

IN THE COURT OF COMMON PLEAS,  
CHAMPAIGN COUNTY, OHIO

PENNY S. UNDERWOOD  
COMMON PLEAS COURT  
CHAMPAIGN COUNTY, OHIO

2020 MAR 31 AM 11:09

FILED

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. 2018 CV 052  
2018 CV 051  
2018 CV 047  
2018 CV 042  
2018 CV 037

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**JOURNAL ENTRY**

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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 issuance of Orders of Sales in the following cases will be stayed for a period of 60 days from the date of this entry, after which time the Court shall determine whether Orders of Sale should be issued, or the issuance of such orders should be further stayed:
  - a. 2018 CV 037 – *Tax Ease Ohio, LLC v. Kent A. Nicholas, et al.*
  - b. 2018 CV 042 – *Tax Ease Ohio, LLC v. Thomas O'Neal, et al.*
  - c. 2018 CV 047 – *Tax Ease Ohio, LLC v. Valerie L. Horsley, et al.*
  - d. 2018 CV 051 – *Tax Ease Ohio, LLC v. Ryan John Davis, et al.*

- e. 2018 CV 052 – *Tax Ease Ohio, LLC v. Cynthia J. Studebaker, Trustee of the Joseph F, Studebaker, Jr. and Cynthia J. Studebaker Revocable Living Trust, et al.*


The Clerk of Courts is **HEREBY ORDERED** to return to Plaintiff the Praecipes for Order of Sale submitted for filing, along with any accompanying checks or money orders.

Plaintiff may submit new Praecipes for Orders of Sale no earlier than 60 days after the date of this entry.

**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.**

  
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Nick A. Selvaggio  
Judge

Copies by Clerk:

- David. T. Brady, Suzanne M. Godenswager, Austin B. Barnes III, Mark M. Schonhut, Jeffrey A. Panehal, Counsel for Tax Ease Ohio, LLC, Sandhu Law Group, LLC., 1213 Prospect Ave., Suite 300, Cleveland, OH 44115
- Kent A. Nicholas, Defendant in Case No. 2018 CV 037, 206 N. Lincoln Street, Christiansburg, OH 45389
- Thomas O'Neal, Defendant in Case No. 2018 CV 042, 20 Perry Road, Cable, OH 43009
- Valarie L. Horsley, Defendant in Case No. 2018 CV 047, 1465 Jackson Hill Road, Urbana, OH 43078
- Ryan John Davis, Defendant in Case No. 2018 CV 051, 608 E. Light Street, Urbana, OH 43078
- Cynthia J. Studebaker, Trustee of the Joseph F. Studebaker and Cynthia J. Studebaker Revocable Living Trust, Defendant in Case No. 2018 CV 052, 4317 Gray Rd., Cable, OH 43009
- 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