

IN THE COURT OF COMMON PLEAS
ASHTABULA COUNTY, OHIO

ANGIE MAKI-CLIFF, ASHTABULA
COUNTY TREASURER, ASHTABULA
COUNTY, OHIO

Plaintiff,

-vs-

CASE NO.: 2024 CV 0898

JUDGE: Judge David A. Schroeder

COMPLAINT FOR COLLECTION
OF DELINQUENT TAXES,
ASSESSMENTS, PENALTIES,
FORECLOSURE, COSTS,
AND EQUITABLE RELIEF

(PPN: 05-506-00-047-00;
05-506-00-049-00)

UNKNOWN HEIRS, DEVISEES AND ASSIGNS
OF PAULA C. TOTH, DECEASED
C/O LOUISE TERESK
1023 NORWOOD DRIVE
ASHTABULA, OH 44004

ELRITA I. WELLMANN
562 DUNOON DRIVE
COLUMBUS, OH 43230

JOHN DOE, UNKNOWN SPOUSE
OF ELRITA I. WELLMANN
562 DUNOON DRIVE
COLUMBUS, OH 43230

LOUISE F. TERESK
1023 NORWOOD DRIVE
ASHTABULA, OH 44004

JOHN DOE, UNKNOWN SPOUSE
OF LOUISE F. TERESK
1023 NORWOOD DRIVE
ASHTABULA, OH 44004

APRIL DANIELS
CLERK OF COURTS
COMMON PLEAS COURT
ASHTABULA CO OH

2024 NOV 25 AM 8:51

FILED

**ETTA M. PETERSON
2805 SOUTHLANE DRIVE
ASHTABULA, OH 44004**

**JOHN DOE, UNKNOWN SPOUSE
OF ETTA M. PETERSON
2805 SOUTHLANE DRIVE
ASHTABULA, OH 44004**

**STATE OF OHIO, DEPARTMENT OF
JOB AND FAMILY SERVICES
C/O CASEY P. O'BRIEN, ESQ.
ATTORNEY GENERAL SPECIAL COUNSEL
401 SOUTH STREET
CHARDON, OH 44024**

Defendant(s).

Now comes Plaintiff, Angie Maki-Cliff, Ashtabula County Treasurer by and through his/her attorney and says that he/she is the duly qualified, elected, and acting County Treasurer of Ashtabula County, Ohio ("Plaintiff"), and for his/her cause of action pursuant to Ohio Revised Code, Section 5721.18(A) says that taxes, assessments, and penalties in the sum of Five Hundred Twenty-Four Dollars and 30/100 (\$524.30), plus accrued taxes, assessments, and penalties payable subsequent to certification, are due and unpaid. Further standing as a cost of the Foreclosure action and a delinquency against the hereinafter disclosed land, is Four Hundred Seventy-Five Dollars and 00/100 (\$475.00), the cost of making Certificate(s) of Title. These figures do not

include the cost of publication and any additional court fees incurred subsequent to the filing of this foreclosure.

Plaintiff says further that said taxes, assessments, and penalties have not been paid for at least one year after having been designated as delinquent and that said lands are situated in the State of Ohio, Ashtabula County, and are described on said Tax Duplicate as follows to wit:

DESCRIPTION

Parcel No. 1:

Situated in the City of Ashtabula, County of Ashtabula, and State of Ohio, and known as being part of Lot No. 8, Section No. 3 in Range 3, Township 13, of the Connecticut Western Reserve and being part of Scott's Addition to the Fields Plat as recorded in Volume 3, Page 5 of the Ashtabula County Record of Plats and bounded and described as follows;

Beginning at a capped iron pin found (Bienko) at the intersection of the southwesterly right of way of Harbor Ave. with the northwesterly right of way of East 19th Street;

Thence S. 73°-00'-00" W., along the northwesterly right of way of East 19th Street, a distance of 165.00 feet, to a point on the centerline of a vacated Alley 30 feet wide, vacated by Ordinance No. 6118 on February 20, 1969;

