

# Don R. Wallick Auctions, Inc.

965 N. Wooster Avenue - Strasburg, Ohio 44680 - www.WallickAuctions.com

Toll Free: 1-866-348-9446 - Tel: 330-878-0075 - Fax: 330-878-7318

# Auction

FROM Alban Title 330-343-8877

(WED)MAR 30 2011 16:06/ST. 16:06/No. 7981231848 P 1



## ALBAN TITLE

204 3rd St. NE • New Philadelphia, Ohio 44663  
Phone: (330) 343-8800 • Fax: (330) 343-8877 • www.albantitle.com

### TAX AND LEGAL REPORT

DATE: 3/30/2011

REQUESTED BY: Brooke Wallick

PROPERTY ADDRESS: 326 Pearl Street NE, New Philadelphia

PRESENT OWNER: Home Again Holdings, LLC

VOL: 1262      PAGE: 2089      TRANSFER: 7/30/2007

PARCEL NO: 43-00681.000

REAL ESTATE TAXES ARE CURRENTLY LISTED ON THE 2010 TAX  
DUPLICATE IN THE NAME OF HOME AGAIN HOLDINGS, LLC.

PARCEL NO: 43-00681.000

DESC: 1 § 1 .3465A

VALUATIONS:		TAXES:	
LAND:	5,270	GENERAL TAXES:	697.03
BUILDINGS:	16,310	REDUCTION:	-200.34
TOTAL:	21,580	10% ROLLEBACK:	
HOMESTEAD:		2 1/2 % REDUCTION:	
CAUV:		HOMESTEAD CREDIT:	
		TOTAL PER 1/2 YEAR:	496.69
Special Assessments:		UNPAID REAL:	
		CURRENT SA:	19.80
Map No.:		ADJUSTMENTS:	
		PENALTY:	49.67
		PRIOR DEL R.E.:	557.30
		TOTAL DUE:	1,123.46

Taxes for the first half year 2010 are DELINQUENT.

Taxes for the second half year 2010 are NOT YET DUE AND PAYABLE.

BY: Courtney L. Spring

This information, including any log dimensions shown, is derived solely from public records. While the information is usually reliable, it cannot be guaranteed without a full title examination and a current survey to verify its accuracy.

