

IN THE SUPREME COURT OF OHIO

State ex rel. Greg P. Givens,	:	
	:	
Petitioner.	:	Case No. 2022-1002
	:	
v.	:	
	:	
Robert A. Newhart, Mayor, et al.,	:	
	:	
Respondents.	:	

**RESPONDENTS' RESPONSE IN OPPOSITION TO
PETITIONER'S MOTION TO AMEND PETITION FOR WRIT**

Erik A. Schramm (#0071690), and
Kyle W. Bickford (#0086520),
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Greg P. Givens, *pro se*
P.O. Box 117
Bellaire, OH 43906
PETITIONER

Bradley A. Powell (#0034478)
DRODER & MILLER
250 East Fifth Street, Suite 700
Cincinnati, OH 45202
Telephone: (513) 721-1504
Fax: (513) 721-0310
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ATTORNEYS FOR RESPONDENTS
JOHN LONGWELL,
ROBERT A. NEWHART, MAYOR, AND
THOMAS RYNCARZ

NOW COME Respondents Robert A. Newhart, Mayor of the Village of Shadyside, Thomas Ryncarz, individually and as Solicitor of the Village of Shadyside, and John Longwell ("Respondents"), by and through undersigned counsel, pursuant to S.Ct.Prac.R. 4.01(B)(1) and respectfully move this Honorable Court to deny and overrule Petitioner's Motion to Amend Petition for Writ, filed for record November 3, 2022. A Memorandum in Support of this Motion follows.

Respectfully submitted,



Erik A. Schramm (#0071690)

Kyle W. Bickford (#0086520), of the firm
HANLON, MCCORMICK, SCHRAMM,
BICKFORD & SCHRAMM CO., LPA

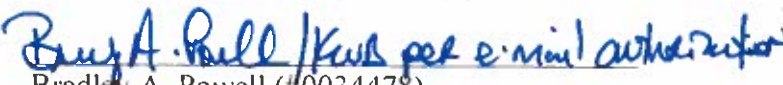
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Attorneys for Respondents

MEMORANDUM IN SUPPORT

I. *Introduction*

Petitioner Greg Givens attaches a Certificate of Service to his filings, but does not actually serve counsel of record.¹ However, because of Mr. Givens' almost daily filings in the Belmont County Courts, the Belmont Court of Common Pleas, the Seventh Appellate District, and this Court, Respondents routinely check the online docket so they do not inadvertently fail to respond to a filing by Petitioner.

On November 1, 2022, Respondents Village of Shadyside, Mayor Newhart, Solicitor Ryncarz, and John Longwell filed a Motion to Deem Petitioner Greg Givens to be Declared a Vexatious Litigator in a companion case identified as Case No. 2022-1025 ("Vexatious Litigator Motion"). Respondents adopt and incorporate the arguments set forth in the Respondents' Vexatious Litigator Motion.

Respondents' Motion has not deterred Mr. Givens. On November 2, 2022, Mr. Givens filed three (3) additional appeals in the Seventh Appellate District, captioned as Case No. 22-BE-56, Case No. 22-BE-57, and Case No. 22-BE-58. Mr. Givens now has eleven (11) open appeals pending in the Seventh Appellate District. *See* "Exhibit A" attached hereto.

On November 3, 2022, Mr. Givens filed a Motion to Amend Petition for Writ and a proposed Amended Petition in the present case and in Case No. 2022-1025. On November 7, 2022, Mr. Givens filed a document in the Belmont County Court of Common Pleas titled: "Complaint/Petition on Statutory Grounds, Fraud, Deception & Extraordinary Matters; and Constitutional Claims." *See* "Exhibit B" attached hereto. With each and every Court filing,

¹ Mr. Givens failed to serve copies of the following documents on undersigned counsel: (1) Memo Opposing Motion to Dismiss, (2) Motion to Strike Motion to Dismiss, (3) Motion to Amend Complaint, and (4) Motion to Amend Petition for Writ. Mr. Givens has further failed to serve the affidavits and/or appendices accompanying the filings.

Petitioner Givens provides additional justification to Respondents' request to have him declared a vexatious litigator.

On November 9, 2022, this Honorable Court issued its decision in Case No. 2022-1025 which served to: (1) Grant Respondents' Motions to Dismiss,² (2) Deny Mr. Givens' Motion to Amend Petition, (3) Deny Mr. Givens' Motions to Strike, and (4) Deny Respondents' Motions to Declare Petitioner a Vexatious Litigator.

