 11(I) STATES THAT A PARTY OPPOSING A MOTION FOR SUMMARY JUDGMENT MAY FILE A BRIEF WITHIN THIRTY DAYS.

			OCTOBER 9, 2015 IS THIRTY DAYS FROM THE DATE OF THE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT. NOTICE ISSUED	
09/29/2015	N/A	JE	MOTION OF MARY LAVELLE FILED 09/16/15 FOR AN ADDITIONAL THIRTY DAYS "TO MAKE DISCOVERY RQUESTS OF DEFENDANT" IS GRANTED. NOTICE ISSUED	
09/29/2015	N/A	JE	MOTION OF MARY L. LAVELLE TO RESCHEDULE TRIAL DATE FOR NINETY DAYS IS DENIED. NOTICE ISSUED	
09/16/2015	D2	MO	MOTION FILED FOR D2 JOHN DOE UNKNOWN SPOUSE IF ANY OF MARY L. LAVELLE FRANCES F ALLINGTON 0067979 MOTION FOR EXTENSION OF TIME TO FILE RESPONSES TO MOTIONS FILED SEPTEMBER 9, 2015 09/29/2015 - GRANTED	
09/16/2015	D1	NT	NOTICE OF APPEARANCE, FILED D1 MARY L. LAVELLE FRANCES F ALLINGTON 0067979.	
09/16/2015	D1	MO	MOTION FILED FOR D1 MARY L. LAVELLE FRANCES F ALLINGTON 0067979 MOTION FOR TRIAL DATE 09/29/2015 - DENIED	
09/16/2015	D1	MO	MOTION FILED FOR D1 MARY L. LAVELLE FRANCES F ALLINGTON 0067979 MOTION FOR DISCOVERY 09/29/2015 - GRANTED	
09/10/2015	P1	OT	GENERAL PLEADING FILED BY P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE ATTORNEY HUNTER G. CAVELL 0090567 PERSONAL IDENTIFIER FORM FOR MOTION FOR SUMMARY JUDGMENT AND COMPLAINT	
09/09/2015	P1	MO	MOTION FILED FOR P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE HUNTER G. CAVELL 0090567 PLAINTIFF'S MOTION FOR LEAVE TO FILE MOTION FOR SUMMARY JUDGMENT INSTANTER 10/19/2015 - GRANTED	
09/09/2015	P1	MO	MOTION FILED FOR P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE HUNTER G. CAVELL 0090567 PLAINTIFF'S MOTION TO STRIKE JURY DEMAND AND CONVERT JURY TRIAL TO BENCH TRIAL 10/19/2015 - GRANTED	
08/26/2015	N/A	MG	TRIAL BY JURY SET FOR 12/02/2015 AT 10:00 AM. TRIAL BY JURY SET BEFORE JUDGE ROBERT C. MCCLELLAND. NOTICE ISSUED	
08/26/2015	N/A	MG	FINAL PRETRIAL SET FOR 11/16/2015 AT 08:30 AM. FINAL PRETRIAL SET BEFORE THE MAGISTRATE. CLIENTS TO BE PRESENT. NO TELEPHONE APPEARANCES. FAILURE TO APPEAR MAY RESULT IN DISMISSAL OR DEFAULT JUDGMENT. NOTICE ISSUED	
08/06/2015	N/A	SC	FINAL PRETRIAL SCHEDULED FOR 08/12/2015 AT 09:45 AM IS CANCELLED.	
07/21/2015	N/A	MG	PRETRIAL SET FOR 08/26/2015 AT 10:15 AM. FAILURE TO APPEAR MAY RESULT IN DISMISSAL OR DEFAULT JUDGMENT. NOTICE ISSUED	
07/21/2015	N/A	MG	MOTION OF THE PLAINTIFF FOR CONTINUANCE IS GRANTED. THE PRETRIAL WILL BE RESET IN A SEPARATE ORDER. NOTICE ISSUED	
07/21/2015	N/A	SC	PRETRIAL SCHEDULED FOR 07/29/2015 AT 10:00 AM IS CANCELLED.	
07/15/2015	P1	MO	P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE'S MOTION FOR CONTINUANCE BENJAMIN D. CARNAHAN 0079737. ^F^ PLAINTIFF'S MOTION FOR CONTINUANCE OF PRETRIAL SCHEDULED FOR JULY 29, 2015 07/21/2015 - GRANTED	
07/14/2015	P1	NT	NOTICE OF SUBSTITUTION OF COUNSEL FILED WITHDRAWAL OF FORMER COUNSEL AND NOTICE OF APPEARANCE OF SUBSTITUTE COUNSEL AND CHANGE OF ADDRESS	
07/08/2015	N/A	MG	PRETRIAL SET FOR 07/29/2015 AT 10:00 AM. FAILURE TO APPEAR MAY RESULT IN DISMISSAL OR DEFAULT JUDGMENT. NOTICE ISSUED	
07/02/2015	N/A	JE	CAPTIONED CASE BEING REMANDED TO THE COURT OF COMMON PLEAS BY ORDER OF THE COURT OF APPEALS; THIS MATTER IS HEREBY RETURNED TO THE DOCKET OF JUDGE ROBERT C MCCLELLAND (360). ADMINISTRATIVE JUDGE JOHN J. RUSSO THIS ENTRY TAKEN BY JUDGE JOHN J RUSSO. NOTICE ISSUED	
04/02/2015	N/A	JE	Reversed and remanded.> Frank D. Celebrezze, Jr., A.J., Kathleen Ann Keough, J., and Mary Eileen Kilbane, J., concur. Notice issued.	
