

SHERIFF SALE UPDATES

05-18-2012

[See our new website at www.ottawacountysheriff.info](http://www.ottawacountysheriff.info)

Contact us at 419-734-6824 or

e-mail civil@ottawacountysheriff.org

Sheriff Sales (foreclosures) in Ottawa County are held on Friday mornings at 10:00 AM in Room 100 of the Ottawa County Courthouse. Tax Sales are held in the same location, but at 10:30 AM. The legal advertisements are published either in the Friday edition of the Port Clinton News Herald, or the Thursday edition of The Beacon. The News Herald can be reached at 419-734-3141. The Beacon can be reached at 419-732-2154.

The terms of all Sheriff Sales, except that of delinquent taxes, are the same being that the property cannot be sold for less than 2/3rds of the appraised value, unless otherwise ordered by the court. **ALL BIDDING IS VERBAL AND WILL BE IN WHOLE DOLLAR AMOUNTS-NO CENTS.** A 10% deposit of the highest bid is required on the date of sale, either in cash or bank check, unless you are Plaintiff or first place lien holder. The balance is due 30 days from the confirmation of sale by The Ottawa County Court of Common Pleas. The deed will be issued after the entry, and is filed and recorded by the Sheriff's Office. All checks are to be made out to the Ottawa County Sheriff's Office.

****The property belongs to the defendant until the sale is completed and deed is filed. The sheriff's office cannot arrange entry to view the property before the sale. Appraisal amounts are based on an exterior view of the home only.****

Tax Sales, if any, are also found at the end of sheriff sale listings.

ATTENTION-THIS PUBLICATION IS PROVIDED AS A COURTESY ONLY.

Information contained should not be considered a full legal description or offering or binding in any way. Full legal description may be found at the Ottawa County Recorder's Office in the courthouse, located at 315 Madison St., Port Clinton. We are not responsible for errors/omissions; use this publication at your own discretion and risk.

****OLD SALES****

No sales for 5-18-2012**

****NEW SALES****

CASE 10CV609E

PLAINTIFF JP MORGAN CHASE BANK, NA

DEFENDANT THOMPSON, DENNIS, ET AL

ADDRESS 23140 W. WINFIELD DR.

CITY GENOA

DATE OF SALE 5-25-12

APPRAISED AT \$ 138,000 BIDS START AT \$92,000 JUDGMENT \$57,271.95

CASE 11CV537E

PLAINTIFF NATIONAL BANK OF OHIO, fka THE NATIONAL BANK OF OAK HARBOR

DEFENDANT LIWAJ, RICHARD, ET AL

ADDRESS 6391 N. TEAL BEND

CITY OAK HARBOR

DATE OF SALE 5-25-12
APPRAISED AT \$58,000 BIDS START AT \$38,667 JUDGMENT \$72,743.96

CASE 11CV409E
PLAINTIFF UNITED STATES OF AMERICA, ACTING THROUGH THE RURAL
DEVELOPMENT, USDA
DEFENDANT SNYDER, LOTTIE, ET AL
ADDRESS 500 TOWNLINE
CITY OAK HARBOR
DATE OF SALE 5-25-12
APPRAISED AT \$50,000 BIDS START AT \$33,334 JUDGMENT \$74,406.04

CASE 11CV417E
PLAINTIFF BAC HOME LOANS SERVICING, LP fka COUNTRYWIDE HOME
LOANS SERVICING, LP
DEFENDANT SMITH, RUSSELL, ET AL
ADDRESS 2720 E. SAND RD.
CITY PORT CLINTON
DATE OF SALE 6-1-12
APPRAISED AT \$98,000 BIDS START AT \$65,334 JUDGMENT \$211,146.82

CASE 11CV624E
PLAINTIFF WELLS FARGO DELAWARE TRUST CO., NA, AS TRUSTEE
DEFENDANT CURRIER, TED, ET AL
ADDRESS 810 E. SECOND ST.
CITY PORT CLINTON
DATE OF SALE 6-1-12
APPRAISED AT \$50,000 BIDS START AT \$33,334 JUDGMENT \$73,220.63

