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2015 MAY -5

MAHONING COUNTY  
LAKE CO. CLERK OF COURT

IN THE COURT OF COMMON PLEAS  
LAKE COUNTY, OHIO

UNITED STATES OF AMERICA ACTING )  
THROUGH THE RURAL DEVELOPMENT, )  
UNITED STATES DEPARTMENT OF )  
AGRICULTURE (USDA) )

Plaintiff )

vs. )

MIRJANA ASHBEE, et al )

Defendants )

Case Number 13CF000952

Judge Vincent A. Culotta

**ORDER TO SELL REAL PROPERTY**  
**FREE AND CLEAR OF LIENS BY**  
**COMMISSIONER**

This matter came on for consideration on the Plaintiff's Motion to Sell Real Property Free and Clear of Liens by Commissioner ("Motion"). The Court finds said Motion well-taken, and that the sale of the property located at 1338 Bennett Road, Madison, OH 44057 (the "Property") by a licensed auctioneer as Master Commissioner would be in the best interests of the Plaintiff and other creditors in this action, and that such sale is authorized by Ohio Revised Code Section 2329.151.

Therefore, it is hereby ORDERED:

1. **OHIO REAL ESTATE AUCTIONS LLC dba OHIO REAL ESTATE AUCTIONS/OHIO SHERIFF SALES**, whose address is 1128 Pinnacle Club Drive, Grove City, OH 43123-8184, is hereby appointed as Commissioner to conduct a public auction of the Property.

2. Said public auction is to be completed as expeditiously as possible and in compliance with the requirements of applicable law.

3. For its services, the Auctioneer shall receive a fee equal to the Buyer Premium (ten percent (10%) of the gross sales price of the Property), or in the event that Plaintiff exercises its right to credit bid 1.5% of its credit bid in lieu of the Buyer

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Premium, plus reimbursement of all reasonably advertising costs not to exceed \$2,000.00; all of which amounts shall be charged as costs in this proceeding and guaranteed by the Plaintiff. The Auctioneer is empowered to spend funds up to this limit for advertising expenses, as may be reasonably necessary, to cultivate the highest possible interest in the Property.

4. The Auctioneer as Master Commissioner is hereby authorized to secure the Property if it is vacant.

5. In connection with the marketing of the Property, <sup>if vacant,</sup> the Auctioneer is hereby authorized to place signs on the Property and to show the Property to potential bidders prior to the auction sale and is further authorized and empowered to preserve and protect the Property pending the auction, including the changing of locks, as the Auctioneer deems necessary, if not already done by Plaintiff.

6. The Auctioneer is further authorized and directed to publish notice of the auction of the Property in a newspaper of general circulation in the county where the property is located, once a week for no less than three (3) consecutive weeks, in accordance with Ohio Revised Code Sections 2329.26(A)(2) and 2329.27(A).

7. The public auction of the Property shall be conducted by the Auctioneer at the location of the Property.

8. Require a minimum bid of 2/3 of the average of three appraisal opinions to be obtained by the Commissioner. This minimum bid must be sufficient to cover all court costs, delinquent real estate taxes and auction costs and shall require the buyer to pay a premium of 10% of the successful bid.

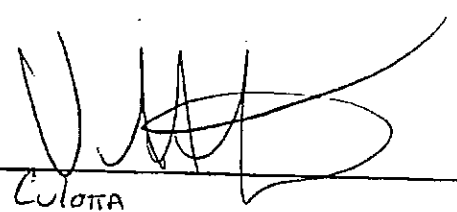
9. Upon completion of the sale of the Property, the Auctioneer shall prepare and submit to the Court a Report of Sale, and the Auctioneer or a title company who closes the transaction shall disburse the proceeds of the Sale in accordance with this Court's Order of Distribution.

10. No poundage or other statutory fee shall be paid to the Sheriff in conjunction with the sale of the Property.

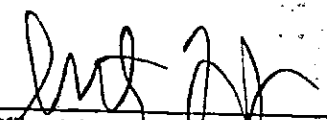
11. If there is a Successful Bidder, after entry of the confirmation order, the auctioneer as Master Commissioner shall prepare a deed on decree or order of sale and deliver to the Successful Bidder in exchange for full payment of the sale price, and then distribute such proceeds in accordance with the provisions of the confirmation order from the Court. In accordance with Ohio Revised Code Section 2329.36.

IT IS SO ORDERED.

May 4, 2015  
Date

  
Judge Colotta

SUBMITTED AND APPROVED BY:

  
Gilbert L. Rieger, Attorney for Plaintiff,  
Attorney Registration #0001561