08/01/2014	D1	CA	APPELLANT'S 9A RECORD TRANSMITTED TO THE COURT OF APPEALS CONSISTING OF THE TRANSCRIPT OF THE DOCKET, JOURNAL ENTRIES AND THE ORIGINAL PAPERS ON CA NO. 101729.	
07/24/2014	D1	CA	----- NOTICE OF APPEAL ----- CA NO. 101729 NOTICE OF APPEAL FILED BY THE DEFT. APPELLANT WA 9A PRAECIPE AND DOCKETING STATEMENT ON THE REGULAR CALENDAR. COPIES MAILED.	
07/23/2014	D1	NT	NOTICE OF APPEAL FILED NOTICE OF APPEAL	
07/23/2014	D1	NT	NOTICE OF APPEAL FILED NOTICE OF APPEAL	
06/25/2014	P1	CS	ABSTRACT TO STATE	
06/25/2014	P1	CS	RECORDER'S FEE \$1.00	
06/25/2014	P1	CS	CERTIFICATE OF TITLE \$1,134.00 PAY TO PLAINTIFF	
06/24/2014	N/A	JE	ORDER ADOPTING MAGISTRATE'S DECISION AND OVERRULING OBJECTIONS. (FINAL) ORDER SEE JOURNAL. NOTICE ISSUED	
06/02/2014	P1	OT	GENERAL PLEADING FILED BY P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE ATTORNEY HUNTER G. CAVELL 0090567 PLAINTIFF'S RESPONSE TO DEFENDANT'S OBJECTION TO MAGISTRATE'S DECISION TO GRANT PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT	
05/20/2014	D1	OB	OBJECTION FILED BY D1 MARY L. LAVELLE ATTORNEY EDWARD M GRAHAM 0001684 OBJECTION OF DEFENDANT MARY LAVELLE TO MAGISTRATE'S DECISION GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT	
05/07/2014	D1	SR	MAGISTRATE'S DECISION(23397829) SENT BY REGULAR MAIL SERVICE. TO: EDWARD M GRAHAM 13363 MADISON AVE LAKEWOOD, OH 44107-0000	
05/07/2014	D2	SR	MAGISTRATE'S DECISION(23397828) SENT BY REGULAR MAIL SERVICE. TO: JOHN DOE UNKNOWN SPOUSE IF ANY OF MARY L. LAVELLE 26784 FAIRFAX LANE NORTH OLMSTED, OH 44070-0000	
05/07/2014	D4	SR	MAGISTRATE'S DECISION(23397827) SENT BY REGULAR MAIL SERVICE. TO: CITIFINANCIAL INC C/O CT CORPORATION SYSTEM 1300 EAST NINTH STREET CLEVELAND, OH 44114-0000	
05/07/2014	D5	SR	MAGISTRATE'S DECISION(23397826) SENT BY REGULAR MAIL SERVICE. TO: SANDY RIDGE HOME OWNERS ASSOCIATION INC 26585 SUDBURY DRIVE NORTH OLMSTED, OH 44070-0000	
05/07/2014	P1	SR	MAGISTRATE'S DECISION(23397825) SENT BY REGULAR MAIL SERVICE. TO: TED A HUMBERT 4500 COURTHOUSE BLVD., STE 400 STOW, OH 44224-0000	
05/06/2014	N/A	OT	MAGISTRATE'S DECISION FILED	
04/03/2014	P1	BR	REPLY BRIEF FILED BY P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE BENJAMIN D. CARNAHAN 0079737 PLAINTIFF'S REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT	
03/24/2014	D1	BR	BRIEF FILED BY D1 MARY L. LAVELLE EDWARD M GRAHAM 0001684 BRIEF OF DEFENDANT MARY LAVELLE IN OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT	

03/15/2014	N/A	JE	MOTION OF THE DEFENDANT MARY LAVELLE FOR AN EXTENSION OF TIME UNTIL MARCH 24, 2014, TO FILE A BRIEF IN OPPOSITION TO THE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT IS GRANTED. NOTICE ISSUED
03/13/2014	D1	MO	MOTION FILED FOR D1 MARY L. LAVELLE EDWARD M GRAHAM 0001684 MOTION OF DEFENDANT MARY LAVELLE TO EXTEND THE TIME TO FILE HER BRIEF IN OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT 03/15/2014 - GRANTED