II. *Argument*

As set forth more fully in Respondents' Motion to Dismiss, filed for record September 19, 2022, Mr. Givens' original Petition fails to meet the essential elements of the requested writs. There is no relief this Court can accord Mr. Givens under the law, and this case should be dismissed.

On September 26, 2022, Mr. Givens filed a "Motion to Amend Petition for Writ." The Motion alleges it is for "Good Cause shown." *See Motion to Amend*, pg. 4. On October 4, 2022, Respondents filed a Response to the Motion to Amend, noting Mr. Givens' Motion:

- 1.) Fails to contain a single reason or explanation why he should be granted leave to amend his Petition; and
- 2.) Fails to contain a proposed amended pleading. *See generally, S.Ct.Prac.R. 12.04(A)(2), S.Ct. Prac.R. 3.13.*

On November 3, 2022, Petitioner filed a second Motion to Amend Petition for Writ, along with a proposed Amended Petition for Writ of Prohibition, or in the Alternative (Mandamus), (Procedendo), and/or (Quo Warranto). The proposed Amended Writ totals fifty-two (52) pages, not including its appendix, and proposes to add the Mead Township Trustees and the Belmont County Sheriff as Respondents.

² The Court granted the Motion to Dismiss filed by Respondent Judge John A. Vavra and the Motion to Dismiss filed by the Respondents herein.

Mr. Givens' second Motion to Amend also alleges it is filed "for Good Cause shown." Both of Mr. Givens' Motions to Amend fail to provide any good faith reasons to justify the amendment of his Petition. The proposed Amended Petition raises substantially similar claims and allegations as the original Petition, and the purpose of the proposed Amendment is to delay resolution of this matter and further burden the Respondents.


Critically, Mr. Givens has failed to identify – factually or legally - how he is entitled to the requested writs. Mr. Givens' Petitions seek no relief which may be granted as to the Respondents. Both the original Petition and the proposed Amended Petition are fatally defective because they fail to meet the essential elements of the requested writs. *See Motion to Dismiss*, filed for record September 19, 2022.

There is fundamentally no relief this Court can accord the Petitioner,³ and this case should be summarily dismissed. The Court should treat the Motion to Amend filed in this case as it did with the Motion filed in Case No. 2022-1025: the Motion to Amend should be denied and overruled. However, unlike Case No. 2022-1025, Respondents respectfully request the Court find Mr. Givens to be a vexatious litigator so as to prevent Mr. Givens' continued abuse of the State of Ohio's legal system.

WHEREFORE, Greg P. Givens' Petition in this matter should be dismissed, and his Motion to Amend should be denied.

³ In the proposed Amended Petition, Mr. Givens states his rights "are being arbitrarily DENIED to timely place documents on the record for APPEAL." *See Amended Petition*, pg. 27. According to the Belmont County docket, Mr. Givens currently has eleven (11) cases pending in the Seventh District Court of Appeals. *See* "Exhibit A" attached hereto.

Respectfully submitted,



Erik A. Schramm (#0071690)

Kyle W. Bickford (#0086520), of the firm

HANLON, MCCORMICK, SCHRAMM,

BICKFORD & SCHRAMM CO., LPA

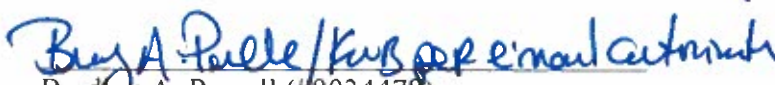
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Attorneys for Respondents

CERTIFICATE OF SERVICE

I certify that a copy of this **RESPONDENTS' RESPONSE IN OPPOSITION TO**

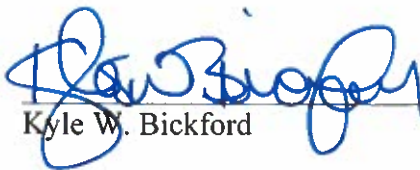
PETITIONER'S MOTION TO AMEND PETITION FOR WRIT was served by regular U.S.

