

# PAVAN PARIKH HAMILTON COUNTY CLERK OF COURTS

### **COMMON PLEAS DIVISION**

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Hamilton County, Ohio
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OLDE GATE CONDOMINIUM OWNERS ASSOCIATION vs. ANDREW H KASAKO A 2303462

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## IN THE COURT OF COMMON PLEAS HAMILTON COUNTY, OHIO

OLDE GATE CONDOMINIUM
OWNERS' ASSOCIATION, INC.
c/o Towne Properties Asset Management
Company
11840C Kempersprings Drive
Cincinnati, Ohio 45240

**COMPLAINT-FORECLOSURE** 

Case Number

Judge \_\_\_\_\_

Plaintiff,

VS.

ANDREW H. KASAKO 283 Bedford Glen Lane Cincinnati, Ohio 45246

and

UNKNOWN SPOUSE OF ANDREW H. KASAKO 283 Bedford Glen Lane Cincinnati, Ohio 45246

and

U.S. BANK NATIONAL ASSOCATION 425 Walnut Street Cincinnati, Ohio 45202

Defendants.

Now comes Plaintiff Olde Gate Condominium Owners' Association, Inc., by and through counsel, and for its Foreclosure Complaint, states as follows:

#### FIRST CLAIM

- 1. Plaintiff Olde Gate Condominium Owners' Association, Inc., hereinafter referred to as "Plaintiff," is an Ohio non-profit corporation organized to administer and maintain the property known as Olde Gate Condominium.
- 2. Defendant Andrew H. Kasako is a member of Plaintiff Olde Gate Condominium Owners' Association, Inc. by virtue of his ownership of 283 Bedford Glen Lane, Cincinnati, Ohio 45246 described in Exhibit "A" attached hereto (the "Property").
- 3. Pursuant to the Declaration of Condominium Ownership (the "Declaration") recorded at Book 4220, Page 26 of the Official Records of Hamilton County, Ohio, which is binding upon Defendant Andrew H. Kasako, Defendant Andrew H. Kasako owes Plaintiff the sum of \$4,565.00 for assessments and late fees due and owing through August 3, 2023, plus \$325.00 per month beginning September 1, 2023 for additional continuing assessments, plus \$25.00 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 Andrew H. Kasako. Additional amounts due include Defendant Andrew H. Kasako'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 Andrew H. Kasako has failed and refused to pay amounts due and owing under the Declaration.
- 5. Defendant Andrew H. Kasako 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 Andrew H. Kasako.
- 8. Under the authority of the Declaration, on February 24, 2023, Plaintiff filed with the Recorder of Hamilton County, Ohio a Certificate of Lien in Off. Rec.: 14860, Page 00826 to secure payment of sums due from Defendant Andrew H. Kasako. 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.
- 10. Defendant U.S. Bank National Association may have or claim to have an interest in the Property by virtue of an Open-End Mortgage in the original amount of \$92,000.00 dated November 22, 2016 and recorded on December 8, 2016 in Book 13309, Page 2561 of the Records of Hamilton County, Ohio.
- 11. Defendant U.S. Bank National Association may have or claim to have an interest in

the Property by virtue of an Open-End Mortgage in the original amount of \$30,310.00 dated November 21, 2017 and recorded on December 28, 2017 in Book 13573, Page 737 of the Records of Hamilton County, Ohio.

12. Defendant Unknown Spouse of Andrew H. Kasako 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 Andrew H. Kasako 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 Andrew H. Kasako in the sum of \$4,565.00 for assessments and late fees due and owing through August 3, 2023, plus \$325.00 per month beginning September 1, 2023 for additional continuing assessments, plus \$25.00 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 Andrew H. Kasako 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 Andrew H. Kasako 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.

/s.: Amy S. Ferguson

Amy S. Ferguson, Esq.

Ohio Registration Number 0059466

Trial Attorney for Plaintiff

Olde Gate Condominium 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

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

/s/: Amy S. Ferguson
Amy S. Ferguson, Esq.

