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COMMON PLEAS DIVISION

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PAVAN PARIKH
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 1353519

OLDE SAVANNAH OWNERS ASSOCIATION INC vs. DEBORAH J STROHOFER A 2303319

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IN THE COURT OF COMMON PLEAS HAMILTON COUNTY, OHIO

OLDE SAVANNAH UNIT OWNERS'
ASSOCIATION, INC.
c/o Innovative Management by Theron,
Inc.
P.O. Box 12525
Cincinnati, Ohio 45212

Plaintiff,

VS.

DEBORAH J. STROHOFER 3950 Olde Savannah Drive, Unit 9 Cincinnati, Ohio 45247

and

UNKNOWN SPOUSE OF DEBORAH J. STROHOFER 3950 Olde Savannah Drive, Unit 9 Cincinnati, Ohio 45247

and

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR CITIZENS BANK, NA P.O. Box 2026 Flint, Michigan 48501

Defendants.

Case Number	
Judge	

COMPLAINT-FORECLOSURE

Now comes Plaintiff Old Savannah Unit Owners' Association, Inc., by and through counsel, and for its Foreclosure Complaint, states as follows:

FIRST CLAIM

- 1. Plaintiff Old Savannah Unit Owners' Association, Inc., hereinafter referred to as "Plaintiff," is an Ohio non-profit corporation organized to administer and maintain the property known as Old Savannah Condominium.
- 2. Defendant Deborah J. Strohofer is a member of Plaintiff Old Savannah Unit Owners' Association, Inc. by virtue of her ownership of 3950 Olde Savannah Drive, Unit 9, Cincinnati, Ohio 45247 described in Exhibit "A" attached hereto (the "Property").
- at Book 8227, Page 713 of the Official Records of Hamilton County, Ohio, which is binding upon Defendant Deborah J. Strohofer, Defendant Deborah J. Strohofer owes Plaintiff the sum of \$3,374.85 for assessments and late fees due and owing through July 11, 2023, plus \$335.00 per month beginning August 1, 2023 for additional continuing assessments, plus \$20.00 per month for late fees on future assessments not paid when due, plus the sum of \$400.00 for the filing of the Certificate of Lien against the Property of Defendant Deborah J. Strohofer. Additional amounts due include Defendant Deborah J. Strohofer's share of common expenses, plus all reasonable collection expenses including costs and reasonable attorney's fees and paralegal fees. A copy of the Declaration is not attached to this Complaint, and the reason for omission as required by Rule 10(D)(1) of the Ohio Rules of Civil

- Procedure is that the Declaration is a matter of public record, having been recorded in the Hamilton County, Ohio Recorder's Office.
- 4. Defendant Deborah J. Strohofer has failed and refused to pay amounts due and owing under the Declaration.
- 5. Defendant Deborah J. Strohofer is further obligated to pay Plaintiff's reasonable attorney fees incurred to collect assessments under the Declaration and R.C. 5311.19.

SECOND CLAIM

- 6. Plaintiff realleges Paragraphs 1 through 5 above as if fully rewritten and incorporated herein.
- 7. In accordance with the Declaration, Plaintiff has a continuing lien for assessments upon the Property of Defendant Deborah J. Strohofer.
- 8. Under the authority of the Declaration, on March 22, 2022, Plaintiff filed with the Recorder of Hamilton County, Ohio a Certificate of Lien in Off. Rec.: 14629, Page 01766 to secure payment of sums due from Defendant Deborah J. Strohofer. A copy of the Certificate of Lien is attached hereto as Exhibit "B".
- 9. This Certificate of Lien including all fees and costs is a valid and subsisting lien on the Property.
- Defendant Mortgage Electronic Registration Systems, Inc. as nominee for Citizens Bank, NA may have or claim to have an interest in the Property by virtue of a Mortgage in the original amount of \$97,850.00 recorded on February 19, 2019 in Book 13853, Page 1046 of the Records of Hamilton County, Ohio.
- 11. Defendant Unknown Spouse of Deborah J. Strohofer may have or claim to have an

interest in the Property by right of dower.

THIRD CLAIM

- 12. Plaintiff realleges Paragraphs 1 through 11 above as if fully rewritten and incorporated herein.
- 13. Under R.C. §5311.18(B), Plaintiff is entitled to receive reasonable rental from Defendant Deborah J. Strohofer during the pendency of this action and the appointment of a receiver to collect the rental.