03/05/2014	N/A	JE	MOTION OF THE DEFENDANT MARY LAVELLE FOR SUMMARY JUDGMENT IS DENIED. THE DOUBLE-DISMISSAL RULE ONLY APPLIES WHERE ALL CLAIMS IN THE COMPLAINTS ARISE FROM THE SAME NOTE, THE SAME MORTGAGE, AND THE SAME DEFAULT AND THE NOTE AND MORTGAGE HAVE NOT BEEN AMENDED. US BANK NATIONAL ASSOCIATION V. GULLOTTA 899 N.E.2D 987, 991 (2008). PLAINTIFF FILED ITS FIRST CASE ON FEBRUARY 16, 2007. THE PARTIES AGREED TO A LOAN MODIFICATION ON AUGUST 8, 2007. DANIEL LAVELLE FILED A BANKRUPTCY AND THE FIRST CASE WAS DISMISSED ON SEPTEMBER 20, 2007. THE LOAN MODIFICATION CHANGED THE TERMS OF THE NOTE AND MORTGAGE. THE MODIFICATION WAS SUBSEQUENTLY FILED WITH THE COUNTY RECORDER. THE LOAN MODIFICATION AMENDED THE FOLLOWING: 1) DE-ACCELERATED THE BALANCE, 2) CHANGED THE PRINCIPAL BALANCE DUE, 3) CHANGED THE MONTHLY PAYMENT AMOUNT AND PAYMENT SCHEDULE, AND 4) CHANGED THE INTEREST RATE. THE SECOND CASE WAS FILED BASED ON THE TERMS OF THE NEW LOAN MODIFICATION THAT WAS ATTACHED TO THE SECOND COMPLAINT. THE DOUBLE DISMISSAL RULE DOES NOT APPLY BECAUSE THE SECOND FORECLOSURE WAS NOT BASED ON THE SAME NOTE AND MORTGAGE. THE SECOND FORECLOSURE WAS BASED ON THE NOTE AND MORTGAGE AS AMENDED BY THE LOAN MODIFICATION. NOTICE ISSUED
02/14/2014	P1	NT	NOTICE OF NOTICE OF FILING OF ATTORNEY AFFIDAVIT
02/14/2014	P1	NT	NOTICE OF NOTICE OF FILING OF PROPOSED JUDGMENT ENTRY ADOPTING MAGISTRATE'S DECISION
02/14/2014	P1	NT	NOTICE OF NOTICE OF FILING OF PROPOSED MAGISTRATE'S DECISION
02/14/2014	P1	BR	BRIEF FILED BY P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE BENJAMIN D. CARNAHAN 0079737 PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND BRIEF IN SUPPORT
02/14/2014	P1	MO	MOTION FILED FOR P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE BENJAMIN D. CARNAHAN 0079737 PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT 06/24/2014 - GRANTED
02/12/2014	N/A	JE	MOTION OF THE PLAINTIFF FOR AN EXTENSION OF TIME UNTIL FEBRUARY 14, 2014, TO FILE A BRIEF IN OPPOSITION IS GRANTED. NOTICE ISSUED
02/07/2014	P1	MO	MOTION FILED FOR P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE BENJAMIN D. CARNAHAN 0079737 PLAINTIFF MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT 02/12/2014 - GRANTED
01/08/2014	D1	MO	D1 MARY L. LAVELLE EDWARD M GRAHAM 0001684 MOTION FOR SUMMARY JUDGMENT 03/05/2014 - DENIED
08/14/2013	N/A	MG	DEFAULT HEARING HELD. COUNSEL FOR PLAINTIFF AND COUNSEL FOR THE HOMEOWNER WERE PRESENT. DEFENDANTS FAILED TO FILE A RESPONSIVE PLEADING. PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT IS GRANTED AGAINST THE NON-ANSWERING DEFENDANTS. ALL DISCOVERY TO BE COMPLETED BY OCTOBER 14, 2013. LEAVE TO FILE DISPOSITIVE MOTIONS IS GRANTED AFTER OCTOBER 14, 2013. NOTICE ISSUED
07/29/2013	P1	OT	P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE NOTICE OF DEFAULT HEARING. BENJAMIN D. CARNAHAN 0079737
07/24/2013	N/A	MG	MOTION FOR DEFAULT JUDGMENT IS SET FOR HEARING ON 08/14/2013 AT 09:30AM BEFORE MAGISTRATE KEVIN C AUGUSTYN, 310 W. LAKESIDE, 6TH FL.. THE MOVING PARTY MUST SEND NOTICE OF THE DATE AND TIME OF THIS HEARING AND A COPY OF THE MOTION TO ALL PARTIES, INCLUDING THOSE WHO HAVE YET TO ENTER AN APPEARANCE, AT LEAST 14 DAYS IN ADVANCE OF THE HEARING. FAILURE TO APPEAR MAY RESULT IN DISMISSAL OF THE CLAIMS OR AN ENTRY OF JUDGMENT. NOTICE ISSUED