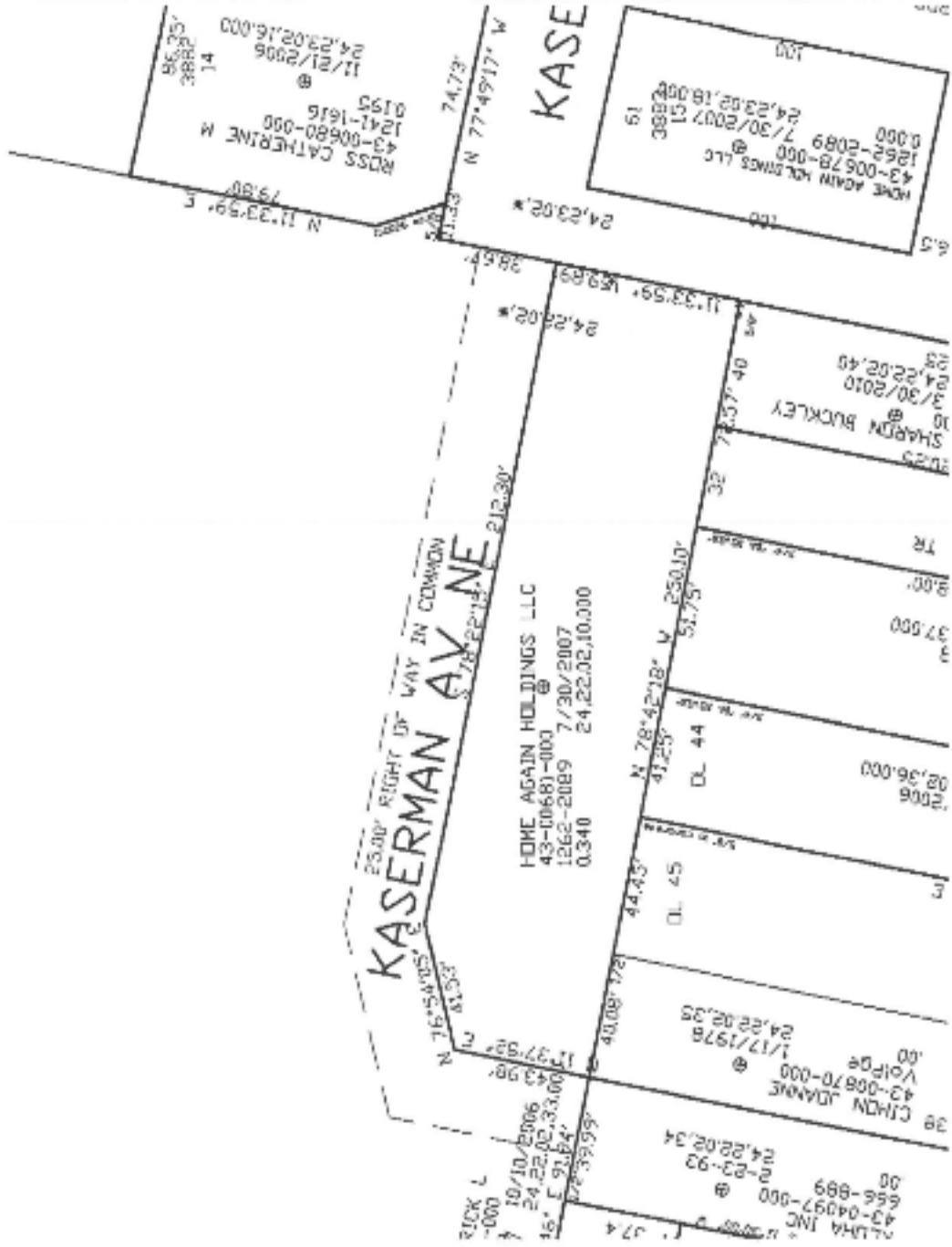
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3	11-0024-000	11-0025-000	11-0026-000	11-0027-000	11-0028-000	11-0029-000	11-0030-000	11-0031-000	11-0032-000	11-0033-000
4	11-0034-000	11-0035-000	11-0036-000	11-0037-000	11-0038-000	11-0039-000	11-0040-000	11-0041-000	11-0042-000	11-0043-000
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**TRANSFERRED**

**W1262 W12089**

0078061002  
Filed For Record In  
TUSASAWA COUNTY, OK  
LSE 1 08/14  
27-10-2007 At 03:29 pm.  
BOOKED 0 70.00  
IN Volume 1262 Page 2089 - 2090

**JUL 30 2007**

**GENERAL WARRANTY DEED**

Parcel No. 43-09802.000 WE 45-0278.000

AMT: 3,200.00  
**MATT JOY**  
Tasasawa County Auditor

KNOW EVERYONE BY THESE PRESENTS that, **BUCKEYE MACHINES AND SUPPLY COMPANY**, the Grantor, who claims title by and through the instrument recorded in Volume 218 Page 179 of the Tasasawa County Recorder's Office, for the consideration of **ONE DOLLAR AND OTHER VALUABLE CONSIDERATION (\$1.00 & OVC)**, received to its full satisfaction of **BOOM AGAIN HOLDINGS, LLC**, the Grantee, whose true mailing address will be 38 Paul Street, W. Ma, Stillwater, Okla 74067, gives, grants, bargains, sells, and conveys, with general warranty covenants (OAC § 1210.06) unto the said Grantee, its successors and assigns, the Grantor's entire interest in the following described premises more fully described as follows:

See Attached Exhibit "A"

Subject to:

Right of Way from The City National Bank to Buckeye Machine and Supply Company, dated February 23, 1935 @ 9:51 AM in Volume 218, Page 179 of the Tasasawa County Records.

