

IN THE BOARD OF REVISION
MONTGOMERY COUNTY, OHIO
451 West Third Street, Third Floor
Dayton, Ohio 45402
(937) 496-3389

CAROLYN RICE, as Treasurer of
Montgomery County, Ohio,

Case No. 2018 BR _____

P.P. No. R72 04605 0022, 0023,
0024,0025

Plaintiff,

vs.

COMPLAINT IN FORECLOSURE

SCIOTO EDUCATIONAL FOUNDATION

5718 Langhorn Drive
Columbus, OH 43235

and

2601 E. 4th Street
Dayton, OH 45403

and

Onder Secen, Agent
2885 W. Dublin Granville Road
Columbus, OH 43235

and

Onder Secen, Agent
1404 Spruce Drive
Carmel, IN 46033

And the unknown administrators and
representatives of Scioto Educational Foundation,

Defendants.

1. Plaintiff, Carolyn Rice, says that she is the Treasurer of Montgomery County, Ohio, and that she brings this action as Treasurer of Montgomery County, Ohio.

2. Plaintiff says that delinquent real estate taxes stand charged against the real property with permanent parcel number **R72 04605 0022, 0023, 0024, 0025.**

3. Plaintiff says that the amount of taxes, assessments, charges, interest, penalties, and permissible and applicable costs (hereinafter referred to as "Impositions") which are currently due and unpaid, are **\$86,359.55** and are a first and best lien against the real property described in paragraph 2, plus the total amount of the Board of Revision's findings and the costs of this action, to be determined at the date of Adjudication of Foreclosure.

4. Plaintiff says that the fair market value of the parcel as determined by the Auditor of Montgomery County is **\$599,610.00**.

5. Plaintiff states that aforementioned property is "abandoned land" in accordance with the law, pursuant to §323.65, §323.67, and §5721.03 of the Ohio Revised Code. (See Exhibit #1, attached herein).

6. Plaintiff says that Defendant, Scioto Educational Foundation, has or might claim to have some interest in or on the real estate described in paragraph 2 hereof by virtue of a QuitClaim Deed filed October 22, 2015 as File No. 2015-00058250, in the records of the Recorder's Office of Montgomery County, Ohio.

WHEREFORE, Plaintiff prays: that the property herein be foreclosed and all equities of redemption be forever cut off, free and clear of any liens and encumbrances of the parties named in this complaint that attached before sale or transfer, and free and clear of any liens for taxes except for federal tax liens and covenants and easements of record attaching before sale or transfer; that all liens on the property be marshaled; that said premises be sold or transferred as upon execution free and clear of all liens, interests and dower and that the proceeds thereof be applied to Plaintiff's claim as set out in the foregoing Complaint; that the Defendants be required to set forth their liens upon or interest in said property or be forever barred from asserting same; that the Board of Revision orders said property to be sold according to law or be conveyed to a township, municipality, county, or community development organization as defined in the Ohio Revised Code, and for such other relief as the Board of Revision deems just and equitable; that in the event of the sale of the subject premises, the Impositions due and owing on the subject real estate be declared a valid first and prior lien upon such premises, and that the Impositions be paid first from the proceeds of sale.

Respectfully submitted,

MATHIAS H. HECK, JR.
PROSECUTING ATTORNEY

By: /s/ Margaret M. Carper
Margaret M. Carper, #0051625
Assistant Prosecuting Attorney
Montgomery County Prosecutor's Office
301 West Third Street
P.O. Box 972
Dayton, Ohio 45422
Telephone: (937) 225-5760
Fax Number: (937) 225-4822
E-mail: carperm@mcohio.org
ATTORNEY FOR PLAINTIFF

CERTIFICATION

The undersigned hereby certifies that an examination of the public records of Montgomery County, Ohio, has been made to determine the ownership of subject real estate and all parties who may claim an interest therein, and that, in the opinion of the undersigned, all such parties have been named as parties to this action.