07/19/2013	P1	OT	P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE NOTICE OF FILING FINAL JUDICIAL REPORT.... BENJAMIN D. CARNAHAN 0079737
07/19/2013	P1	MO	P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE MOTION FOR DEFAULT JUDGMENT... BENJAMIN D. CARNAHAN 0079737 08/14/2013 - GRANTED
07/08/2013	N/A	JE	PLAINTIFF IS ORDERED TO FILE AN APPLICATION FOR DEFAULT JUDGMENT AGAINST THOSE PARTIES THAT HAVE NOT ANSWERED, A FINAL JUDICIAL REPORT, AND WALK THROUGH A COPY OF THOSE ITEMS TO THE MAGISTRATE, 6TH FLOOR, COURTHOUSE SQUARE, WITHIN FOURTEEN DAYS FROM THE DATE OF THIS ORDER OR THE COMPLAINT WILL BE DISMISSED WITHOUT PREJUDICE. NOTICE ISSUED
06/12/2013	N/A	JE	MOTION OF THE PLAINTIFF TO DISMISS THE COUNTERCLAIMS OF MARY LAVELLE IS GRANTED. THE COUNTERCLAIMS OF MARY LAVELLE ARE DISMISSED WITH PREJUDICE. (PARTIAL) NOTICE ISSUED
05/07/2013	N/A	JE	MOTION OF DEFENDANT FILED ON MAY 3, 2013, TO RESPOND TO THE PLAINTIFF'S MOTION TO DISMISS COUNTERCLAIMS IS GRANTED. EXTENSION IS GRANTED UNTIL JUNE 3, 2013. NOTICE ISSUED
05/06/2013	P1	OT	P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE WITHDRAWAL OF FORMER COUNSEL AND NOTICE OF APPEARANCE OF SUBSTITUTE COUNSEL. BENJAMIN D. CARNAHAN 0079737
05/03/2013	D1	OT	D1 MARY L. LAVELLE ENTRY OF APPEARANCE. EDWARD M GRAHAM 0001684
05/03/2013	D1	MO	D1 MARY L. LAVELLE MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO PLAINTIFF'S MOTION TO DISMISS DEFENDANT'S COUNTERCLAIMS... EDWARD M GRAHAM 0001684 05/07/2013 - GRANTED
04/26/2013	P1	OT	P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE NOTICE OF APPEARANCE AS CO-COUNSEL. THOMAS A BARNI 0064555
04/26/2013	N/A	JE	MOTION FOR LEAVE TO WITHDRAW AS COUNSEL OF DEFENDANT MARY LAVELLE IS GRANTED. THE CLERK OF COURTS IS HEREBY ORDERED TO REMOVE DANIEL J. RYAN (S.C. NO. 0012134) AND THOMAS RYAN (S.C. NO. 0082755) AND RYAN, LLP AS THE ATTORNEYS OF RECORD FOR THE DEFENDANT MARY LAVELLE. NOTICE ISSUED
04/18/2013	D1	MO	D1 MARY L. LAVELLE MOTION FOR LEAVE TO WITHDRAW AS COUNSEL OF DEFT DANIEL J RYAN 0012134 04/26/2013 - GRANTED
04/12/2013	P1	MO	P1 US BANK NATIONAL ASSOCIATION AS TRUSTEE MOTION TO DISMISS DEFENDANT'S COUNTERCLAIMS... ASHLEY E. MUELLER 0084931 06/12/2013 - GRANTED
04/08/2013	P1	CS	LEGAL NEWS ABSTRACT
04/08/2013	P1	CS	LEGAL NEWS FEE DEP APPLIED TOWARD LEGAL NEWS \$250.00
04/08/2013	P1	PP	PRE-PAID PORTION OF SERVICE PUBLICATION FEE \$226.05
04/04/2013	P1	CS	PROOF OF PUBLICATION FILED..LEGAL NEWS FEE: \$476.05
03/15/2013	D1	SF	DEPOSIT AMOUNT PAID
03/15/2013	D1	CC	COUNTER CLAIM DEPOSIT RECEIVED \$75 RYAN LLP(0012134)
03/15/2013	D1	AN	D1 MARY L. LAVELLE ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS. WITH JURY DEMAND DANIEL J RYAN 0012134
03/06/2013	P1	SF	DEPOSIT AMOUNT PAID LAW OFFICES OF JOHN D. CLUNK CO. LPA

03/06/2013	P1	SF	AFFIDAVIT FOR FORECLOSURE PUBLICATION \$250.00
02/27/2013	D5	SR	CERTIFIED MAIL RECEIPT NO. 20935761 RETURNED BY U.S. MAIL DEPARTMENT 02/27/2013 SANDY RIDGE HOME OWNERS ASSOCIATION INC MAIL RECEIVED AT ADDRESS 02/26/2013 SIGNED BY OTHER.