Mail, this 10th day of November, 2022, upon:

Greg P. Givens

P.O. Box 117

Bellaire, OH 43906



Kyle W. Bickford

Search Results

Name Search▼

Showing 26 to 50 of 57

<< 1 2 3 >>

<u>Court</u>	<u>Case Number</u>	<u>Party/Company</u>	<u>Party Type</u>	<u>Case Type</u>	<u>File Date</u>	<u>Case Status</u>	<u>Disposition</u>
Common Pleas	<u>22 CV 0241</u>	Givens, Greg P	Plaintiff	Civil	08/26/2022	Closed	Other Terminations
Common Pleas	<u>22 BE 0045</u>	Givens, Greg P	Misc.	Court of Appeals	09/16/2022	Closed	BA- Dismissal
Common Pleas	<u>22 BE 0038</u>	Givens, Greg P	Plaintiff	Court of Appeals	08/25/2022	Open	Undisposed
Common Pleas	<u>22 BE 0056</u>	Givens, Greg P	Plaintiff	Court of Appeals	11/02/2022	Open	Undisposed
Common Pleas	<u>22 BE 0057</u>	Givens, Greg P	Plaintiff	Court of Appeals	11/02/2022	Open	Undisposed
Common Pleas	<u>22 BE 0058</u>	Givens, Greg P	Plaintiff	Court of Appeals	11/02/2022	Open	Undisposed
Common Pleas	<u>22 BE 0041</u>	Givens, Greg P	Defendant	Court of Appeals	08/31/2022	Open	Undisposed
Common Pleas	<u>22 BE 0043</u>	Givens, Greg P	Plaintiff	Court of Appeals	09/15/2022	Open	Undisposed
Common Pleas	<u>22 BE 0044</u>	Givens, Greg P	Plaintiff	Court of Appeals	09/15/2022	Open	Undisposed
Common Pleas	<u>20 BE 0001</u>	Givens, Greg P	Plaintiff	Court of Appeals	01/03/2020	Closed	BA- Judgment
Common Pleas	<u>18 BE 0046</u>	Givens, Greg P	Defendant	Court of Appeals	09/18/2018	Closed	BA- Judgment
Common Pleas	<u>21 BE 0025</u>	Givens, Greg P	Plaintiff	Court of Appeals	06/21/2021	Closed	BA- Judgment
Common Pleas	<u>19 BE 0044</u>	Givens, Greg P	Plaintiff	Court of Appeals	09/12/2019	Closed	BA- Dismissal
Common Pleas	<u>21 BE 0026</u>	Givens, Greg P	Plaintiff	Court of Appeals	06/21/2021	Closed	BA- Judgment
Common Pleas	<u>21 BE 0027</u>	Givens, Greg P	Plaintiff	Court of Appeals	06/21/2021	Closed	BA- Judgment
Common Pleas	<u>22 BE 0036</u>	Givens, Greg P	Plaintiff	Court of Appeals	08/15/2022	Open	Undisposed
Common Pleas	<u>22 BE 0037</u>	Givens, Greg P	Plaintiff	Court of Appeals	08/15/2022	Open	Undisposed
Common Pleas	<u>22 BE 0039</u>	Givens, Greg P	Plaintiff	Court of Appeals	08/25/2022	Open	Undisposed
Common Pleas	<u>22 BE 0040</u>	Givens, Greg P	Plaintiff	Court of Appeals	08/25/2022	Open	Undisposed
Common Pleas	<u>01 BA 0050</u>	GIVENS, GREG P	Defendant	Court of Appeals (OLD)	10/04/2001	Closed	BA- Dismissal
Eastern	<u>15CRB00477E</u>	GIVENS, GREG	Defendant	CRIMINAL	08/04/2015	CASE CLOSED	(A)OTHER TERMINATIONS
Eastern	<u>18CRB00381E</u>	GIVENS, GREG PATRICK	Defendant	CRIMINAL	07/16/2018	CASE CLOSED	(A)OTHER TERMINATIONS
Common Pleas	<u>08 CR 0133</u>	Givens, Greg P	Defendant	Criminal	04/16/2008	Closed	Transfer to Another Judge or Court
Eastern	<u>21CRB00247E</u>	GIVENS, GREG PATRICK	Defendant	CRIMINAL	06/17/2021	CASE CLOSED	(I)GUILTY/NO CONTEST PLEA TO ORIGINAL
Common Pleas	<u>07 CR 0257</u>	Givens, Greg P	Defendant	Criminal	11/16/2007	Closed	Transfer to Another Judge or Court



