



114107110

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

FILED
AUG 27 2020
Clerk of Courts
Cuyahoga County, Ohio

KEYBANK NATIONAL ASSOCIATION
Plaintiff

Case No: CV-19-919497

Judge: DEENA R CALABRESE

UNK SPOUSE OF RUTHIE M OWENS ET AL
Defendant

JOURNAL ENTRY

92 DEFAULT - FINAL

ORDER ADOPTING MAGISTRATE'S DECISION. ORDER SEE JOURNAL.

~~Judge Signature~~

Date
CPMCZ

WWR#10150066

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

KEYBANK, NA

Plaintiff

vs.

RUTHIE OWENS, HTTA RUTHIE MAE
OWENS, et al.

Defendants

CASE NO. CV 19 919497
(Foreclosure)

JUDGE: DEENA R. CALABRESE

**ORDER ADOPTING
MAGISTRATE'S DECISION**

This cause is before the Court on the decision of the magistrate, the evidence admitted at the hearing, and the motions and pleadings in the Court file. Plaintiff submits herewith the proposed Magistrate's Decision with regard to the above-referenced matter.

Default judgment granted in favor of plaintiff against the following defendants:

The unknown spouse of Ruthie Owens; Vernon Owens; the Unknown Heirs, Devisees, Legatees, Administrator, Assignees, if any, of the Estate of Ruthie M. Owens AKA Ruthie Mae Owens; and Unknown Spouse of Vernon Owens.

The court adopts the magistrate's decision dated 7-21-20 granting a foreclosure on the premises.

(SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF)
PREMISES COMMONLY KNOWN AS:
7508 DONALD AVE, CLEVELAND, OH 44103-2022
105-32-061

The parties who have asserted an interest in the premises will be paid according to their priority. The claims of all parties who have asserted an interest in premises and whose claims are not paid in the order of distribution herein are transferred to the proceeds of sale and will be determined at a later date.

Judgment is rendered in favor of plaintiff in the sum of \$16,375.67 plus interest thereon at 6.64% per annum from November 25, 2018.

The Court finds that plaintiff has standing to bring this case.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED, that unless the sums hereinabove found due, together with the costs of this action, be fully paid within three days of the date of the Court's adoption of the Magistrate's Decision, the equity of redemption and dower of all the defendants in and to said premises will be foreclosed, and said premises sold; and that an order of sale shall issue to the Sheriff of Cuyahoga County, directing him to appraise, advertise in a paper of general circulation within the county, and sell said premises as upon execution and according to law, free and clear of the interest of all parties to this action. If the court authorizes a private selling officer to sell the real estate, then the sale must proceed in accordance with R.C. §2392.152

If this is a residential property and the property remains unsold after the first auction, then a second auction shall be held and the property shall be sold to the highest bidder without regard to the minimum bid requirement in §2329.20 of the Revised Code. This auction shall be held no earlier than seven days and not later than thirty days after the first auction.

If there is a bidder at the second or subsequent sales, the judgment creditor and the first lien holder have the right to redeem the property within fourteen days of the sale, by paying the

purchase price to the Clerk of Court. Upon timely payment, the court will proceed as described in R.C. §2329.31 with the redeeming party considered the successful purchaser at sale.

In the event an order of sale is returned by the selling officer unexecuted, subsequent orders of sale shall issue in accord with appraisal instructions contained in the Praecipe for those sales.

And coming now to distribute the proceeds of said sale, it is ordered that the Sheriff out of the funds in his hands pay:

FIRST: The Cost herein, including the sum of \$450.00 to Keybank, NA for the Judicial Report filed herein, which is hereby taxed as costs;

SECOND: IF THE PLAINTIFF IS THE PURCHASER AND HAS ELECTED TO FORGO THE PAYMENT FROM THE SALE PROCEEDS OF CERTAIN TAXES AS PROVIDED IN R.C. §323.47(B):

To the Treasurer of Cuyahoga County, Ohio, taxes, accrued taxes, assessments, and penalties on the premises hereinafter described, as shown on the County Treasurer's tax duplicate;

OTHERWISE:

To the Cuyahoga County Treasurer, taxes, assessments, interest, and penalties, the lien for which attaches before the date of sale but that are not yet determined, assessed and levied for the year that includes the date of sale, apportioned pro rata to the part of that year that precedes the date of sale, and all other taxes, assessments, penalties, and interest which attached for a prior tax year but have not been paid on or before the date of sale;

THIRD: To the plaintiff, Keybank, NA, the sum of \$16,375.67 plus interest at 6.64% per annum from October 25, 2018.

FOURTH: To the Clerk of Courts, the balance of funds, if any, to hold pending further order.

In the event plaintiff is the successful bidder at the sale, the amount of the deposits made herein by plaintiff and the cost of the preliminary judicial report in the sum of \$255.00, will be deducted from the total amount of Court costs otherwise payable herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, upon the confirmation of sale made herein, a minute of these proceedings be entered upon the Cuyahoga County Records involved in this action to reflect that they are released as liens against the subject premises.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, the after said sale has been completed, a deed will be conveyed to the purchaser and a Writ of Possession of said property be issued.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, if a successful sale occurs, the parties are ordered to file any motions for reimbursement of advances pursuant to R.C. § 5301.233 within 21 days from the sale. A party may move the court to extend this deadline for good cause shown. No party will be granted reimbursement for advances if such a motion is not filed before this deadline. Within 7 days from the filing of a motion for reimbursement, a party may file a brief in opposition. The court will then make a careful examination of the sale pursuant to the applicable statutes. If, however, this case does not involve advances or no mortgagee intends to seek advances, a party may file a notice to this effect within seven days of the sale. Where such notice is filed, no party filing such notice will be granted reimbursement for advances and the court will make a careful examination of the sale pursuant to the applicable statutes upon the return of the order of sale. A party may redeem before confirmation of the sale. Nothing in this order prevents the court from staying the confirmation of sale to permit a property owner additional time to redeem.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to Civ.R. 54(B), there is no just reason for delay.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.