

IN THE COURT OF COMMON PLEAS,
CHAMPAIGN COUNTY, OHIO

IN RE:

Case No. 2020 MS 008

CONTINUANCE OF SALES
PROCEEDINGS IN CERTAIN
FORECLOSURES CASES DUE TO
CORONAVIRUS (COVID-19)
PUBLIC HEALTH EMERGENCY

Judge Nick A. Selvaggio

Case Nos. 2019 CV 135
2019 CV 117
2019 CV 105
2019 CV 100

JERRY S. UNDERWOOD
CHAMPAIGN COUNTY COURT
CHAMPAIGN COUNTY, OHIO

2020 MAR 25 AM 11:03

FILED

JOURNAL ENTRY

The Champaign County Court of Common Pleas, General Division makes the following Findings of Fact:

1. On March 9, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-01D "Declaring a State of Emergency" in response to the growing COVID-19 public health crisis.
2. On March 11, 2020, the World Health Organization officially declared COVID-19 to be a global "pandemic" requiring "urgent and aggressive action" to control the spread of the virus.
3. On March 11, 2020, the first "community transfer" positive case of COVID-19 in the State of Ohio was confirmed to be in Stark County. Since then, as of the date of this filing, over 321 positive cases of COVID-19 have been confirmed in the State of Ohio.

4. On March 13, 2020, President Donald J. Trump declared the COVID-19 virus pandemic a “national emergency beginning March 1, 2020”.
5. From March 13, 2020 through the filing of this entry, Ohio Governor DeWine, after consultation with the Ohio Department of Health, has issued an number of additional executive orders, and mandated the closure of schools, private businesses and public agencies such as the Bureau of Motor Vehicles in order to protect the health of all Ohioans. Through televised news conferences, Ohio Governor DeWine has also encouraged Ohio’s public and private sector employers to monitor its workforce and enact protocols to reduce the possibility of the “public spread.”
6. On March 16, 2020, Ohio Department of Health Director Amy Acton issued a Director’s Order that mandated the closure of polling locations in the State of Ohio on March 17, 2020 “to avoid the imminent threat with a high probability of widespread exposure to COVID-19 with a significant risk of substantial harm to a large number [of persons]”, thus effectively postponing the scheduled March 17, 2020 Ohio Primary Election.
7. On March 18, 2020, President Donald J. Trump announced that the Department of Housing and Urban Development will suspend foreclosures and evictions for mortgages insured by the Federal Housing Administration until the end of April. The Federal Housing Finance Agency also ordered Fannie Mae and Freddie Mac to suspend foreclosures and evictions for any single-family mortgages for at least sixty days in order to, according to FHFA Director Mark Calabria, “allow people to stay in their homes during this national emergency.”
8. On March 19, 2020, the Honorable Maureen O’Connor, Chief Justice of the Supreme Court of Ohio, noted during a press conference that some lower courts are staying foreclosure actions and sheriff’s sales for sixty days to “ensure that individuals are not forced out of their homes during the public health crisis.”

9. The Centers for Disease Control and Prevention (CDC) and other national and State of Ohio health authorities have advised people to take precautions to reduce the possibility of exposure to the COVID-19 virus.
10. Specifically, the CDC and Ohio health officials are recommending that people attempt to keep physical distance between themselves and other people. This technique, known as social distancing, is especially important for people who have a higher health risk should they contract the disease.
11. On March 22, 2020, Ohio Department of Health Director Amy Acton issued a Director's "Stay at Home Order," effective at 11:59 p.m. on March 23, 2020 to 11:59 p.m. on April 6, 2020, unless rescinded or modified by the Ohio Department of Health, in order to prevent the spread of COVID-19 into the State of Ohio.

Due to humanitarian concerns raised by the Coronavirus (COVID-19) Public Health Emergency, the suspension of foreclosures by the Federal Housing Finance Agency and the Department of Housing and Urban Development, and with acknowledgment to the reference made by Chief Justice O'Connor, the Champaign County Court of Common Pleas takes the following actions regarding certain foreclosure cases:

Until further review and notice:

1. The sales by Private Selling Officer in the following listed cases are hereby suspended for a period of 60 days from the date of this entry, after which time the Court shall determine to whether re-issue the Orders of Sale or order a further continuance:
 - a. 2019 CV 100 – *US Bank National Association v. Tylor McLoughlin, et al.*
 - b. 2019 CV 105 – *Flagstar Bank FSB v. Bryan J. Fiedler, et al.*
 - c. 2019 CV 117– *PNC Bank National Association v. William M. Horsley, Jr., et al.*

d. 2019 CV 135 – *Lakeview Loan Servicing, LLC v. Kimberly K. Johnson, et al.*

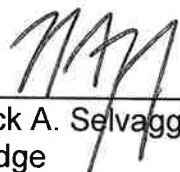
Counsel for Plaintiff shall notify the Private Selling Officer of this Order and direct the suspended Orders of Sale to be returned to the Clerk of Courts for these cases.

The Court may order further continuances and suspensions in other foreclosure cases as deemed necessary.

The Clerk of Courts is ORDERED to file a copy of this *Journal Entry* in the case file of every case noted herein.

No costs are to be assessed for the filings.

IT IS SO ORDERED.



Nick A. Selvaggio
Judge

Copies by Clerk:

- Bethany Suttinger, Counsel for Plaintiff in Case No. 19 CV 100, Lerner, Sampson & Rothfuss, 120 East Fourth Street, 8th Floor, Cincinnati, OH 45202-4007
- Dean K. Hegyes, Counsel for Plaintiff in Case No. 19 CV 105, Reimer Law Co., P.O. Box 3696, 30455 Solon Rd. Solon, OH 44139
- Suzanne M. Godenswager, Counsel for Plaintiff in Case No. 19 CV 117, Sandhu Law Group, LLC., 1213 Prospect Ave., Suite 300, Cleveland, OH 44115
- Ashley E. Rothfuss, Counsel for Plaintiff in Case No. 19 CV 135, Lerner, Sampson & Rothfuss, 120 East Fourth Street, 8th Floor, Cincinnati, OH 45202-4007
- Tylor McLoughlin, Defendant-Mortgagor in Case No. 19 CV 100, 106 Spring St. Mechanicsburg, OH 43044
- Bryan J. Fiedler, Defendant-Mortgagor in Case No. 2019 CV 105, 222 Lafayette Ave., St. Paris, OH 43072
- Brittney S. Maddux aka Brittney S. Fiedler, Defendant-Mortgagor in Case No. 2019 CV 105, 222 Lafayette Ave., St. Paris, OH 43072

- William M. Horsley, Defendant-Mortgagor in Case No. 2019 CV 117, 6555 US Rt. 68 S, Apt 203 D, West Liberty, OH 43357
- Kimberly K. Johnson, Defendant-Mortgagor in Case No. 2019 CV 135, P.O. Box 501, St. Paris, OH 43072
- Jane A. Napier, Champaign County Prosecutor's Office, 200 N. Main St., Urbana, OH 43078
- Samuel A. Usmani, Champaign County Prosecutor's Office, 200 N. Main St., Urbana, OH 43078
- Lt. Chris Copeland, Champaign County Sheriff's Office