COMMON PLEAS COURT
BELMONT COUNTY, OHIO

IN THE COURT OF COMMON PLEAS,
BELMONT COUNTY,
OHIO

NOV -7 PM 4:13

CYNTHIA L. FREGIATO
CLERK OF COURT

GREG GIVENS
P.O. BOX 117
BELLAIRE, OH 43906,

PLAINTIFF/PETITIONER
MOVANT/COMPLAINANT,

CASE NO. 22CV312

JUDGE: JAV

COMPLAINT / PETITION

IN RE: PETITION FOR *DE NOVO*
REVIEW OF BELMONT COUNTY
COURT, ORDER / FINAL ENTRY,
CASE NO. 21-TF-004

On Statutory Grounds, Fraud,
Deception & Extraordinary Matters;
and Constitutional Claims

JURISDICTION

1) This Action is brought for DE NOVO REVIEW and for state law claims, injury and tort damages and other appropriate statutory and declaratory relief, for violation of GIVENS rights, and other relief sought under Ohio law, breach of contract, and other appropriate claims; Plaintiff further asserts State protections under ARTICLE I of the Constitution of the State of Ohio, and all applicable statute and prohibitions against the appropriate party(ies), including, but not limited to, Ohio Revised Code §§5303.01 et seq.; §2329.33, et seq.; §2305.04, et seq., retaliatory acts, and corresponding section(s) of the Ohio Revised Code; §2735.04(D)(7), as amended, Title 23, Section §2309.59, et seq.

2) Plaintiff asserts and Jurisdiction is conferred upon this Court pursuant to Ohio Revised Code §2305.01, et seq. Venue is proper under Ohio Revised Code §2307.01, et seq., and damages to which amounts apply, or as set forth in the Ohio Revised Code. Parties are residents of Belmont County, Ohio. Plaintiff/Petitioner cites Exhibit "A". And Petitioner complains for de novo review, and for the following reasons:

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LAW AND ARGUMENT

SYNOPSIS

3) A "judgment entry confirming sale, ordering deed and distribution" on June 15, 2022, identified: *In the Court of Common Pleas, Belmont County, Saint Clairsville, Ohio.*

4) The Court a) knowingly, and made, without statute, a false statement of determination of material fact to as to the Indigence status of Petitioner, Greg Givens, affecting the course of justice in the above-referenced case number(s); (b) failed to disclose a material fact when disclosure was necessary to avoid assisting an illegal act or acts, and when said Honor of Record for the Trial Court misrepresented as the truthfulness of the record to the Parties/Appelli/Record, as well as to the both the county clerk, as well as will be directed to the Appellate clerk; and failed to disclose the truthfulness in statements of such inaccuracy, or to basis in fact, to others; i.e. *State v. Burton*, 10th Dist. No. 06AP-690, 2007-Ohio-1941, 2007 WL 1196579. (Abuse of discretion, two-prong standard applies).

The discretion of a trial judge "does not free judges from ... statutory requirements."
State v. Kalish, 896 NE 2d 124; 120 Ohio St.3d 23 (2008); 2008-Ohio-4912; (Ohio Supreme Court).

CAUSE I

5) Respondent(s) failed to comply with Ohio Rev. Code and was therefore negligent per se. See *Bush v. Harvey Transfer Co.* (1946), 146 Ohio St. 657, 33 O.O. 154, 67 N.E. 2d 851; Relator creating condition(s) that make it impossible to comply with ... legislative enactment; *Schalk v. Spreckelmeier* (1971), 27 Ohio App. 2d 210, 56 O.O. 2d 389, 273 N.E. 2d 795; *Smiddy v. The Wedding Party, Inc.* 30 Ohio St. 3d 35 (1987). Sic passim.

6) Plaintiff/Petitioner incorporates Paragraphs 1 - 25, as if fully set forth.

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CAUSE II

7) The Trial Court erred and abused its discretion by failing to provide a reasonable redemption period required under Ohio Statute. Sic passim. Citing *Solon v. Solon*, 2018 Ohio 3147; As the County Treasurer alternates the redemption period under statute. *State ex rel. US Bank Trust Nat'l Assn. v. Cuyahoga Cty.*, 2021 Ohio 2524.

8) Plaintiff/Petitioner incorporates Paragraphs 1 – 25, as if fully set forth.

