

PAVAN PARIKH HAMILTON COUNTY CLERK OF COURTS

COMMON PLEAS DIVISION

ELECTRONICALLY FILED
August 10, 2023 09:27 AM
PAVAN PARIKH
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 1355553

SKYRIDGE NO 2
CONDOMINIUM
ASSOCIATION INC
vs.
MELISSA N WARREN

A 2303383

FILING TYPE: INITIAL FILING (FORECLOSURE-IN COUNTY)
PAGES FILED: 10

EFR200

IN THE COURT OF COMMON PLEAS HAMILTON COUNTY, OHIO

SKYRIDGE NO. 2 CONDOMINIUM
ASSOCIATION, INC.
c/o L&B Management Firm, LLC
3314 Werk Road
Cincinnati, Ohio 45211

Case Number _____

Plaintiff,

COMPLAINT-FORECLOSURE

VS.

MELISSA N. WARREN AKA MELISSA LONG 5435 Blue Sky Drive, Unit #21 Cincinnati, Ohio 45247

and

UNKNOWN SPOUSE OF MELISSA N. WARREN AKA MELISSA LONG 5435 Blue Sky Drive, Unit #21 Cincinnati, Ohio 45247

and

PNC BANK, NATIONAL ASSOCIATION 3232 Newmark Drive Miamisburg, Ohio 45342

Defendants.

Now comes Plaintiff Skyridge No. 2 Condominium Association, Inc., by and through counsel, and for its Foreclosure Complaint, states as follows:

FIRST CLAIM

- 1. Plaintiff Skyridge No. 2 Condominium Association, Inc., hereinafter referred to as "Plaintiff," is an Ohio non-profit corporation organized to administer and maintain the property known as Skyridge No. 2 Condominium.
- 2. Defendant Melissa N. Warren aka Melissa Long is a member of Plaintiff Skyridge No. 2 Condominium Association, Inc. by virtue of her ownership of 5435 Blue Sky Drive, Unit #21, Cincinnati, Ohio 45247 described in Exhibit "A" attached hereto (the "Property").
- 3. Pursuant to the Declaration of Condominium Ownership Establishing a Plan for Condominium Ownership and Imposing Covenants, Conditions and Restrictions (the "Declaration") recorded at Book 4292, Page 1530 of the Official Records of Hamilton County, Ohio, which is binding upon Defendant Melissa N. Warren aka Melissa Long, Defendant Melissa N. Warren aka Melissa Long owes Plaintiff the sum of \$6,725.00 for assessments and late fees due and owing through July 1, 2023, plus \$175.00 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 Melissa N. Warren aka Melissa Long. Additional amounts due include Defendant Melissa N. Warren aka Melissa Long'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 Melissa N. Warren aka Melissa Long has failed and refused to pay amounts due and owing under the Declaration.
- 5. Defendant Melissa N. Warren aka Melissa Long 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 Melissa N. Warren aka Melissa Long.
- 8. Under the authority of the Declaration, on March 31, 2023, Plaintiff filed with the Recorder of Hamilton County, Ohio a Certificate of Lien in Book 14885, Page 00021 to secure payment of sums due from Defendant Melissa N. Warren aka Melissa Long. A copy of the Certificate of Lien is attached hereto.
- 9. Under the authority of the Declaration, on November 8, 2019, Plaintiff filed with the Recorder of Hamilton County, Ohio an Affidavit of Lien in Book 14041, Page 1765 to secure payment of sums due from Defendant Melissa N. Warren aka Melissa

- Long. A copy of the Certificate of Lien is attached hereto.
- 10. These liens, including all fees and costs, are valid and subsisting liens on the Property.
- 11. Defendant PNC Bank, National Association may have or claim to have an interest in the Property by virtue of a Mortgage in the original amount of \$72,000.00 dated February 28, 2008 and recorded on March 14, 2008 in Book 10797, Page 417 of the Records of Hamilton County, Ohio. Said mortgage was assigned from PNC Mortgage, LLC to PNC Bank, National Association by virtue of an Assignment of Mortgage recorded on November 14, 2012 in Book 12166, Page 1200 of the Records of Hamilton County, Ohio.
- 12. Defendant Unknown Spouse of Melissa N. Warren aka Melissa Long may have or claim to have an interest in the Property by right of dower.

THIRD CLAIM

- 13. Plaintiff realleges Paragraphs 1 through 12 above as if fully rewritten and incorporated herein.
- 14. Under R.C. §5311.18(B), Plaintiff is entitled to receive reasonable rental from Defendant Melissa N. Warren 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 Melissa N. Warren in the sum of \$6,725.00 for assessments and late fees due and owing through July 1, 2023, plus \$175.00 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 Melissa N. Warren 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 Melissa N. Warren 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

Skyridge No. 2 Condominium 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.