Reservation from John B. Conway to the C.R.R. Co. filed in Volume 123, Page 300 of the Tasasawa County Records.

Right of Way from Chas. C. and Nancy B. Conway to Charles Lutzer dated June 5, 1912 @ 5:00 AM in Volume 149, Page 478 of the Tasasawa County Records.

Easement file in Volume 365, Page 471 of the Tasasawa County Records.

Subject to any and all conditions, reservations, restrictions, covenants, leases, right-of-ways, and other matters of record, and further subject to applicable zoning ordinances and all legal highways.

TO HAVE AND TO HOLD the above-granted and bargained premises, with the appurtenances thereto belonging, unto the said Grantee, its successors and assigns forever.

Grantor, for valuable consideration paid, grants to Grantee, an estate over the land of Grantor as described in the deed recorded in Volume 218, Page 179 of the Tasasawa



W1262 W#2090

County Official Records, to be used as a walkway and driveway to and from the abutting lands of Grantor and Grantee for the use and benefit of Grantee and Grantee, their successors and assigns, their tenants, and for licensees, employees, visitors, and others using the easement for the convenience of Grantee or Grantee, their successors and assigns, and their tenants. This location and extent of the easement is described in Exhibit D attached hereto and incorporated herein.

Executed this 27th day of April, 2007.

Huckeye Machine and Supply Company,  
an Ohio Corporation

Marcia L. Stuart  
By \_\_\_\_\_  
In \_\_\_\_\_

STATE OF OHIO, TUSCARAWAS COUNTY:

Before me, a Notary Public in and for said County and State, personally appeared the above-named HUCKEYE MACHINE AND SUPPLY COMPANY, an Ohio Corporation, by Marcia L. Stuart, its President, who acknowledged that he did sign the foregoing instrument, and that the same is his free act and deed and the free act and deed of said company, and that he is duly authorized herein.

The foregoing instrument was acknowledged before me this 27th day of April, 2007, by Marcia L. Stuart, President.

COURTNEY B. SCURF  
Notary Public

This instrument prepared by:  
James F. Conklin, Esq.  
ERUGLEAK, WILKINS, GRIFFITHS  
& DOUGHERTY CO., L.P.A.  
4775 Madison Street, N.W.  
P.O. Box 36963  
Canton, OH 44705-6963  
Phone: (330) 497-0700  
Fax: (330) 497-4020  
TU98392



**COURTNEY B. SCURF**  
Notary Public, State of Ohio  
My Commission Expires May 22, 2012

APPROVED  
City of New Philadelphia  
Sanitary Director's Office  
7-26-07  
[Signature]

Notary Public for Tuscarawas County, Ohio

NE1262 NE2091

SCHEDULE A  
LEGAL DESCRIPTION

File Number TL35592 PAGE #:

Sited in the City of New Philadelphia, County of Tuscarawas and the State of Ohio.

Being part of the First Quarter of Township 8, Range 2 and being all of the residue of a 1.95 acre tract as conveyed to Buckeye Machine and Supply Company by a deed recorded in Volume 218, Page 179 of the Tuscarawas County Deed Records, Auditor's Parcel No. 43-00681.000 and being more fully described as follows:

Beginning at a 5/8" iron pin (found) at the northeast corner of the East Addition as recorded in Deed Volume 35, Page 265 of the Tuscarawas County Deed Records, the southeast corner of the aforementioned 1.95 acre tract and on the west line of Pearl Street, NE;

thence from said beginning and with the north line of said East Addition and the south line of said 1.95 acre tract, N 79°42'18" W, 250.10 feet to an iron pin (set) on the north line of said East Addition and on the south line of said 1.95 acre tract and passing on the iron pin (found) at 72.57 feet, 124.32 feet, 185.57 feet and an iron pipe (found) at 210.02 feet;

thence with a new line through said 1.95 acre tract, N 11°37'52" E, 43.80 feet to an iron pin (set);

thence with a new line through said 1.95 acre tract, N 75°54'05" E, 41.53 feet to an iron pin (set);

thence with a new line through said 1.95 acre tract, S 79°22'15" E, 212.50 feet to an iron pin (set) on the east line of said 1.95 acre tract and on the west line of said Pearl Street, N.E.;

thence with the east line of said 1.95 acre tract and the west line of said Pearl Street, NE, S 11°37'55" W, 53.58 feet to the Place of Beginning, containing 0.3425 of an acre (14,831 square feet), more or less, but subject to all legal highways, easements, reservations and restrictions of record.

Bearings are oriented to the 1.907 acre tract as recorded in O.R. 1156, Page 1180 of the Tuscarawas County Official Records.

All iron pins set are 3/4" x 3/4" round steel bars with plastic caps stamped "D A Bower 5753".

Description prepared by D. A. Bower, Registered Surveyor No. 5753 in March 2007.

Parcel #43-00681.000

PARCEL #:

Sited in the City of New Philadelphia, County of Tuscarawas and State of Ohio:

Being Lot Number Fifteen (15) in the Alteration of Geesman's Addition to the City of New Philadelphia, Ohio,

Map #3853.

END OF LEGAL DESCRIPTION

ML1262 REE2092

DESCRIPTION OF A 25 FOOT RIGHT-OF-WAY TO  
BE USED IN COMMON WITH OTHERS

Situated in the City of New Philadelphia, County of Tuscarawas and the State of Ohio.

Being located in the First Quarter of Township 4, Range 3 and being part of a 1.95 acre tract as conveyed to Backeye Machine and Supply Company by a deed recorded in Volume 213, Page 179 of the Tuscarawas County Deed Records, Auditor's Parcel No. 43-00281.000 and being more fully described as follows:

Beginning at an iron pin (not) on the east line of the aforementioned 1.95 acre tract and on the west line of Pearl Street, NE, said pin being located N 11° 33' 59" E, 59.89 feet from a 5/8" iron pin (found) at the northeast corner of the East Addition as recorded in Deed Volume 35, Page 296 of the Tuscarawas County Deed Records;

thence from said beginning and with a new line through said 1.95 acre tract, N 70° 22' 15" W, 212.30 feet to an iron pin (not);

thence with a new line through said 1.95 acre tract, S 78° 54' 00" W, 41.53 feet to an iron pin (not);

thence with a new line through said 1.95 acre tract, S 73° 00' 28" W, 92.97 feet to an iron pipe (found) on the south line of said 1.95 acre tract, on the north line of said East Addition and the northeast intersection of 3<sup>rd</sup> Drive, NE and a 20 foot alley;

thence with the south line of said 1.95 acre tract, the north line of said East Addition and the north line of said 20 foot alley, N 70° 28' 45" W, 10.24 feet to a 5/8" iron pin (found) at the southwest corner of said 1.95 acre tract, on the north line of said 20 foot alley and the southeast corner of a 0.33 acre tract as conveyed to Alfred Rogers Zigmund (Volume 762, Page 148);

thence with the west line of said 1.95 acre tract and the east line of said 0.33 acre tract, N 11° 18' 39" E, 22.87 feet to a point on the west line of said 1.95 acre tract and on the east line of said 0.33 acre tract.

Consulting Engineers & Surveyors



71262 2093

266700016479  
ALPHABETIC TITLE  
FEEL UP

thence with a new line through said 1.85 acre tract, N 73° 07' 25" E, 92.01 feet to a point;

thence with a new line through said 1.95 acre tract, N 70° 54' 05" E, 47.84 feet to a point;

thence with a new line through said 1.95 acre tract, S 70° 32' 15" E, 217.76 feet to a point on the east line of said 1.95 acre tract and on the west line of said Pearl Street, NE;

thence with the east line of said 1.95 acre tract and the west line of said Pearl Street, NE, S 11° 33' 59" W, 25.33 feet to the Place of Beginning, containing 8.2848 of an acre, more or less.

