

N. RIDGEVILLE ORD 1441-78 STREET VACATION

for TORRENS PROPERTY
SALE APPROVED THROUGH COURT.

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
LORAIN COUNTY, OHIO

JOSEPH J. SIMMONS, JR.

CASE NO: 93PC00031

Plaintiff,

JUDGE FRANK J. HORVATH

-vs-

FRANKLIN TRANNETT, ET AL

JUDGMENT ENTRY AND
ORDER FOR ISSUANCE OF
CERTIFICATES OF TITLE

Defendants,

1. This cause came on to be heard upon the filing of a Petition to Register Tax Deed and Application to Register title to Land, the Report of the Torrens Title Examiner and the evidence.

2. The Court finds that Joseph J. Simmons, Jr., had purchased two parcels of land at a tax sale held on June 09, 1993, conducted by Martin J. Mahoney, Lorain County Sheriff; that said parcels are described herein in Paragraph 3 of this Judgment.

3. The Court finds that the two parcels of land were registered under Chapter 5309 of the Ohio Revised code in the name of Defendants, Franklin Trannett, James A. Trannett, Mary Tartaglia, Angela R. Trannett, Louis Trannett, Antoinette Fisher and Christine Whitaker, as evidenced by Transfer Certificate of Title, No. 6115, recorded in Book 19, Page 308 of the Lorain County, Ohio, Recorder's Registered Land Records. A description of said parcels of land is as follows:

Situated in the City of North Ridgeville, County of Lorain, and State of Ohio; and known as being Sublot Nos. 1 and 2 in Section H of The Universal Realty Company's "Center Ridge Heights: Allotment of part of Original Lot Nos. 20 and 21 as shown on the recorded plat in Volume 10 of Maps, Pages 22 - 23 of Lorain County Records, be the same, more or less, but subject to all legal highways.

Being Lorain County Permanent Parcel Nos. 07-00-021-106-023 & 07-00-021-106-024

4. The Court finds that the Owner's Duplicate of Title showing Franklin Trannett, et al, as the owners of the two parcels of land is missing and can not be produced.

5. The Court finds that the Sheriff's Sale held on June 09, 1993, regarding the property described hereinabove which is one of the subjects of the Petition filed herein was strictly complied with.

6. The Court finds that all Parties necessary in this Action have been made Parties hereto, and the Court approves the service made by publication on the Defendants, Franklin Trannett, Virginia Trannett, wife of Franklin Trannett, James A. Trannett, Jane Doe, unknown spouse of James A. Trannett, Mary Tartaglia, John Doe, unknown spouse of Mary Tartaglia, Angela R. Trannett, Joseph Doe, unknown spouse of Angela R. Trannett, Louis Trannett, Helen Trannett, wife of Louis Trannett, Antoinette Fisher, Hoy Grover Fisher, husband of Antoinette Fisher, Christine Whitaker, Arnold Whitaker, husband of Christine Whitaker, and the unknown heirs, next of kin, administrators, executors, and assigns and legatees of the estates of Franklin Trannett,

Virginia Trannett, wife of Franklin Trannett, James A. Trannett, Jane Doe, unknown wife of James A. Trannett, Mary Tartaglia, John Doe, unknown spouse of Mary Tartaglia, Angela Trannett, Joseph Doe, unknown spouse of Angela Trannett, Louis Trannett, Helen Trannett, wife of Louis Trannett, Antoinette Fisher, Hoy Grover Fisher, husband of Antoinette Fisher, Christine Whitaker, and Arnold Whitaker, husband of Christine Whitaker.

7. The Court finds that a Torrens Title Examiner, Michael E. Szekely, has heretofore been appointed by the Court and that he has filed a Report herein, which is hereby approved.

8. The Court finds that no Parties are under any disability.

9. The Court finds that the Plaintiff, Joseph J. Simmons, Jr., is entitled to an Order of this Court directing the Lorain County Recorder to make a memorial of the filing of the Court Order in this cause on the Registered Certificate of Title without presenting the Owner's Duplicate of Title, to file the Sheriff's Deed, and to register the Title to both parcels of land, described in Paragraph 3, above, in the name of Joseph J. Simmons, Jr.

10. The Court finds that the Plaintiff, by virtue of the finding above regarding Sublot 1, described in Paragraph 3, above, is the owner of real property located in North Ridgeville, Ohio, which is adjacent to a vacated portion of Bernice Street in the City of North Ridgeville, Ohio.

