

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIVIL NO. 2:07CV00213
JUDGE MARBLEY
MAGISTRATE JUDGE KING

JOEL C. STRAKER, A/K/A
JOEL C. STRAKER

STEVA STRAKER

STATE OF OHIO,
DEPARTMENT OF TAXATION

HUNTINGTON NATIONAL BANK

TREASURER OF LOGAN COUNTY, OHIO

Defendants.

ORDER OF CONFIRMATION OF SALE
AND DISTRIBUTION

This cause came on to be considered upon plaintiff's application for an Order confirming the sale made by the United States Marshal under the former order of this Court, and it appearing to the Court that the proceedings and the sale have been in all respects in conformity to law and the orders of this Court:

IT IS ORDERED that said proceedings are approved and confirmed and that the Marshal convey to the purchaser, John D. Dugan, by deed, according to law, and upon payment of the purchase price in full, the real estate so sold, and said purchaser is hereby subrogated to all of the rights of the lienholders herein against said premises so far as may be necessary for the protection of the purchaser's title; and a writ of possession in favor of the purchaser is awarded to put said

purchaser in possession of the real estate. The real estate being conveyed, generally known as 5948 State Route 274, Rushsylvania, Ohio 43347 is further described as follows:

TRACT I:

Situated in the State of Ohio, County of Logan, Township of Rushcreek, and bounded and described as follows:

Situated in Survey No. 9956, and beginning at the northerly corner of George Rosebrook's lot in the Village of Big Springs, and in the center of the turnpike and running S. 71° E. to the easterly corner of said lot 2.11 chains; S. 51-3/4° E. 53 links to a stake; S. 12 1/2° W. 1.86 chains to the line of the said mill lot, N. 37° E. 94 links to a stake 10 feet from the northwest corner of the sawmill S. 39 1/2° E. 1 chain to the C.C.C. & St. L. Railway ground, 45 feet from the near rail of said road; parallel with said rail and 45 feet from it N. 45° E. 1.25 chains, N. 49° E. 3 chains, N. 53 1/4° E. 4 chains, N. 58 3/4° E. 4 chains, N. 62 1/4° E. 4 chains and N. 65° E. 21 chains to a stake in S.B. Titus' west line, N. 8 1/2° W. 13.25 chains to a stone in a county road; S. 81 1/2° W. 47.20 chains crossing the pike at 40 1/2 chains to a stone in said road; S. 8 3/4° E. 19.7 chains to a stake in Levi Bower's east line; S. 82 1/2° E. 9.31 chains to a stake in said pike; S. 25 3/4° W. 1.30 chains to the place of beginning, containing 91.67 acres, more or less.

SAVE AND EXCEPT THEREFROM THE FOLLOWING THREE PARCELS OF LAND DESCRIBED AS FOLLOWS, TO-WIT:

EXCEPTION #1: Being a tract of land conveyed by L.K. Brugler and wife to the Township Board of Education or Rushcreek Township, Logan County, Ohio, by warranty deed dated December 22, 1888, and recorded in Logan County Record of Deeds Volume 79, pages 445-446, and bounded and described as follows: Beginning at the intersection of the center of the Rushsylvania and Big Springs Pike with the center of the Belle Center and Whitetown Extension Pike, and in the north line of said Survey No. 9956; thence with the center of said Rushsylvania and Big Springs Pike S. 22 3/4° E. 10 poles to a stake; thence S. 81 3/4° W. 16.52 poles to a stake; thence N. 22 3/4° W. 10 poles to a stake in the center of the Belle Center and Whitetown Pike Extension and the north line of said survey; thence N. 81 3/4° E. 16.52 poles to the beginning, containing one (1) acre.

EXCEPTION #2: Beginning at an iron in the center of County Road No. 40 at the N.W. corner of a 4.62 acre tract in the name of V. J. Downey and

also being the N.E. corner of a 90.50 acre tract now in the name of Lura H. Heilman and also being Station 26 plus 80 of the survey of said County Highway No. 40 as shown in Logan County Engineer's Field Book No. 582, page 53; thence with the west side of said Downey 4.62 acre tract S. $6^{\circ} 21'$ E. 873.50 feet to a round wood post at the north side of the C.C.C. & St. L. Railroad right of way; thence turning $73^{\circ} 43'$ to the right and measuring S. $67^{\circ} 22'$ W. 888.00 feet to an iron. The last described line being the north right of way fence line of the C.C.C. & St. L. Railroad; thence turning $103^{\circ} 57'$ to the right and measuring N. $8^{\circ} 41'$ W. 1120.50 feet to an iron in the center of County Highway No. 40; thence turning $92^{\circ} 09'$ to the right and measuring N. $83^{\circ} 28'$ E. 898.00 feet to the place of beginning. The last described line being the center line of said County Road No. 40. Exception #2 containing 20.09 acres of land, more or less, and being off the west side of the first described 91.67 acre tract.

EXCEPTION #3: Beginning at an iron in the center of County Road No. 40 that is the northeast corner of James Helfenstein's 67.44 acre tract; thence with the east line of said Helfenstein's 67.44 acre tract S. $6^{\circ} 45'$ E. 1,259.5 feet to a corner post at the northwest corner of Barney P. Creviston's 2.08 acre tract; thence with the north line of said Creviston's 2.08 acre tract S. $80^{\circ} 32'$ E. 614.0 feet to the center of State Route 274; thence with the center of State Route 274 northerly on an $8^{\circ} 00'$ curve for an arc length of 386.0 feet to the point of tangency of said curve; thence with the center of State Route 274 N. $8^{\circ} 59'$ W. 240.9 feet to an iron; thence continuing with the center of State Route 274 N. $24^{\circ} 18'$ W. 339.5 feet to an iron; thence continuing with the center of State Route 274 N. $21^{\circ} 27'$ W. 346.0 feet to the southeast corner of J. Helfenstein's 1.00 acre tract; thence with the south side of said Helfenstein's 1.00 acre tract S. $83^{\circ} 28'$ W. 272.6 feet to an iron; thence with the west side of said Helfenstein's 1.00 acre tract N. $21^{\circ} 27'$ W. 165.0 feet to the center of County Road 40; thence with the center of County Road 40, S. $83^{\circ} 28'$ W. 162.9 feet to the place of beginning. Exception #3 containing 17.36 acres of land, more or less.