02/25/2013	D5	SR	SUMS COMPLAINT(20935761) SENT BY CERTIFIED MAIL. TO: SANDY RIDGE HOME OWNERS ASSOCIATION INC 26585 SUDBURY DRIVE NORTH OLMSTED, OH 44070-0000
02/22/2013	D4	SR	CERTIFIED MAIL RECEIPT NO. 20889957 RETURNED BY U.S. MAIL DEPARTMENT 02/21/2013 CITIFINANCIAL INC MAIL RECEIVED AT ADDRESS 02/21/2013 SIGNED BY OTHER.
02/22/2013	D5	SR	CERTIFIED MAIL RECEIPT NO. 20889958 RETURNED BY U.S. MAIL DEPARTMENT 02/20/2013 SANDY RIDGE HOME OWNERS ASSOCIATION INC MAIL RECEIVED AT ADDRESS 02/19/2013 SIGNED BY OTHER.
02/22/2013	D5	CS	WRIT FEE
02/21/2013	D5	SR	20889969 ON 02/19/2013 I SERVED THE WITHIN NAMED SANDY RIDGE HOME OWNERS ASSOCIATION INC BY SERVING A TRUE AND CERTIFIED COPY THEREOF WITH ALL THE ENDORSEMENTS THEREON. S.P.S.
02/21/2013	D4	SR	20889968 ON 02/19/2013 I SERVED THE WITHIN NAMED CITIFINANCIAL INC BY SERVING A TRUE AND CERTIFIED COPY THEREOF WITH ALL THE ENDORSEMENTS THEREON. S.P.S.
02/21/2013	D2	SR	20889967 ON 02/14/2013 THE WITHIN NAMED JOHN DOE UNKNOWN SPOUSE IF ANY OF MARY L. LAVELLE WAS NOT SERVED. FAILURE OF SERVICE BY S.P.S. DUE TO NO SPOUSE OR NOT MARRIED
02/21/2013	D1	SR	20889966 ON 02/14/2013 I SERVED THE WITHIN NAMED LAVELLE/MARY/L. BY SERVING A TRUE AND CERTIFIED COPY THEREOF WITH ALL THE ENDORSEMENTS THEREON. S.P.S.
02/20/2013	D2	SR	CERTIFIED MAIL RECEIPT NO. 20889956 RETURNED BY U.S. MAIL DEPARTMENT 02/19/2013 JOHN DOE UNKNOWN SPOUSE IF ANY OF MARY L. LAVELLE MAIL RECEIVED AT ADDRESS 02/15/2013 SIGNED BY OTHER.
02/20/2013	D1	SR	CERTIFIED MAIL RECEIPT NO. 20889955 RETURNED BY U.S. MAIL DEPARTMENT 02/19/2013 LAVELLE/MARY/L. MAIL RECEIVED AT ADDRESS 02/15/2013 SIGNED BY OTHER.
02/20/2013	D5	SR	INSTRUCTION FOR SERVICE ON COMPLAINT SENT BY CERTIFIED MAIL TO SANDY RIDGE HOME OWNERS ASSOC FILED.
02/14/2013	D5	SR	SUMS COMPLAINT(20889958) SENT BY CERTIFIED MAIL. TO: SANDY RIDGE HOME OWNERS ASSOCIATION INC K&C SERVICE CORP 50 PUBLIC SQUARE #2000 CLEVELAND, OH 44113-0000
02/14/2013	D4	SR	SUMS COMPLAINT(20889957) SENT BY CERTIFIED MAIL. TO: CITIFINANCIAL INC C/O CT CORPORATION SYSTEM 1300 EAST NINTH STREET CLEVELAND, OH 44114-0000
02/14/2013	D2	SR	SUMS COMPLAINT(20889956) SENT BY CERTIFIED MAIL. TO: JOHN DOE UNKNOWN SPOUSE IF ANY OF MARY L. LAVELLE 26784 FAIRFAX LANE NORTH OLMSTED, OH 44070-0000
02/14/2013	D1	SR	SUMS COMPLAINT(20889955) SENT BY CERTIFIED MAIL. TO: MARY L. LAVELLE 26784 FAIRFAX LANE NORTH OLMSTED, OH 44070-0000
02/13/2013	D5	SR	SUMS COMPLAINT(20889969) SENT BY SPECIAL PROCESS SERVER. TO: SANDY RIDGE HOME OWNERS ASSOCIATION INC K&C SERVICE CORP 50 PUBLIC SQUARE #2000 CLEVELAND, OH 44113-0000
02/13/2013	D4	SR	SUMS COMPLAINT(20889968) SENT BY SPECIAL PROCESS SERVER. TO: CITIFINANCIAL INC C/O CT CORPORATION SYSTEM 1300 EAST NINTH STREET CLEVELAND, OH 44114-0000
02/13/2013	D2	SR	SUMS COMPLAINT(20889967) SENT BY SPECIAL PROCESS SERVER. TO: JOHN DOE UNKNOWN SPOUSE IF ANY OF MARY L. LAVELLE 26784 FAIRFAX LANE NORTH OLMSTED, OH 44070-0000