By: /s/ Margaret M. Carper
Margaret M. Carper, #0051625
Assistant Prosecuting Attorney
Montgomery County Prosecutor's Office

STATE OF OHIO

COUNTY OF MONTGOMERY

2542

Exhibit #1

Case No. _____

)
)ss.
)

PERMANENT PARCEL NO. R72 04605 0022, 0023,

ADDRESS E. Third St. 0024, 0025

Scioto Education Foundation

AFFIDAVIT OF THE CITY OF DAYTON

Now comes Todd M. Kinskey for the City of Dayton, Ohio and states based on information and belief that on or about 7.11.18 the City of Dayton enacted Ordinance No. 31652-18 and adopted and implemented procedures to facilitate reutilization of "Nonproductive Land" situated in the City of Dayton under Section 5722 of the Ohio Revised Code. AFFIANT further states the City of Dayton has been advised that the captioned parcel is being or about to be foreclosed upon by the Montgomery County Board of Revision pursuant to Section 323.65- 323.79 of the Ohio Revised Code. AFFIANT further states they have located the above listed parcel within the City of Dayton, **INSPECTED** said parcel and determined, pursuant to Section 323.65 of the Ohio Revised Code, that the parcel is unoccupied, delinquent, and constitutes abandoned land;

SECTION 1: [AFFIANT MUST "X" ONE OF THE FOUR BOXES BELOW]

- AND there are no buildings or other structures located on the parcel. **NONPRODUCTIVE LAND** [i.e. VACANT LAND]
- AND there are buildings or other structures that are not in the occupancy of any person and the City of Dayton has instituted proceedings under 505.86 or 715.26 of the Ohio Revised Code or Section 3 of Article XVIII, Ohio Constitution, for the removal or demolition of such buildings or other structures by the electing subdivision because of their insecure, unsafe or structurally defective condition. **NONPRODUCTIVE LAND**
- AND there are buildings or other structures that are not in the occupancy of any person and whose acquisition the City of Dayton determines to be necessary for the implementation of an effective land reutilization program. **NONPRODUCTIVE LAND**
- OR the parcel does not fall under any of the above definitions of Nonproductive Land. **OTHER LAND**

SECTION 2: [AFFIANT MUST "X" ONE OF THE BOXES THAT APPLY BELOW]

- The City of Dayton DOES NOT wish to acquire the above listed parcel number into its land reutilization program.
- The City of Dayton DOES wish to acquire the above listed parcel number into its land reutilization program.

SECTION 3: [AFFIANT MUST "X" ALL THAT APPLY TO THE ABOVE LISTED PARCEL NUMBER]

- | | |
|--|---|
| <input type="checkbox"/> Occupied Structure | <input checked="" type="checkbox"/> Absence of utility service hook-ups or billing (DP&L H20) |
| <input checked="" type="checkbox"/> Unoccupied Structure | <input checked="" type="checkbox"/> Boarded up Structure <u>front door</u> |
| <input checked="" type="checkbox"/> Business/ Commercial/ Mixed Residential-Commercial | <input type="checkbox"/> Open vacant and/or vandalized |
| <input type="checkbox"/> Residential | <input type="checkbox"/> Condemned by political subdivision (attach order/notice) |
| <input type="checkbox"/> Vacant Lot | <input type="checkbox"/> Statutory drug/nuisance condemnation (attach order/notice) |
| <input checked="" type="checkbox"/> Not Agricultural Lands | <input type="checkbox"/> Building/environmental code violations |
| <input checked="" type="checkbox"/> Overgrown Weeds | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Dumping/ Noticeable Accumulation of Trash/ Debris | |

FURTHER AFFIANT SAYETH NAUGHT



Ashley Hatton, Notary Public
In and for the State of Ohio,
My Commission Expires 12/26/22

Affiant's Signature: _____

T.M. Kinskey

Affiant's Name (Print): _____

Todd M. Kinskey

As an Agent of: The City of Dayton

Affiant's Title: _____

Director of Planning & Community Development

Subscribed to and sworn before me by Todd M. Kinskey on this 1 day of August, 2018 in the City of Dayton, Ohio.

Ashley Hatton
Notary Public