CAUSE III

9) On November 2, 2022, Petitioner discovered otherwise fraudulent, deception, and/or extraordinary matters or new information pertaining to the Court's Order/Judgment Entry of June 15, 2022 on the Parcel(s) listed therein. And is within tolling of time, after such discovery of information, in violation of Ohio Rev. Code. Ibid. Sic passim.

10) An Obligor, "John Longwell", allegedly "purchased" in a "public sale" of the Belmont County Parcel, No. 17-00607.000. Petitioner, Greg Givens, alleges a "swindle" took place in the processes and conditions underlying the Court's Order/Judgment Entry of June 15, 2022, were fraudulent, deception, and or "illegal wrangling", and extraordinary matters took place, to the detriment of Mary Mildred Givens, and Joseph Vadala Givens, their heirs, decedents, and assigns. There was no public auction, as required by Ohio Rev. Code, and Rule 23 of the Belmont County Common Pleas, General Division, Local Rules. Further, Plaintiff was approached by a man, who refused to identify himself at first, at the Givens homestead of sixty-one (61) years, presenting no papers.

11) Furthermore, the [Belmont] County clerk DID NOT "SERVE copies on all the parties or their attorneys."

12) Through fraud and deceit, was without just cause, written notice, or eviction, caused grand theft of said property, lead to events that, as a consequence, stripped all federal and state rights and entitlements from Plaintiff/Petitioner.

13) Plaintiff acknowledges that relationship, or expectancy, and the ability, and interference by outside parties, and that, "as a direct and proximate result of the Defendant's

1 wrongful conduct described in his Claim(s)." Plaintiff has suffered, and continues to suffer, and
2 is entitled to recover from the Defendant, general, special, declaratory, and compensatory
damages.

3 14) Plaintiff/Petitioner incorporates Paragraphs 1 – 25, as if fully set forth.
4

5 **CAUSE IV**

6 15) Relator(s) have failed to comply with Rule 23 of the Local Rules of the Belmont
County Common Pleas Court, General Division. Citing Rule 23, Belmont County Local Rules.

7 Citing Rule 23, Belmont County, Local Rules, states, among other things, that:

8 16) Relator(s) have failed to comply with Rule 23 of the Local Rules of the Belmont
9 County Common Pleas Court, General Division.

10 17) Plaintiff/Petitioner incorporates Paragraphs 1 – 25, as if fully set forth.
11

12 **CAUSE V**

13 18) Prior to, and on June 15, 2022, and subsequent dates, Petitioner, Greg Givens, was
14 presented NO PAPERS, and deprived Plaintiff his Constitutional Rights and Freedoms protected
15 under Article I of the Constitution of the State of Ohio.

16 19) Plaintiff/Petitioner incorporates Paragraphs 1 – 25, as if fully set forth.
17

18 20) The Plaintiff/Petitioner further alleges the elements of injustice, and prejudice during
this process.

19 21) Economic duress during this process by stating that the Defendant's wrongful and
20 fraudulent conduct "forced Plaintiffs into transactions, including, but not limited to, a one-sided
21 Agreement, and left Plaintiff with no reasonable alternative but to acquiesce, that are protected
under the Constitution of the State of Ohio.

22) Plaintiff also claims for breach of the implied covenant of good faith and fair dealing, breach of contract, and economic duress, as a result of that statutory and Constitutional deprivation of Relator(s).

23) Further, did not regard an active Belmont county probate case, no. 21-ES-595, Plaintiff had obtained permission of possession of the parcel owned by his grandparents of sixty-one (61) years, valued with the Estate of Joseph V. and Mary M. Givens, as a direct heir, executor, and commission, as court-ordered by the Probate Court of Belmont County.

24) Plaintiff incorporates, by reference, all facts and statements, as in Cause 1, as if fully set forth.

25) WHEREFORE, Plaintiff, GREG P. GIVENS, seeks special, remedial, declaratory, punitive, and general, injunctive and such other relief, as the Court deems just and proper.

NOTICE: If any untimely event should befall the Plaintiff, or his family, or any potential eye-witnesses, by any means, let it be known that by such acts, are, and by, the direct result of the Defendant(s)/Respondent(s)/Obligor(s) responsible.

Plaintiff, GREG P. GIVENS, prays for RELIEF and JUDGMENT against Defendants, and by request of JURY TRIAL, as appropriate.