02/13/2013	D1	SR	SUMS COMPLAINT(20889966) SENT BY SPECIAL PROCESS SERVER. TO: MARY L. LAVELLE 26784 FAIRFAX LANE NORTH OLMSTED, OH 44070-0000
02/13/2013	D5	CS	WRIT FEE
02/13/2013	D4	CS	WRIT FEE
02/13/2013	D2	CS	WRIT FEE
02/13/2013	D1	CS	WRIT FEE
02/13/2013	D5	CS	WRIT FEE
02/13/2013	D4	CS	WRIT FEE
02/13/2013	D2	CS	WRIT FEE
02/13/2013	D1	CS	WRIT FEE
02/13/2013	D1	SR	FORECLOSURE MEDIATION. NOTICE GENERATED FOR 20889954 ON POST CARD ON MARY L. LAVELLE 26784 FAIRFAX LANE NORTH OLMSTED, OH 44070-0000
02/07/2013	N/A	JE	PURSUANT TO CIV.R. 4(E), PLAINTIFF MUST PERFECT SERVICE ON ALL DEFENDANTS WITHIN SIX MONTHS OF FILING ITS COMPLAINT. FAILURE TO PERFECT SERVICE ON OR BEFORE THAT DATE MAY RESULT IN DISMISSAL. NOTICE ISSUED
02/01/2013	N/A	JE	ALL NON-MILITARY CLIENT AFFIDAVITS FILED IN RESIDENTIAL MORTGAGE FORECLOSURE CASES MUST INDICATE THAT THE AFFIANT HAS ACTUAL PERSONAL KNOWLEDGE OF THE FILE AND LOAN HISTORY IN QUESTION AND HAS PERSONALLY REVIEWED THE DOCUMENTS, RECORDS, OR OTHER DATA RELIED UPON TO MAKE THE STATEMENTS CONTAINED IN THE AFFIDAVIT. ALL CLIENT EXECUTED MILITARY AFFIDAVITS FILED IN RESIDENTIAL MORTGAGE FORECLOSURE CASES MUST INDICATE THAT THE AFFIANT HAS ACTUAL PERSONAL KNOWLEDGE OF THE APPROPRIATE DEFENDANTS' MILITARY STATUS. FAILURE TO PROVIDE APPROPRIATE AFFIDAVITS MAY RESULT IN MANDATORY PERSONAL ATTENDANCE OF AN AFFIANT FOR A HEARING, THE IMPOSITION OF SANCTIONS AND PENALTIES FOR PERJURY OR CONTEMPT, AND DISMISSAL OF THE CASE. BEFORE JUDGMENT IS ENTERED ON ANY CLAIM FOR FORECLOSURE AND/OR MONEY JUDGMENT IN A RESIDENTIAL MORTGAGE FORECLOSURE CASE, COUNSEL FOR PLAINTIFF AND ANY OTHER PARTY THAT ASSERTS A CLAIM FOR FORECLOSURE OR MONEY JUDGMENT MUST FILE AN AFFIDAVIT OR AFFIDAVITS. IN REGARD TO NON-MILITARY CLIENT AFFIDAVITS, THIS AFFIDAVIT MUST: 1) IDENTIFY THE COUNSEL OF RECORD AND HIS OR HER LAW FIRM. 2) PROVIDE THAT THE COUNSEL OF RECORD HAS REVIEWED THE FILE. 3) PROVIDE THAT THE COUNSEL OF RECORD HAS COMMUNICATED WITH A REPRESENTATIVE OF THE PARTY SEEKING FORECLOSURE AND/OR MONEY JUDGMENT OR ITS SERVICER AND THAT THIS REPRESENTATIVE: HAS AFFIRMED THAT HE OR SHE HAS PERSONALLY REVIEWED THE DOCUMENTS, RECORDS, OR OTHER DATA RELATED TO THE CASE; HAS REVIEWED THE PLEADINGS AND OTHER COURT FILINGS IN THE CASE; AND HAS CONFIRMED BOTH THE FACTUAL ACCURACY OF THE PLEADINGS AND COURT FILINGS IN THE CASE; AND THE ACCURACY OF THE NOTARIZATIONS CONTAINED THEREIN. 4) PROVIDE THE FULL NAME OF THE REPRESENTATIVE DESCRIBED IN ITEM 3 AND THE DATE OR DATES OF THE COMMUNICATION. 5) CERTIFY THAT, TO THE BEST OF THE COUNSEL OF RECORD'S KNOWLEDGE, THE PLEADINGS AND OTHER COURT FILINGS IN SUPPORT OF THE CLAIMS FOR FORECLOSURE ARE COMPLETE AND ACCURATE IN ALL RELEVANT RESPECTS. 6) ACKNOWLEDGE THAT COUNSEL OF RECORD HAS A CONTINUING OBLIGATION TO AMEND AND SUPPLEMENT THE AFFIDAVIT IN LIGHT OF NEWLY DISCOVERED FACTS FOLLOWING ITS FILING. 7) BE SIGNED AND DATED BY COUNSEL OF RECORD. IN REGARD TO CLIENT EXECUTED MILITARY AFFIDAVITS, THIS AFFIDAVIT MUST: 1) IDENTIFY THE COUNSEL OF RECORD AND HIS OR HER LAW FIRM. 2) PROVIDE THAT THE COUNSEL OF RECORD HAS COMMUNICATED WITH THE AFFIANT OF THE MILITARY AFFIDAVIT AND THAT THE AFFIANT