Thence S. 17°-00'-00" E., along the centerline of said vacated Alley, a distance of 304.00 feet, to an iron pin set at the southeasterly corner of land conveyed to C. Melina, Etal, by deed recorded in Volume 45, Page 7351 of the Ashtabula County Records, said point being the principle place of beginning;

Thence S. 17°-00'-00" E., continuing along the centerline of said vacated Alley, a distance of 120.00 feet, to an iron pin set;

Thence S. 73°-00'-00" W., a distance of 165.00 feet, to an iron pin set on the northeasterly right of way of Hawthorne Avenue;

Thence N. 17°-00'-00" W., along the northeasterly right of way of Hawthome Avenue, a distance of 120.00 feet, to a point at the southwesterly corner of said Melina land. A 1-1/4" pipe was found N. 17°-00'-00" W. 0.80 feet and S. 73°-00'-00" W. 0.13 feet from said point;

Thence N. 73°-00'-00" E., along the southeasterly line of said Melina land, a distance of 165.00 feet, to the principle place of beginning, and containing 0.4545 Acres of land, more or less, but subject to all legal highways.

The above described property was surveyed by James A. Ziemba, Professional Surveyor No. 7094 on April 25, 1998. Iron pins set are 5/8" by 30" rebar with cap No. 7094. Bearings shown hereon are to an assumed meridian and are used to denote angles only. The intent of this description is to describe part of the land conveyed to C.A. Kuhn by deed recorded in Volume 15, Page 8602 of the Ashtabula County Records and containing 0.4545 Acres of land.

Parcel No. 2:

Situated in the City of Ashtabula, County of Ashtabula, and State of Ohio, and known as being part of Lot No. 8, Section No. 3 in Range 3, Township 13, of the Connecticut Western Reserve and being part of Scott's Addition to the Fields Plat as recorded in Volume 3, Page 5 of the Ashtabula County Record of Plats and bounded and described as follows;

Beginning at a capped iron pin found (Bienko) at the intersection of the southwesterly right of way of Harbor Ave. with the northwesterly right of way of East 19th Street;

Thence S. 73°-00'-00" W., along the northwesterly right of way of East 19th Street, a distance of 165.00 feet, to a point on the centerline of a vacated Alley 30 feet wide, vacated by Ordinance No.6118 on February 20, 1969;

Thence S. 17°-00'-00" E., along the centerline of said vacated Alley, a distance of 424.00 feet, to an iron pin set, said iron pin being the principle place of beginning,

Thence S. 17°-00'-00" E., continuing along the centerline of said vacated Alley, a distance of 120.00 feet to a point at the northeasterly corner of land conveyed to M. & M. Marsilio by deed recorded in Volume 50, Page 9949 of the Ashtabula County Records. A 1-1/4" pipe was found S. 17°-00'-00" E. 0.43 feet and S. 73°-00'-00" W.

0.27 feet from said point;

Thence S. 73°-00'-00" W., along the northwesterly line of said Marsilio land, a distance of 165.00 feet, to a point on the northeasterly right of way of Hawthorne Avenue. A 1-1/4" pipe was found S. 17°-00'-00" E. 0.37 feet and S. 73°-00'-00" W. 0.27 feet from said point;

Thence N. 17°-00'-00" W., along the northeasterly right of way of Hawthorne Avenue, a distance of 120.00 feet, to an iron pin set;

Thence N. 73°-00'-00" E., a distance of 165.00 feet, to the principle place of beginning, and containing 0.4545 Acres of land, more or less, but subject to all legal highways.

The above described property was surveyed by James A. Ziemba, Professional Surveyor No. 7094 on April 25, 1998. Iron pins set are 5/8" by 30" rebar with cap No. 7094. Bearings shown hereon are to an assumed meridian and are used to denote angles only. The intent of this description is to describe part of the land conveyed to C.A. Kuhn by deed recorded in Volume 15, Page 8602 of the Ashtabula County Records and containing 0.4545 Acres of land.