CASE 06CV568E
PLAINTIFF BANKERS TRUST CO. OF CALIFORNIA, NA, AS TRUSTEE
DEFENDANT GAICH, ORA, ET AL
ADDRESS 24203 W. RESERVATION LINE RD.
CITY CURTICE
DATE OF SALE 6-1-12
APPRAISED AT \$68,000 BIDS START AT \$45,334 JUDGMENT \$76,393.51

CASE 11CV551E
PLAINTIFF THE HUNTINGTON NATIONAL BANK
DEFENDANT GRILLOUT, JEFFREY, ET AL
ADDRESS LOT 35 LAKEVIEW DR.
CITY MARBLEHEAD
DATE OF SALE 6-8-12
APPRAISED AT \$60,000 BIDS START AT \$40,000 JUDGMENT \$65,325.69

CASE 10CV330E

PLAINTIFF EVERHOME MORTGAGE CO.
DEFENDANT LIGHT, KEVIN
ADDRESS 1413 SR 19
CITY OAK HARBOR
DATE OF SALE 6-8-12
APPRAISED AT \$70,000 BIDS START AT \$46,667 JUDGMENT \$110,649.49

CASE 11CV424E
PLAINTIFF BANK OF AMERICA, NA, SUCCESSOR BY MERGER
DEFENDANT HICKS, TIMOTHY, ET AL
ADDRESS 1655 S. HICKORY GROVE RD.
CITY PORT CLINTON
DATE OF SALE 6-8-12
APPRAISED AT \$56,000 BIDS START AT \$37,334 JUDGMENT \$70,556.14

CASE 11CV315E
PLAINTIFF US BANK N.A., AS TRUSTEE
DEFENDANT NEVEL, JAME, SR., ET AL
ADDRESS 321 FREMONT
CITY ELMORE
DATE OF SALE 6-15-12
APPRAISED AT \$60,000 BIDS START AT \$40,000 JUDGMENT \$106,362.79

CASE 11CV449E
PLAINTIFF US BANK, N.A.
DEFENDANT HANNEY, JAMES, ET AL
ADDRESS 206 OAK ST.
CITY OAK HARBOR
DATE OF SALE 6-22-12
APPRAISED AT \$62,500 BIDS START AT \$41,667 JUDGMENT \$73,465.79

CASE 12CV004E
PLAINTIFF WELLS FARGO BANK, NA
DEFENDANT SCHULTZ, LAURIE, ET AL
ADDRESS 232 CEDAR ST.
CITY PORT CLINTON
DATE OF SALE 6-22-12
APPRAISED AT \$47,500 BIDS START AT \$31,667 JUDGMENT \$44,331.61

CASE 11CV362E
PLAINTIFF US BANK, N.A., AS TRUSTEE
DEFENDANT SMITH, SCOTT, ET AL
ADDRESS 4601 N SR 2
CITY OAK HARBOR
DATE OF SALE 6-22-12
APPRAISED AT \$55,000 BIDS START AT \$36,667 JUDGMENT \$44,331.61

CASE 08CV645E
PLAINTIFF DEUTSCHE BANK NATIONAL TRUST COMPANY
DEFENDANT DEHAVEN, SCOTT, ET AL
ADDRESS 23068 EDGEFIELD DR.
CITY GENOA
DATE OF SALE 7-13-12
APPRAISED AT \$49,000 BIDS START AT \$ 32,667 JUDGMENT \$60,981.64

CASE
PLAINTIFF
DEFENDANT
ADDRESS
CITY
DATE OF SALE
APPRAISED AT \$ BIDS START AT \$ JUDGMENT \$

TAX SALES

Tax sales will be held at 10:30 A.M. room 100, first floor of the Ottawa County courthouse in Port Clinton on published date. If said premises is not sold on first date, it will be reoffered at second date, same time and location as first sale date. They will not be readvertised. Bidding will be the same as sheriff sales, in that it will be in whole dollar amounts and verbal. Said premises cannot be sold for less than the total of said delinquent taxes, interest and accrued penalties and court costs. Notice is given that such taxes and special assessments, or installments of special assessments, and any other assessments, which are not legally due and payable according to law at the confirmation of sale, and all penalty and interest charges placed on the property from the time of confirmation of sale until payment in full and distribution is made shall remain a first and best lien on the parcels, and the purchasers shall take such premises subject to all such taxes, assessments, interest, and penalty charges.