3707424.1

Horbert A. Madel Hamilton County Recorder's Office Doc 4: 2019-0098700 Type: NOL Filed: 11/08/19 02:57:12 PM \$34.00 Off.Rec.: 14041 01765 F 850 2

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AFFIDAVIT OF LIEN ON REAL ESTATE FOR NONPAYMENT OF COMMON EXPENSES

Now comes THE SKYRIDGE NO. 2 CONDOMINIUM ASSOCIATION, by and through DOUG WILBERT, President, as authorized by the The Skyridge No. 2 Condominium Association Board of Trustees, and pursuant to the Declaration of Condominium Ownership for The Skyridge No. 2 Condominium Association as recorded in Official Record Book 4292, Page 1530 of the Hamilton County, Ohio Records and all Amendments and Supplemental Declarations thereto, and pursuant to Ohio Revised Code Section 5301.252 hereby places a lien for nonpayment of common expenses upon the home of MELISSA N. WARREN A/K/A MELISSA LONG, which is more particularly described as follows:

Situated in Section 29, Township 2, Fractional Range 2, Green Township, Hamilton County, State of Ohio, and being more particularly described as follows:

Being Unit 21 of Skyridge No. 2 Condominium, together with an appurtenant undivided 3.78% interest as tenant in common in the common areas as described and shown in the Declaration of Condominium Ownership for Skyridge No. 2 Condominium recorded in Deed Book 4292, Page 1530, and on the Drawings filed therewith recorded in Plat Book 246, Pages 44 and 45, all in the Recorder's Office of Hamilton County, Ohio. Parcel NO. 550-0220-0671-00

Property Address: 5435 Bluesky Drive, Unit #21, Cincinnati, Ohio 45247 Parcel No. 550-0220-0671-00

This lien against MELISSA N. WARREN A/K/A MELISSA LONG is for the amount of \$3,420.00, which amount is due and owing to The Skyridge No. 2 Condominium Association, plus continuing assessments, plus late fees for any assessments not paid when due, plus costs associated with filing of this lien, plus reasonable attorney fees incurred by the association in any collection and / or foreclosure proceedings and that the said The Skyridge No. 2 Condominium Association is entitled to a lien upon the above described real property in said amount.

This lien is made pursuant to Ohio law for the purpose of claiming an interest in the above described real property by way of lien for delinquent assessments and related costs as stated above.

DOUG WILBERT, first duly sworn, says that he is a Chief Office of the Board of Trustees of The Skyridge No. 2 Condominium Association, and that the facts set forth in the foregoing Affidavit of Lien on Real Estate for Nonpayment of Common Expenses are true as he verily believes and that said The Skyridge No. 2 Condominium Association, fully authorized the undersigned to file said lien.

Doug Wilbert, President

The Skyridge No. 2 Condominium Association

L&B Management Firm, LLC

3314 Werk Road Cincinnati, Oh 45211

STATE OF OHIO, COUNTY OF HAMILTON, SS:

Sworn to before me, and subscribed in my presence this \leq day of $\frac{\text{Nax}}{2019}$.

Notary Publi

This instrument was prepared by:

BARRON PECK BENNIE & SCHLEMMER CO. LPA 3074 Madison Road Cincinnati, Ohio 45209 (513) 721-1350 KIM S. THORNTON NOTARY PUBLIC STATE OF OHIO Comm. Expires August 27, 2020

Scott Crowley
Hamilton County Recorder's Office
Doc #: 2023-0021605 Type: NOL
Filed: 03/31/23 07:12:58 AM \$34.00
Off. Rec.: 14885 00021 F 2 2

CERTIFICATE OF LIEN

In accordance with the terms of the Declaration of Condominium Ownership Establishing a Plan for Condominium Ownership and Imposing Covenants, Conditions and Restrictions (the "Declaration") recorded in Book 4292, Page 1530 of the Official Records of the Hamilton County Recorder's Office and the authorization given by the Board of Directors of Skyridge No. 2 Condominium 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:

Situated in Section 29, Township 2, Fractional Range 2, Green Township, Hamilton County, State of Ohio, and being more particularly described as follows:

Being Unit 21 of Skyridge No. 2 Condominium, together with an appurtenant undivided 3.78% interest as tenant in common in the common areas as described and shown in the Declaration of Condominium Ownership for Skyridge No. 2 Condominium recorded in Deed Book 4292, Page 1530, and on the Drawings filed therewith recorded in Plat Book 246, Pages 44 and 45, all in the Recorder's Office of Hamilton County, Ohio.

Subject to the terms, conditions, covenants, restrictions, easements and assessments as set forth in the Declaration for Skyridge No. 2 Condominium and the By-Laws, Plats and other exhibits attached thereto, recorded in Book 4292, page 1530, Hamilton County, Ohio Records, and any recorded amendments thereto.

Property Address:

5434 Blue Sky Drive, Unit #21

Cincinnati, Ohio 45247

Auditor's Parcel Number:

550-0220-0671-00

Record owner:

Melissa N. Warren

Amount of unpaid portion of continuing assessments, continuing late fees, bank charges and maintenance fees: \$9,570.00 through March 31, 2023

Amount of attorney's fees for Case No. 19-bk-14469: \$3,338.50

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:

\$175.00

Monthly Administrative Late Fees:

\$20.00

For Information Please Contact:

L&B Management, 3314 Werk Road, Cincinnati, Ohio 45211-6811; (513) 471-7222

Skyridge No. 2 Condominium Association,

Inc.

By: Jmy S. Fliguer Amy S. Ferguson, Esa.

STATE OF OHIO

:88

COUNTY OF HAMILTON

The foregoing Certificate of Lien was acknowledged before me on this 2014 day of March, 2023, by Amy S. Ferguson, Attorney for Skyridge No. 2 Condominium Association, Inc., on behalf of Skyridge No. 2 Condominium Association, Inc., as its designated representative.

Votary Public

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

This Instrument Prepared By:

Amy S. Ferguson, Esq. WOOD + LAMPING, L.L.P. 600 Vine Street, Suite 2500 Cincinnati, OH 45202 Telephone: 513-852-6000

Email: asferguson@woodlamping.com