Dated: 7th day of November, 2022.

Ed. Guin

GREG P. GIVENS,

Pro se, Plaintiff

P.O. Box 117

Bellaire, OH 43906

Complaint, Attached Motion, Appendix-Exhibit(s) & Affirmation

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EXHIBIT A

CLERK SERVED COPIES ON
ALL THE PARTIES OR
THEIR ATTORNEYS

**IN THE COURT OF COMMON PLEAS, COMMON PLEAS COURT
BELMONT COUNTY, ST. CLAIRSVILLE, OHIO BELMONT CO. OH.**

IN THE MATTER OF THE FORECLOSURE
OF LIENS FOR DELINQUENT LAND TAXES
BY ACTION IN REM

2022 JUN 15 PM 2:18
PARCEL OF LAND
ENCUMBERED WITH
DELINQUENT TAXES
REGIATC
COURT

KATHERINE J. KELICH
TREASURER OF BELMONT COUNTY
ST. CLAIRSVILLE, OHIO

PLAINTIFF

**JUDGMENT ENTRY
CONFIRMING SALE, ORDERING
DEED AND DISTRIBUTION**

VS

CASE NO. 21-TF-004

JABER, MERWIN et al.

DEFENDANTS

This matter comes before this Court upon the Sheriff's Return of the Sale of Real Estate. The Court, having reviewed the proceedings of the Sheriff and the Return of the Order of Sale set forth herein, finds that notice was given according to law and that all proceedings therein were proper. The Court notes that parcels 1 and 10 were REDEEMED and have been dismissed from this action.

Upon Return of the Sheriff, the Court finds that the following parcels have been offered for sale twice by said Sheriff in accordance with law and have not been sold on either occasion, there having been no acceptable bids submitted for said property. It is therefore ORDERED that said parcels described below are forfeited to the State of Ohio for future sale by the Belmont County Auditor:

4. Collette, Anthony
Collette, Helen
168 County Rd
Bridgeport, OH 43912

(Residential Building)

In-Lot 41 .2198 AC
Bridgeport Corp. - Bridgeport EVSD
22-00172.000

8. McElroy, Homer Lee
523 43rd Street
Bellaire, OH 43906

(Residential Building)

In-Lot 9A & 9D B 1 SW PT 34 X 21.1
Bellaire Corp. - Bellaire LSD
29-013C6.000

9. Christian, John
3243 Washington Street
Bellaire, OH 43906

In-Lot 2 C S B & C 65 X 40
Bellaire Corp. - Bellaire LSD
29-01898.000

The Court comes now to the parcels that were sold, those being Parcels, 2, 3, 5, 7, 11, 12, 13, and 14. The sale of said parcels are hereby confirmed, and except as otherwise set forth below, said sale being free and clear of any liens or interests of persons or entities that were made parties to this action or whose interests were barred by the doctrine of lis pendens.

The Clerk of this Court is hereby ORDERED to distribute the proceeds from said Sale as set forth below:

2.	Auditor's Parcel #14-00378.000	To: Clerk of Court	\$ 60.00
	Parcel Sold For: \$15,732.50	Sheriff	\$ 100.00
	Sold To: Adam Vavrek	Poundage 1 1/2%	\$ 232.50
	67150 Countryside Drive	Treasurer	\$2,828.84
	St. Clairsville, OH 43950	Title Exam-Advertising	<u>\$ 683.49</u>
		Balance	\$ 11,827.67

Balance to be held by the Clerk pursuant to O.R.C. 5721.20

3.	Auditor's Parcel #17-00607.000	To: Clerk of Court	\$ 60.00
	Parcel Sold For: \$7,062.58	Sheriff	\$ 100.00
	Sold To: John D. Longwell	Poundage 1 1/2%	\$ 104.37
	3333 Hart Street	Treasurer	\$ 6,114.72
	Shadyside, OH 43947	Title Exam-Advertising	<u>\$ 683.49</u>
		Balance	\$ 0.00

Parcel 3 is sold free of the following liens:

- A. A certificate of judgment filed on April 23, 2003, by Platinum Financial Services Corp. against Joseph V. Givens in the sum of \$1,726.86 plus interest from April 23, 2003 at the rate of 10% per annum and court costs of \$98.00. The case number is 03 CJ 5212.
- B. A certificate of judgment filed on March 20, 2006, by MRC Receivables Corp. against Joseph V. Givens in the sum of \$4,595.00 plus interest from March 20, 2006 at the rate of 6% per annum and court costs of \$110.00. The case number is 06 CJ 7269. This judgment was re-filed on March 12, 2007 and is case number 07 CJ 8268.
- C. A certificate of judgment filed on April 13, 2006, by Midland Funding NCC-2 Corp. - (H) against Joseph V. Givens in the sum of \$6,305.22 plus interest from April 13, 2006 at the rate of 6% per annum and court costs of \$110.00. The case number is 06 CJ 7293.