Property Address: V/L Hawthorne Ave., Ashtabula OH 44004

PRIOR DEED REFERENCE: OFFICIAL RECORDS VOLUME 124, PAGE 461

PARCEL NUMBER (S) : #1 05-506-00-047-00
#2 05-506-00-049-00

STREET ADDRESSE (S) : #1 HAWTHORNE AVE.
ASHTABULA, OH
#2 HAWTHORNE AVE.
ASHTABULA, OH

The Delinquent land Tax Certificate(s) of said delinquent lot(s) has been filed by the County Auditor with the Prosecuting Attorney as required by law, on **August 26, 2024** and the total amount of taxes, assessments and penalties thereby declared

delinquent provided by statute, plus the accrued taxes, assessments, penalties, interest, cost of preliminary judicial report, and charges payable subsequent to certification, as set forth in this Complaint, are due and unpaid, and constitute a first and prior lien against the property described herein and said Delinquent Land Tax Certificate described.

Plaintiff further says that the following named Defendant(s), have or claim to have some interest in or lien upon said premises, to wit:

1. UNKNOWN HEIRS, DEVISEES AND ASSIGNS OF PAULA C. TOTH, DECEASED, by virtue of rights of inheritance or assignment, if any.
2. JOHN DOE, UNKNOWN SPOUSE OF ELRITA I. WELLMAN, by virtue of Dower Rights, if any.
3. JOHN DOE, UNKNOWN SPOUSE OF LOUISE F. TERESK, by virtue of Dower Rights, if any.
4. JOHN DOE, UNKNOWN SPOUSE OF ETTA M. PETERSEN, by virtue of Dower Rights, if any.
5. STATE OF OHIO, DEPARTMENT OF JOB AND FAMILY SERVICES, by virtue of a Medicaid Lien, if any,


But Plaintiff says that the same, are inferior and subject to the lien of his complaint, and prays that said Defendant(s) be required to set up their liens or claims, or be forever barred from asserting the same against the within described premises.

Wherefore, the Plaintiff requests that he be found to have a good and valid first lien on the within described premises in the

sum of Five Hundred Twenty-Four Dollars and 30/100 (\$524.30), plus the sum of Four Hundred Seventy-Five Dollars and 00/100 (\$475.00), the cost of the Certificate of Title, for a total sum of Nine Hundred Ninety-Nine Dollars and 30/100 (\$999.30), **as well as the court costs of this proceeding incurred subsequent to filing;** and that the defendants be required to answer, each setting up his/her interest, if any, in said premises or be barred from asserting same; and further, that unless the amount found due this Plaintiff is paid within a reasonable time to be named by the court, the equity of redemption of said defendants shall be foreclosed, and an Order of Sale issued to the Sheriff, directing him to advertise and sell said premises as provided in Ohio Revised Code, Section 5721.19, or alternatively, be transferred to the Ashtabula County Land Reutilization Corporation in the manner provided by law, and for the Court to order further relief as the Court deems equitable.

RESPECTFULLY SUBMITTED,

COLLEEN M. O'TOOLE
PROSECUTING ATTORNEY

By, 
GENE C. BARRETT, #0078602
Assistant Prosecutor
Attorney for Plaintiff
25 West Jefferson Street
Jefferson OH 44047-1092
(440) 576-3734

INSTRUCTIONS FOR SERVICE

TO THE CLERK:

Please serve a copy of this complaint and the summons on each of the defendants captioned above by U.S. Certified mail, return receipt requested, ordinary mail and publication, simultaneously.

COLLEEN M. O'TOOLE,
PROSECUTING ATTORNEY

By, *Gene C. Barrett*
GENE C. BARRETT, (#0078602)
Assistant Prosecutor
Attorney for Plaintiff