The land above described, containing in all 53.22 acres of land, more or less.

TRACT II:

Situated in the State of Ohio, County of Logan, Township of Rushcreek and being part of Virginia Military Survey No. 9977 and more particularly described as follows:

Beginning at an iron bar in the centerline of County Highway 40 at the southwest corner of Billy K. Wingfield's 56.81 acre tract; thence with said centerline S. 82° 38' 06" W. 756.34 feet to an iron bar at the southeast corner of a 2.00 acre tract; thence with the east line of said 2.00 acre tract N. 20° 30' W. 223.65 feet to an iron bar; thence with the north line of said 2.00 acre tract S. 82° 38' W. 400.00 feet to an iron bar in the centerline of State Route 274; thence with said centerline N. 20° 30' W. 640.33 feet to an iron bar; thence N. 78° 10' 36" E. 580.15 feet to an iron bar, passing an iron bar at 30.35 feet; thence N. 43° 34' 12" E. 234.00 feet to an iron bar; thence N. 73° 39' 42" E. 602.06 feet to an iron bar in the west line of B. K. Wingfield's 56.81 acre tract; thence with said Wingfield's west line S. 7° 15' 30" E. 1127.87 feet to the place of beginning. Containing 26.31 acres, more or less.

A survey of this property was made by Leslie H. Geeslin, Registered Surveyor No. 5248, October, 1978.

SUBJECT TO ALL CONDITIONS, COVENANTS, RESERVATIONS, RESTRICTIONS, AND EASEMENTS OF RECORD.

IT IS FURTHER ORDERED that, upon payment of the purchase price in full, the plaintiff shall cause a certified copy of this Order to be forwarded to the purchaser, along with the Deed, to be recorded by the purchaser with the Recorder of Logan County, Ohio, in order to release the following liens of record.

1. The mortgage incorporated in plaintiff's complaint and recorded in Volume 338, Page 82 of the Mortgage Records of Logan County, Ohio, shall be released of record.

2. The real property sold shall be released from the operation and further effects of the following tax liens:

- a. Federal Tax Lien against Joel Straker in the amount of \$13,233.91, filed for record on February 18, 1997 in Official Record Volume 314, Page 780, Logan County Recorder's Office.
- b. Federal Tax Lien against Joel Straker in the amount of \$43,057.25, filed for record on February 5, 2001 in Official Record Volume 481, Page 710, Logan County Recorder's Office.

c. Federal Tax Lien against Joel Straker in the amount of \$16,857.20, filed for record on October 15, 2002 in Official Record Volume 596, Page 888, Logan County Recorder's Office.

3. The Certificate of Judgment Lien in favor of the defendant, State of Ohio, Department of Taxation, filed against Joel C. Straker in the amount of \$722.04, filed July 8, 1991 as Case Number JD91-07-0204, Docket 9, Page 3, Office of the Clerk of Courts, Court of Common Pleas, Logan County, Ohio, shall be released of record. Defendant, State of Ohio, Department of Taxation filed its answer to plaintiff's complaint (Document #12) stating that this lien has been satisfied.

4. The Certificate of Judgment Lien in favor of Employer Advantage Group, Inc. against Straker Trucking, Inc. and Joel Straker in the amount of \$159,645.37, filed November 15, 2002 as Case number 02CVH05-5348 in Certificate of Judgment Docket JD0211-0398, Docket 27, Page 22, Office of the Clerk of Courts, Court of Common Pleas, Logan County, Ohio, as it pertains to the subject real estate only, shall be released of record. The Certificate of Judgment was assigned to defendant, Huntington National Bank in Assignment of Judgment Entry and Certificate of Judgment filed September 12, 2003 with the Clerk of the Court of Common Pleas for Franklin County, Ohio and also filed with the Clerk of the Court of Common Pleas for Logan County, Ohio on September 18, 2003.

IT IS FURTHER ORDERED that the proceeds of the sale amounting to \$330,000.00 be distributed as follows:

| | | |
|------------------------------|-----------------|-----------|
| To the United States Marshal | | \$ 175.20 |
| Service Fee | \$ 112.50 | |
| Mileage Fee | <u>\$ 62.70</u> | |
| Total - | \$ 175.20 | |

To United States Department of Justice
for reimbursement for advertising costs \$ 1,144.36


To the Logan County Treasurer \$ 9,509.76
Parcel No. 40-025-00-00-029-000 \$7,441.05
Parcel No. 40-025-00-00-013-000 \$2,068.71
Total - \$9,509.76

To the United States Department
of Justice as satisfaction of
the judgment of the United States
of America, acting through The
Farmers Home Administration, now
known as Farm Service Agency against
Joel C. Straker \$ 97,061.98

To The Huntington National Bank \$176,152.37

To Internal Revenue Service \$ 45,956.33

Total Proceeds of Sale – \$330,000.00



ALGENON L. MARBLEY
United States District Judge

APPROVED:

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