HAS AFFIRMED THAT HE OR SHE HAS PERSONALLY REVIEWED NECESSARY WEBSITE AND/OR DATABASE TO DETERMINE THE MILITARY STATUS OF THE APPROPRIATE DEFENDANTS. 3) PROVIDE THE FULL NAME OF THE AFFIANT DESCRIBED IN ITEM 2 AND THE DATE OR DATES OF THE COMMUNICATION. 4) CERTIFY THAT, TO THE BEST OF THE COUNSEL OF RECORD'S KNOWLEDGE, THE INFORMATION CONTAINED IN THE MILITARY AFFIDAVIT IS ACCURATE IN ALL RELEVANT RESPECTS. 5) ACKNOWLEDGE THAT COUNSEL OF RECORD HAS A CONTINUING OBLIGATION TO AMEND AND SUPPLEMENT THE AFFIDAVIT IN LIGHT OF NEWLY DISCOVERED FACTS FOLLOWING ITS FILING. 6) BE SIGNED AND DATED BY COUNSEL OF RECORD. FAILURE TO SUBMIT AN APPROPRIATE AFFIDAVIT ON OR BEFORE THE DATE OF TRIAL, THE DATE THAT A MOTION FOR SUMMARY JUDGMENT IS RIPE FOR RULING, OR THE DATE OF DEFAULT HEARING, WHICHEVER IS APPLICABLE, WILL RESULT IN DISMISSAL OF THE CASE AND MAY RESULT IN FURTHER SANCTIONS. STANDARDIZED AFFIDAVIT FORMS ARE POSTED ON THE CUYAHOGA COUNTY COURT OF COMMONPLEAS WEBSITE [HTTP://CP.CUYAHOGACOUNTY.US/INTERNET/COURTDOCS/MAGISTRATES/AFFIDAVIT \(REV5\).PDF](http://cp.cuyahogacounty.us/internet/courtdocs/magistrates/affidavit_(rev5).pdf). ALL AFFIDAVITS SUBMITTED PURSUANT TO THIS ORDER MUST BE IN THE FORMAT OF THESE STANDARDIZED AFFIDAVIT FORMS. IN LIEU OF THIS AFFIDAVIT: 1) IN CASES WHERE CLIENT AFFIDAVITS HAVE BEEN FILED, THE AFFIANT OR AFFIANTS MUST APPEAR AT THE HEARING OF THE MATTER AND TESTIFY REGARDING THOSE AFFIDAVITS. THE REPRESENTATIVE MUST APPEAR IN PERSON AND TELEPHONIC APPEARANCE WILL NOT BE PERMITTED. IF MULTIPLE CLIENT AFFIDAVITS ARE FILED IN THE CASE AND ARE EXECUTED BY MORE THAN ONE AFFIANT, EACH AFFIANT MUST APPEAR AT THE HEARING OF THE MATTER. 2) IN CASES WHERE NO CLIENT AFFIDAVITS HAVE BEEN FILED, AN OFFICER OF THE PARTY SEEKING FORECLOSURE OR AN OFFICER OF ITS SERVICER MUST APPEAR AT THE HEARING OF THE MATTER AND TESTIFY IN SUPPORT OF THE ALLEGATIONS OF THE COMPLAINT AND CONTENTS OF OTHER DOCUMENTS OR COURT FILINGS. THE OFFICER MUST APPEAR IN PERSON AND TELEPHONIC APPEARANCE WILL NOT BE PERMITTED. 3) IN CASES WHERE NO HEARING IS SCHEDULED BEFORE THE ENTRY OF JUDGMENT (SUCH AS SOME SUMMARY JUDGMENT CASES), THE OFFICER OF THE PARTY SEEKING FORECLOSURE MUST, CONTEMPORANEOUSLY WITH THE MOTION FOR SUMMARY JUDGMENT, MOVE TO SCHEDULE A HEARING AT WHICH THE AFFIANT MAY APPEAR. 