#### **EXHIBIT A**

The Property is further described as follows:

Situate in Section 12, Town 3, Entire Range 1, Springdale Township, Hamilton County, Ohio, and being Unit No. 25 of the Olde Gate Condominium, Phase III, as shown on the Condominium Drawings recorded in Plat Book 244, Pages 72 through 77 of the Hamilton County, Ohio Recorder's Records, and as shown in the Declaration of Condominium Ownership recorded at Deed Book 4220, Page 26, of the Hamilton County, Ohio Recorder's Records, as amended by amendment to Declaration recorded in Deed Book 4225, Page 1694, of the Hamilton County, Ohio Recorder's Records, and as amended by Second Amendment to Declaration recorded in Deed Book 4232, Page 750, Hamilton County, Ohio Recorder's Records, and as amended by Third Amendment to Declaration recorded in Deed Book 4281, Page 1653, Hamilton County, Ohio Recorder's Records, together with the percentage of ownership in the common areas and facilities declared by the Declaration as amended to be an appurtenance to the above unit, and together with the exclusive right to use all of the limited common areas identified on the Condominium Drawings and being for the sole and exclusive use of said unit.

Property Address: 283 Bedford Glen Lane, Cincinnati, Ohio 45246

Auditor's Parcel Number: 599-42-234

**Record Owner(s):** Andrew H. Kasako

4013143.1

Scott Crowley
Hamilton County Recorder's Office
Doc #: 2023-0013137 Type: NOL
Filed: 02/24/23 11:57:47 AM \$34.00
Off. Rec.: 14860 00826 F 2 153

#### **CERTIFICATE OF LIEN**

In accordance with the terms of the Declaration of Condominium Ownership (the "Declaration") recorded in Book 4220, Page 26 of the Official Records of the Hamilton County Recorder's Office and the authorization given by the Board of Directors of Olde Gate Condominium 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 12, Town 3, Entire Range 1, Springdale Township, Hamilton County, Ohio, and being Unit No. 25 of the Olde Gate Condominium, Phase III, as shown on the Condominium Drawings recorded in Plat Book 244, Pages 72 through 77 of the Hamilton County, Ohio Recorder's Records, and as shown in the Declaration of Condominium Ownership recorded at Deed Book 4220, Page 26, of the Hamilton County, Ohio Recorder's Records, as amended by amendment to Declaration recorded in Deed Book 4225, Page 1694, of the Hamilton County, Ohio Recorder's Records, and as amended by Second Amendment to Declaration recorded in Deed Book 4232, Page 750, Hamilton County, Ohio Recorder's Records, and as amended by Third Amendment to Declaration recorded in Deed Book 4281, Page 1653, Hamilton County, Ohio Recorder's Records, together with the percentage of ownership in the common areas and facilities declared by the Declaration as amended to be an appurtenance to the above unit, and together with the exclusive right to use all of the limited common areas identified on the Condominium Drawings and being for the sole and exclusive use of said unit.

**Property Address:** 

283 Bedford Glen Lane

Cincinnati, Ohio 45246

Auditor's Parcel Number:

599-42-234

Record owner:

Andrew H. Kasako

Amount of unpaid portion of continuing assessments, continuing late fees and administrative fees: \$2,235.00 through February 20, 2023

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:

\$325.00

Monthly Administrative Late Fees:

\$25.00

For Information Please Contact:

Towne Properties Asset Management Company, 11840C Kempersprings Drive, Cincinnati, OH 45240; (513) 874-3737

> Olde Gate Condominium Owners' Association, Inc.

By: Amy S. Leiguson Amy S. Ferguson, Esq.

STATE OF OHIO

**COUNTY OF HAMILTON** 

The foregoing Certificate of Lien was acknowledged before me on this Amday of February, 2023, by Amy S. Ferguson, Attorney for Olde Gate Condominium Owners' Association, Inc., on behalf of Olde Gate Condominium Owners' Association, Inc., as its designated representative.

This Instrument Prepared By:

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

Amy S. Ferguson, Esq.

Cuni, Ferguson & LeVay Co., L.P.A. 10655 Springfield Pike

Cincinnati, Ohio 45215

Telephone: (513) 771-6768 Facsimile: (513) 771-6781 Email: aferguson@cfl-law.com