WHEREFORE, Plaintiff demands judgment as follows:

- A. A personal judgment against Defendant Deborah J. Strohofer in the sum of \$3,374.85 for assessments and late fees due and owing through July 11, 2023, plus \$335.00 per month beginning August 1, 2023 for additional continuing assessments, plus \$20.00 per month for late fees on future assessments not paid when due, plus the sum of \$400.00 for the filing of the lien against the Property of Defendant Deborah J. Strohofer and costs incurred herein plus all other reasonable attorney fees until paid in full or the Property is sold;
- **B.** That Plaintiff's lien be declared a good, valid, and subsisting lien on the Property;
- C. That all Defendants be required to set forth their interest or claims in the Property or be forever barred;
- **D.** That liens on the Property be marshalled and the Property be appraised, advertised, and sold according to law;
- E. That Plaintiff's lien, including costs, late charges, interest and attorney's fees,

be paid from the proceeds of the sale according to its priority;

- F. That Defendant Deborah J. Strohofer be required to pay a reasonable rental to Plaintiff during the pendency of this action and that a receiver be appointed to collect the rental; and
- **G.** For other additional relief to which Plaintiff may be entitled.

Amy S. Ferguson, Esq.

Ohio Registration Number 0059466

Trial Attorney for Plaintiff

Old Savannah Unit Owners' Association, Inc.

WOOD + LAMPING, LLP

600 Vine Street, Suite 2500

Cincinnati, Ohio 45202

Telephone: (513) 214-3032

Facsimile: (513) 852-6479

Email: asferguson@woodlamping.com

INSTRUCTIONS TO THE CLERK:

Please serve all Defendants by certified mail, return receipt requested.

Amy S. Ferguson, Esq.

Scott Crowley
Hamilton County Recorder's Office
Doc #: 2022-0029634 Type: NOL
Filed: 03/22/22 09:48:46 AM \$34.00
Off. Rec.: 14629 01766 F 2 179

CERTIFICATE OF LIEN

In accordance with the terms of the Declaration of Condominium Ownership (the "Declaration") recorded in Book 8227, Page 713 of the Official Records of the Hamilton County Recorder's Office and the authorization given by the Board of Directors of Old Savannah Unit Owners' Association, Inc. (the "Association"), the Association claims a lien for the unpaid common expenses chargeable against the property (the "Property"), and interest, administrative late fees, enforcement assessments, and collection costs, attorney's fees and paralegal fees the Association incurs to the extent authorized by the Declaration.

The Property is further described as follows:

Situate in Section 13, Town 2, Entire Range 1, Colerain Township, Hamilton County, Ohio and being more particularly described as follows:

Being all of Unit 3950 #9 and Garage G9 of Olde Savannah Condominiums, Phase 4 as recorded in Plat Book 355, Pages 8-10 of the Hamilton County, Ohio Recorder's Office.

Property Address:

3950 Olde Savannah Drive, Unit 9

Cincinnati, Ohio 45247

Auditor's Parcel Number:

510-02-12-0236-00

Record owner:

Deborah J. Strohofer

Amount of unpaid portion of continuing assessments, continuing late fees and administrative fees: \$744.85 through March 16, 2022

Amount of attorney's fees for filing and release of lien (including recording fees): \$400.00

This lien also secures the above-referenced Owner's payment of common expenses, interest, administrative late fees, enforcement assessments, collection costs, attorney's fees and paralegal fees becoming due after the date of this Certificate of Lien and until this lien is satisfied and released.

Monthly Assessment:

\$310.00

Monthly Administrative Late Fees:

\$20.00

For Information Please Contact:

Innovative Management by Theron, Inc., P.O. Box 12525, Cincinnati, OH 45212; (513) 631-3473

Old Savannah Unit Owners' Association, Inc.

By: Amy S. Ferguson, Esq.

STATE OF OHIO

:ss

COUNTY OF HAMILTON

The foregoing Certificate of Lien was acknowledged before me on this 12th day of March, 2022, by Amy S. Ferguson, Attorney for Old Savannah Unit Owners' Association, Inc., on behalf of Old Savannah Unit Owners' Association, Inc., as its designated representative.

otary Public

Heather L. West Notary Public, State of Ohio My Commission Expires October 28, 2023

This Instrument Prepared By:

Amy S. Ferguson, Esq.

Cuni, Ferguson & LeVay Co., L.P.A.

10655 Springfield Pike Cincinnati, Ohio 45215

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