Bearings are obtained to the 1.307 acre tract as recorded in O.R. 1158, Page 1160 of the Tuscarawas County Official Records.

All iron pins set are 3/8" x 4" round steel bars with plastic caps stamped "D. A. Bower 5755".

Description prepared by D.A. Bower, Registered Surveyor No. 5755 in March 2003.

*D.A. Bower*  
 David A. Bower  
 No. 5755

FILED  
COURT OF COMMON PLEAS  
TUSCARAWAS COUNTY OHIO

2011 MAR 17 A 11:47

ROCKNE W. CLARKE  
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS  
TUSCARAWAS COUNTY, OHIO

HUNTINGTON NATIONAL BANK,	)	
	)	CASE NO. 2011 CF 01 0034
Plaintiff,	)	
	)	JUDGE O'FARRELL
v.	)	
	)	
HOME AGAIN HOLDINGS LLC, ET AL.	)	
	)	
Defendants.	)	

**ORDER APPOINTING LICENSED AUCTIONEER TO CONDUCT  
PUBLIC AUCTION OF LAND AND SETTING SALE PROCEDURES**

Upon motion of Plaintiff The Huntington National Bank (hereinafter "Huntington"), and for good cause shown, the Court hereby finds as follows:

1. Pursuant to Ohio Revised Code §§2335.021, 2329.151 and 2329.07, and because it is in the best interests of Huntington, the first mortgage holder, the other lienholders and this Court, for the public sale process to be completed as expeditiously as possible, Huntington is entitled to an order appointing Wallick Auctions, Inc., 965 N. Wooster Avenue, Strasburg, Ohio 44680 (the "Auctioneer"), an auctioneer licensed under Chapter 4707 of the Ohio Revised Code, to conduct a public auction of the subject real estate in this case.

IT IS FURTHER ORDERED that the Auctioneer shall appoint three disinterested freeholders and residents of Tuscarawas County to appraise the property, and that these three appraisers shall be entitled to reasonable compensation, which shall be taxed as court costs.

IT IS FURTHER ORDERED that advertisement of the sale will be completed by the Auctioneer in expeditiously with three consecutive weeks' publication, and that the Auctioneer is authorized to conduct the sale at the location of the property.

IT IS FURTHER ORDERED that the Auctioneer may place signs at the property to advertise the auction of sale, change the locks at said property, show the vacant property to potential bidders; and that the Auctioneer may collect the sale proceeds to hold in escrow and disburse the proceeds of the auction pursuant to further court order.

IT IS FURTHER ORDERED that the Auctioneer shall not sell the premises for less than two thirds of the appraised value, with a deposit of 10 percent, up to a maximum of \$10,000.00 by cash or cashier's check at the time the bid is accepted. The balance is to be paid by cash or cashier's check within 30 days of the date of sale.

IT IS FURTHER ORDERED that upon completion of the sale, the Auctioneer shall prepare and submit to the Court a report of the results of the sale and, upon the Court's approval, an entry confirming the sale, ordering the distribution of sale proceeds, providing for the payment of all costs, authorizing the delivery of the deed, and ordering the Sheriff to issue a deed to the successful purchaser.

IT IS SO ORDERED.

  
Judge, Court of Common Pleas 3/16/2011

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**Auction Conducted By:**  
**Don R. Wallick Auctions, Inc.**  
**Auctioneers: Don R. Wallick**  
**Brennan R. Wallick**  
**Ryan W. Wallick**

Don R. Wallick Auctions, Inc.  
965 N. Wooster Avenue  
Strasburg, Ohio 44680  
Info@WallickAuctions.com  
<http://www.WallickAuctions.com>



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