This Judgment Entry shall release Parcel 3 from liens A, B, and C above.

3.	Auditor's Parcel #22-00362.000 Parcel Sold For: \$ 5,375.64 Sold To: Lyndee J. Brown 311 Kennon Street Bridgeport, OH 43912	To: Clerk of Court	\$ 60.00
		Sheriff	\$ 100.00
		Poundage 1 1/2%	\$ 79.44
		Treasurer	\$ 4,452.71
		Title Exam-Advertising	\$ 683.49
		Balance	\$ 0.00
7.	Auditor's Parcel #29-01454.000 Parcel Sold For: \$ 1,185.00 Sold To: Kimberly McElwain 4464 Franklin Street Bellaire, OH 43906	To: Clerk of Court	\$ 60.00
		Sheriff	\$ 100.00
		Poundage 1 1/2%	\$ 17.51
		Treasurer	\$ 324.01
		Title Exam-Advertising	\$ 683.48
		Balance	\$ 0.00

Parcel 7 is sold free of the following liens:

- A. A certificate of judgment filed on January 25, 2008, by LVNV Funding LLC against Mary Pressler in the sum of \$1,287.21 plus interest from March 20, 2008, at the rate of 8% per annum and costs. The case number is 08 CJ 10088. This certificate of judgment was re-filed on October 16, 2012 and is case number 12 CJ 16124.
- B. A certificate of judgment filed on October 28, 2008, by Ford Motor Credit Co LLC fka Ford Motor Cr Co against Mary Pressler in the sum of \$2,123.60 plus interest from January 29, 2009, at the rate of 23% per annum and costs. The case number is 09 CJ 11203. This certificate of

judgment was re-filed on September 17, 2013 and is case number 13 CJ 16649.

This Judgment Entry shall release Parcel 7 from these liens, A and B above.

11.	Auditor's Parcel #34-00299.000	To: Clerk of Court	\$ 60.00
	34-00300.000	Sheriff	\$ 125.00
	Parcel Sold For: \$ 62,930.00	Poundage 1 1/2%	\$ 930.00
	Sold To: John M. Jurco	Treasurer	\$ 7,527.51
	70193 Barton Road	Title Exam-Advertising	\$ 683.48
	St. Clairsville, OH 43950	Balance	\$ 53,604.01

Balance to be held by the Clerk pursuant to O.R.C. 5721.20

12.	Auditor's Parcel #36-00868.000	To: Clerk of Court	\$ 60.00
	Parcel Sold For: \$ 7,308.00	Sheriff	\$ 100.00
	Sold To: Lawrence L. Brandon III	Poundage 1 1/2%	\$ 108.00
	60580 Main Street	Treasurer	\$ 4,756.33
	Jacobsburg, OH 43933	Title Exam-Advertising	\$ 683.47
		Balance	\$ 1,600.20

Balance to be held by the Clerk pursuant to O.R.C. 5721.20

Rice Drilling D LLC has filed an Answer and has an interest in Parcel 12 by virtue of an Oil and Gas Lease dated September 24, 2014, entered into by and between Jackie L. Skukan, as lessor, and Rice Drilling D LLC, as lessee, a memorandum with respect to which was recorded on October 16, 2014, at Volume 511, Page 699 (Instrument No. 2014000315170) of the Official Records of Belmont County, Ohio. The foregoing lease is included in a certain Declaration and Notice of Pooled Unit recorded in the office of the Belmont County Recorder on October 31, 2017, at Official Records Book 727, Page 527 (Instrument No. 201700014039). Rice Drilling D LLC assigned partial interests in said lease to Gulfport Energy Corporation through an assignment recorded in the office of the Belmont County Recorder on August 10, 2016, at Official Records Book 632, Page 306 (Instrument No. 201600007590), and to Gulfport Appalachia, LLC through a corrective assignment recorded in the office of the Belmont County Recorder on April 13, 2020, at Official Records Book 877, Page 398 (Instrument No. 202000002875). The above-referenced lease, memorandum, declaration, assignments, and oil and gas interests of Rice Drilling D LLC, and its successors and assigns, are covenants running with the land, and shall remain and not be released through any sale or conveyance of Parcel 12; and the interests of Rice Drilling D LLC, and its successors and assigns, shall be protected and Parcel 12 shall be sold subject to the above-referenced lease, memorandum, declaration, assignments, and oil and gas interests.