11. The Court finds that the Defendant, City of North Ridgeville, has not filed an answer herein and, therefore, is in default in this cause; and the Court further finds that the City of North Ridgeville, Ohio, by and through enactment of Ordinance No. 1441-78, passed November 06, 1978, vacated a portion of Bernice Street in the City of North Ridgeville, Ohio, thus conveying an interest in said Street to the owners of Sublot No. 1 in Section H of The University Realty Company's "Center Ridge Heights" Allotment, which is one of the parcels described on the copy of the Sheriff's Deed attached to the Complaint filed herein.

12. The Court finds that the owners of Sublot 1 as shown on the Certificate of Title, No. 6115, never applied to a Court to register in their names the title to the portion of Bernice Street acquired by them.

13. The Court finds that the Plaintiff did become the owner in interest of the vacated portion of Bernice Street lying adjacent to Sublot No. 1, a description of which is attached hereto, marked Exhibit B.

14. The Court finds that the portion of Bernice Street described on Exhibit B, attached hereto, and made a part hereof, as a result of the Street Vacation and sale by the Sheriff, as set forth above, should be vested in the name of this Plaintiff.

15. The Court finds that there are no buildings or improvements on the land described on Exhibit B.

16. The Court finds that the land described on Exhibit B will be used as

allowed by Law.

17. The Court finds that there is no registered owner of lands adjoining the land described on Exhibit B.

18. The Court finds that the report of the Torrens Examiner, Michael Szekely, shows that all necessary and proper parties to the above entitled action have been made and properly brought before the Court.

19. The Court finds that the Plaintiff herein is entitled to have the Lorain County Recorder issue a new Certificate of Title in his name for the real property described on Exhibit B, attached hereto.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The Lorain County, Ohio, Recorder is hereby ordered and authorized to accept the original Sheriff's Deed for filing, make a memorial of the filing of a certified copy of the Court Order in this cause on the Registered Certificate of Title, No. 6115, for said parcels without presentation of the Owner's Duplicate of Title, and issue a Certificate of Title, free and clear of all liens, to said parcels in the name of Joseph J. Simmons, Jr., single, whose address is 36792 West Law Road, Grafton, Ohio 44044.

2. The Lorain County, Ohio, Recorder is hereby ordered and authorized to make a memorial of the filing of a certified copy of the Court Order in this cause and a memorial of a certified copy of Ordinance No. 1441-78 of the City of North Ridgeville, Ohio, as recorded in Deed Vol. 1381, Page 397 of Lorain County Records on the Registered Certificate of Title issued in the name of


Joseph J. Simmons, Jr., as to the real estate described in Paragraph 3 of this Order.

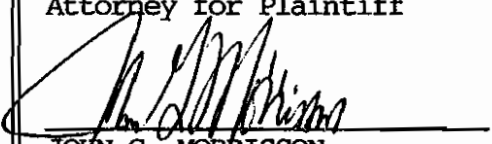
3. The Lorain County, Ohio, Recorder is hereby ordered and authorized to issue a new Certificate of Title, free and clear of all liens, to the real property described on Exhibit B, attached hereto, and made a part hereof, in the name of Joseph J. Simmons, Jr., single, whose address is 36792 West Law Road, Grafton, Ohio 44044, .

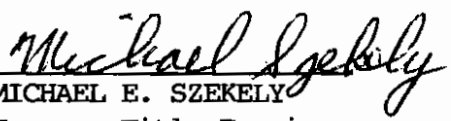
4. The title to the real estate described on Exhibit B, attached hereto, is forever settled.

5. That the cost of the proceedings herein shall be born by the Plaintiff.

FRANK J. HORVATH
JUDGE FRANK J. HORVATH


HAROLD A. WEST (0019628)
Attorney for Plaintiff


JOHN G. MORRISSON,
Assistant Prosecuting
Attorney for the Lorain
County Recorder, Mary
Ann Jamison


MICHAEL E. SZEKELY
Torrens Title Examiner

Situated in the City of North Ridgeville, County of Lorain, and State of Ohio; and known as being the one-half of vacated Bernice Street lying immediately South and contiguous to Sublot No. 1 in Section H of The Universal Realty Company's "Center Ridge Heights" Allotment of part of Original Lot Nos. 20 and 21, as shown by the recorded plat in Volume 10 of Maps, Pages 22 & 23, Lorain County Records; said part of vacated Bernice Street has a frontage of 20 ft. on the Easterly side of Rosebelle Street, and extends Easterly between parallel lines a distance of 116 ft., as appears by said plat of "Center Ridge Heights" Allotment.

LORAIN COUNTY MAP DEPT.

R. P. No. 07-00-021-106-036 cf. add to dup.

EXHIBIT B