TERMS OF SALE: A 10% deposit is due on the day of sale, either in cash or certified check. Upon confirmation of sale from the Ottawa County Court of Common Pleas, payment of balance is due eight (8) days after notification by the Sheriff's Office to the successful bidder that they have received confirmation of the sale. Payment of unpaid balance beyond said eight (8) day period shall draw interest at 8% per annum from the date of notification to the successful bidder by the Sheriff's Office.

SHERIFF SALES FAQ's

(Frequently Asked Questions)

This information is provided as a general guide only and is in no way to be considered legal advice or legally binding in any way. They are simply answers to commonly asked questions.

1. What is a “Sheriff Sale”?

Sheriff Sales are a sale of real estate ordered by the Court to satisfy a Judgment Entry against a Defendant. The proceeds of the Sale will be used to satisfy a debt to the Plaintiff. Usually this happens when a Defendant defaults on a Mortgage or Loan Payment. Until the Sheriff receives the “Order of Sale” from the Court, they are not involved in any of the foreclosure or court proceedings. After the Order of Sale is issued, the Sheriff merely acts as an arm of the court to appraise, advertise and sell the property. The Civil Deputy executing the sale can not act as a real estate agent, loan officer, title or lien examiner or attorney. Questions regarding legal issues and Sheriff sales should be addressed to an attorney or legal professional. All Sheriff Sales are “Buyer Beware” and all property sold “As Is”. Regulations governing Sheriff Sales can be found in the Ohio Revised Code and local Court Rules.

2. Where can I find out what properties are up for sale?

Sales are advertised for 3 consecutive weeks (always on Fridays), in the Port Clinton News Herald and the Beacon. A Sheriff Sale list may also be picked from the Sheriff’s Office on the 3rd floor of the Courthouse. When the list is updated, new sales are added to the end of the list and selling prices are listed for properties as they are sold.

3. Can I get inside the House to see it??

The property belongs to the defendant until it is sold, the sale confirmed by the Court, and deed is recorded. Permission from the owner must be obtained to gain access, this includes buyers, appraisers, inspectors or any other persons. The Sheriff Deputy has no contact or information on the Defendant or on the condition or layout of the house. The Sheriff’s Office does not have keys to the house.

4. How can I get more information about the property?

Possible public record sources of information you may wish to explore are: Tax ID Records (Auditor’s Office), Property Taxes (Treasurer’s Office), Liens/Deeds (Recorder’s Office), Liens/other Mortgage Holders/Judgment Entry showing how much owed to the Plaintiff and other Case information (Clerk of Courts Office). The Sheriff’s Office does not maintain these records and has nothing more on file

than the legal advertisement and Order of Sale. Lien searches and title searches are Buyers responsibility to research and be aware of.

5. How do you come up with the “Appraised Value” listed for the Sale property?

Three independent real estate agents are taken to the property to determine a fair market value of the home. Often a walk through of the home is not possible. The Ohio Revised Code requires only that three free holders of the County impartially appraise the property at its true value in money. Bids start at two-thirds of the appraised value and it cannot be sold for less than that unless ordered by the Court.

6. What do I do if I want to bid on the property?

Sales are held on Fridays at 10:00 a.m. in Room 100, first floor of the Ottawa County Courthouse. No pre-registration is necessary, just show up at a 10:00 a.m. and bid. Have your financing in order before you bid! All successful bids are legally binding offers to purchase that property, and failing to complete the sale can result in contempt of court. Again, you must be able to make a 10% deposit on day of the sale.

7. What happens at the Sale?

At 10:00 a.m. a list of any properties withdrawn from sale is read. Then the Deputy will read the specifics of the property for sale and open bidding at two-thirds of the appraised value. If you wish to place a bid, simply verbally voice your bid out loud. The bid must be in whole dollar amounts. The Deputy will acknowledge the bid. If no further higher bids are received after acknowledging the bid three times, the property is declared sold to that highest bidder. The bank normally has a representative at the sale bidding to protect the bank’s interests. The Sheriff’s office does not know how much this is or who is bidding for the bank, nor can the Sheriff’s Office help arrange a deal between the bank and another party.