13.	Auditor's Parcel #37-01012.000	To: Clerk of Court	\$ 60.00
	Parcel Sold For: \$ 2,925.97	Sheriff	\$ 100.00
	Sold To: Jeffrey A. Miller	Poundage 1 1/2%	\$ 43.24
	55565 Washington Street	Treasurer	\$ 2,039.26
	Barnesville, OH 43713	Title Exam-Advertising	\$ 683.47
		Balance	\$ 0.00

Parcel 13 is sold free of the following mortgages:

A. A mortgage executed and delivered by Jeffrey R. Benson and Mary A. Benson, husband and wife, to Citizens National Bank, Flushing - St. Clairsville - Barnesville, OH, securing a loan in the sum of \$14,082.73, dated October 11, 1990, and is of record in Volume 570, Page 513, Record of Mortgages of Belmont County, Ohio.

B. An open-end mortgage executed and delivered by Jeffrey R. Benson and Mary A. Benson, husband and wife, to Columbus National Bank of Barnesville, Ohio securing a loan in the sum of \$11,000.00, dated October 11, 1995, of record in Volume 644, Page 519, Record of Mortgages of Belmont County, Ohio.

This Judgment Entry shall release mortgages A and B above.

14.	Auditor's Parcel #43-00659.000	To: Clerk of Court	\$ 60.00
	43-00660.000	Sheriff	\$ 125.00
	Parcel Sold For: \$ 5,137.87	Poundage 1 1/2%	\$ 75.93
	Sold To: Baron Trigg	Treasurer	\$4,193.47
	40141 West Captina Highway	Title Exam-Advertising	\$ 683.47
	Bethesda, OH 43719	Balance	\$ 0.00

It is ORDERED that the Clerk transmit a certified copy of this Judgment Entry to the Belmont County Recorder for recording.

Now this matter comes before the Court on the settlement of court costs with respect to the parcel of property that has not sold by the Sheriff and which was forfeited to the County Auditor. Costs on said parcel forfeited to the State of Ohio are hereby assessed as follows:

<u>Fees Per Parcel</u>	<u>Treasurer</u>	<u>Clerk</u>	<u>Sheriff</u>	<u>Total</u>
4. 22-01272.000	683.49	60.00	50.00	793.49
8. 29-01806.000	683.48	60.00	75.00	818.48

9. 29-01898.000

683.48

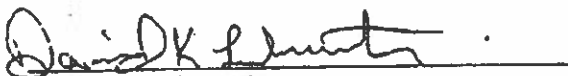
60.00

50.00

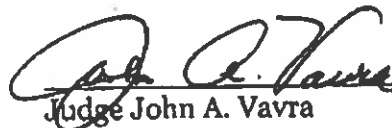
793.48

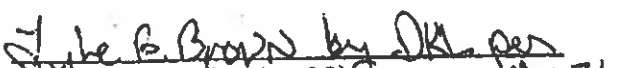
Pursuant to §5721.19(C)(2)(a), the Clerk of this Court is hereby ordered to present a certified copy of this Entry to the County Auditor, and at the next semi-annual apportionment of real property taxes that occurs following this certification, the Auditor shall reduce the real property taxes that the Auditor otherwise would distribute to each taxing district in accordance with §5721.19(C)(2)(a). The Auditor shall promptly pay the Clerk the amount of said reductions. Upon receipt by the Clerk, the Clerk shall distribute the amounts due to the Treasurer and Sheriff.


The sale of Parcel 6 is not yet confirmed and Parcel 6 may be subject to further proceedings in this action.



David K. Liberati
Belmont County Assistant Prosecutor
Courthouse Annex No. 1
52160 National Road
St. Clairsville, OH 43950


Judge John A. Vavra


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