4) WITH THE EXCEPTION OF AFFIANTS OF MILITARY AFFIDAVITS, THE AFFIANT OR AN OFFICER OF THE PARTY SEEKING FORECLOSURE OR OFFICER OF ITS SERVICER WHO APPEARS IN COURT IN LIEU OF THE FILING OF A FORECLOSURE COUNSEL AFFIDAVIT MUST APPEAR WITH THE ORIGINAL PROMISSORY NOTE, INCLUDING ALL ENDORSEMENTS AND ALLONGES AND A CURRENT PAYMENT HISTORY FOR THE MORTGAGE LOAN AT ISSUE. THE AFFIANT OR AN OFFICER OF THE PARTY SEEKING FORECLOSURE OR OFFICER OF ITS SERVICER MUST BE PREPARED TO TESTIFY THAT HE OR SHE HAS PERSONALLY REVIEWED THE DOCUMENTS, RECORDS OR OTHER DATA RELATED TO THE CASE, HAS REVIEWED THE PLEADINGS AND OTHER COURT FILINGS IN THE CASE AND HAS CONFIRMED BOTH THE FACTUAL ACCURACY OF THE FILINGS AND THE ACCURACY OF THE NOTARIZATIONS CONTAINED THEREIN, IF ANY. THE AFFIANT OR AN OFFICER OF THE PARTY SEEKING FORECLOSURE OR OFFICER OF ITS SERVICER MUST BE PREPARED TO RESPOND TO THE QUESTIONING OF THE MAGISTRATE OR JUDGE PRESIDING OVER THE HEARING AND THE QUESTIONING OF ANY OTHER PARTY ATTENDING THE HEARING. 5) IF THE AFFIANT OR OFFICER OF THE PARTY SEEKING FORECLOSURE OR AN OFFICER OF ITS SERVICER HAS BEEN PREVIOUSLY DEPOSED AND HAS TESTIFIED UNDER OATH REGARDING THE ABOVE REQUIRED INFORMATION, THE FILING OF THE TRANSCRIPT OF THAT DEPOSITION WILL SATISFY THE REQUIREMENTS OF THIS POLICY. FAILURE TO FILE AN ATTORNEY AFFIDAVIT OR DO ANY OF THE ALTERNATIVES TO FILING AN ATTORNEY AFFIDAVIT BEFORE THE CASE IS RIPE FOR THE ENTRY OF JUDGMENT WILL RESULT IN DISMISSAL OF THE CASE. NOTICE ISSUED

02/01/2013	N/A	SF	MAGISTRATE KEVIN C AUGUSTYN ASSIGNED (MANUALLY)
02/01/2013	N/A	JE	IT IS ORDERED BY THE COURT THAT THIS CAUSE BE REFERRED TO THE COURT MAGISTRATE TO TRY THE ISSUES OF LAW AND FACT ARISING THEREIN AND REPORT WITHOUT UNNECESSARY DELAY. A PARTY SEEKING A DEFAULT JUDGMENT MUST FILE A MOTION FOR DEFAULT JUDGMENT. ONCE A CASE IS SET FOR DEFAULT JUDGMENT, THE MOTION FOR DEFAULT JUDGMENT MAY BE WITHDRAWN ONLY BY SEPARATE MOTION WITH GOOD CAUSE SHOWN. NOTICE ISSUED
01/31/2013	N/A	SF	JUDGE ROBERT C MCCLELLAND ASSIGNED (RANDOM)
01/31/2013	P1	SF	ADDITIONAL DEPOSIT FOR SERVICE, OVER 10 DEFENDANTS \$20
01/31/2013	P1	SF	SPECIAL PROJECTS FUND FEE
01/31/2013	P1	SF	LEGAL RESEARCH
01/31/2013	P1	SF	LEGAL NEWS
01/31/2013	P1	SF	LEGAL AID
01/31/2013	P1	SF	COMPUTER FEE
01/31/2013	P1	SF	CLERK'S FEE
01/31/2013	P1	SF	DEPOSIT AMOUNT PAID LAW OFFICES OF JOHN D. CLUNK CO. LPA
01/31/2013	P1	SF	DEPOSIT AMOUNT PAID LAW OFFICES OF JOHN D. CLUNK CO. LPA
01/31/2013	N/A	SF	CASE FILED
01/31/2013	P1	SR	PRELIMINARY JUDICIAL REPORT FILED.
01/31/2013	P1	SR	COMPLAINT FILED. SERVICE REQUESTED - SUMMONS BY CERTIFIED MAIL AND SPECIAL PROCESS SERVER TO THE DEFENDANT(S).

Only the official court records available from the Cuyahoga County Clerk of Courts, available in person, should be relied upon as accurate and current.
 For questions/comments please [click here](#).
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