8. What happens if I am the successful bidder ?

10% of the successful bid is due at the time of sale. This must be cash, bank check or money order. Personal checks are not accepted. Sometimes people bring a bank check for an amount they expect to need, and cash to make up the difference. If a bank check or money order is for more than 10% of the selling price, the entire amount will be deposited and applied to the purchase price. Checks are to be made to the “Ottawa County Sheriff’s Office”. If you have PRIOR arrangements with a local bank and must leave to get the money and will be back within an hour or so, this will be permitted at the Deputy’s discretion. (If problems arise with allowing this, the practice may be discontinued without notice.) The Deputy will receipt the 10% deposit and record the name/address of

the bidder and the name/address to be drawn on the deed. The buyer will receive a receipt of his deposit. Please have the information for the deed with you, as that information will be filed with return of the sale to the court.

9. What happens after the Sale ?

A return is made to the Court by the Sheriff's Office affirming the facts of the sale and the buyer information. The Plaintiff's attorney prepares an "Order of Confirmation" and submits it to the Court to be signed by the Judge. Until the Order Confirming Sale is signed and filed with the Court, and the Notarized deed is signed by the Sheriff giving you title, you have no right to enter or move-in to the property. Confirmation of the Sale usually takes thirty days but can take less or more time. Liens of record are usually addressed and/or released in this order, but a title exam is usually a good idea to guarantee all liens are properly addressed and/or released from the property you are buying. Again, this is the Buyer's responsibility, the Sheriff's Office has no information on these issues.

10. What is paid for by the proceeds of the Sale?

The Order Confirming Sale directs what the Sheriff is to pay out of the proceeds. Normally paid are Clerk of Court costs (including Sheriff Fees, Appraiser fees, advertising costs, etc...), delinquent taxes, ; and possibly sanitary engineer outstanding bills, and the remaining balance is paid to Plaintiff. It should be noted that in regards to sanitary engineer billing, they certify only outstanding bills up to the day of sheriff sale. The buyer may be required to pay minimum billing for the months following the sale until the deed transfers. The Plaintiff's attorney prepares this Order and the dollar amounts included may or may not be accurate as of the time of Confirmation. It is recommended the Buyer be aware of what is being paid and what is owed in delinquent taxes, delinquent utility bills and other outstanding costs that they may be liable for if left unpaid. An attorney can advise on steps you may take to prevent this, these steps may include contact with Plaintiff's attorney to verify what is being requested in the Order of Confirmation and/or filing a request with the Court for further items to be paid from the proceeds before the remaining balance is turned over to the Plaintiff. The Sheriff's office simply pays out what is ordered by the Court and can not give advice on what should or should not be paid.

11. What happens when the sale is confirmed?

You will be notified when the Sale is confirmed. When this is ready, you will bring in the remaining balance due and at that time, or within 30 days. You will be notified when the deed is ready for pick up. When you receive the deed it has already been properly filed and recorded and you have legal right to the property. This is a simple exchange and not a "Closing" as done with financial institutions.

12. What if people are still residing on the property ?

Again, these questions are best answered by an Attorney as they are civil related remedies. A “Writ of Possession” may be filed with the court (check Common Pleas Clerk’s Office for fees required to do this). This Writ will order the Sheriff to take possession of the property and turn it over to the new buyer. Typically it is not necessary to go to this extreme and expense. Measures can be taken by the Buyer to notify the current residents that the property has been sold and they can usually work out an agreement that they will vacate by a certain date. A copy of the Judgment Entry and the Order Confirming Sale is often useful if provided to the current resident. Writ of Possessions are applicable to the Defendant only, and if there are tenants renting the property, this becomes a civil landlord-tenant issue that must be remedied in other ways. Again, the Sheriff’s Office can not give you legal advice. It only executes Orders of the Court that direct them to do a specific action.