

FILED  
COMMON PLEAS COURT

2024 MAR 21 P 2:55

ANDREW D. PLESICH  
CLERK OF COURTS  
JEFFERSON COUNTY, OH

IN THE COURT OF COMMON PLEAS  
JEFFERSON COUNTY, OHIO

CONSUMERS NATIONAL BANK,	)	
SUCCESSOR TO THE PEOPLES	)	
NATIONAL BANK OF MT. PLEASANT	)	CASE NO.: 2023CV00285
	)	
Plaintiff	)	JUDGE MICHELLE G. MILLER
	)	
vs.	)	
	)	
JOHN M. LEONE, et al.	)	
	)	
Defendants	)	

**ORDER AND ENTRY APPOINTING PRIVATE SELLING OFFICER TO CONDUCT  
PUBLIC AUCTION OF REAL PROPERTY**

This matter is before the Court upon the Motion of Plaintiff, Consumers National Bank, successor by merger to The Peoples National Bank of Mt. Pleasant (“CNB”), for the Appointment of a Private Selling Officer to Conduct Public Auction of Real Property and for Other Orders (“Motion”). For good cause shown, it appearing that a public auction of the subject real property would be in the best interest of the parties, and pursuant to the provisions of Ohio Revised Code Sections 2329.152, 2335.021 and 2329.39, the Court hereby makes the following orders:

1. Eugene R. Kiko is hereby appointed private selling officer (the “Private Selling Officer”) to conduct a public auction of the real property commonly known as 4948 State Route 151, Mingo Junction, Ohio 43938 (the “Premises”); and

2. Private Selling Officer is to publish notice of such sale once a week for no less than three (3) successive weeks in both the Herald Star and the Weirton Daily Times for the Premises; and

3. Private Selling Officer shall not sell the Premises for less than two-thirds of the Jefferson County Sheriff's appraised value, with a deposit by cashier's check at the time the bid is accepted for ten percent (10%) or \$10,000.00, whichever is less. The balance is to be paid by cashier's check or wire transfer within thirty (30) days from the date of the confirmation of the sale and if not paid by that date, the deposit shall be forfeited to CNB and Private Selling Officer equally after payment of expenses and costs. Those real estate taxes due and payable shall be paid by the Private Selling Officer after payment in full by the successful purchaser, if any, in order to effectuate the deed transfer by Private Selling Officer, which payment shall be allowed through a confirmation order; and

4. The public auction of the Premises shall be conducted at the Premises at such time and date the Private Selling Officer determines and which is published by advertisement; and

5. The Private Selling Officer is hereby authorized and empowered to preserve and protect the Premises pending the auction, including changing the locks, if necessary, but only to the extent that such portion of the Premises is vacant. Any such expenses shall be taxed as costs in this action; and

6. The Private Selling Officer shall be entitled to place advertising signs at the Premises for the public auction(s); and

7. For its services, Private Selling Officer shall receive a fee of ten percent (10%) buyer's premium or \$3,500.00 for a buyer's purchase, whichever is greater, or 5% percent of a credit bid amount or \$3,500.00 for a credit bid by CNB, whichever is greater, for sale of the

Premises, plus reimbursement of all reasonably necessary advertising costs not to exceed \$3,500.00, all of which amounts shall be charged as costs in this proceeding. The Private Selling Officer is empowered to spend funds up to this limit, as may be reasonably necessary, to cultivate the highest possible interest in the Premises; and

8. Upon completion of the sale of Premises, Private Selling Officer shall prepare and submit to the Court a report of the result of the sale, and upon the Court's approval and entry of an Order confirming the sale, ordering the distribution of sale proceeds, providing for the payment of all costs, and authorizing the delivery of the deed, the Private Selling Officer shall issue the deed to the successful purchaser; and

9. The Private Selling Officer shall hire a title insurance agent licensed under Ohio Revised Code Section 3953 or a title insurance company authorized to do business under that chapter to perform title, escrow, and closing services related to the sale of the Premises; and

10. No poundage or other statutory fees shall be paid to the Sheriff by the Private Selling Officer in conjunction with the sale of the Premises, with the exception of the Sheriff's fee for the preparation of costs associated for appraisal of the Premises to be paid from the proceeds of sale; and

11. Any sale of the Premises shall not disturb the Oil & Gas Lease between Ronald M. Kontra and Theresa A. Kontra and Salt Fork Resources, LLC, filed for record on August 14, 2017, at OR Volume 1258, Page 406 of the Jefferson County Records; and

12. Pursuant to Ohio Civil Rule 54(B), the Court finds that there is no just reason for delay in entering this Order. This is a final appealable Order.

IT IS SO ORDERED.

  
\_\_\_\_\_  
JUDGE MICHELLE G. MILLER

APPROVED:



---

Robert B. Trattner (0062088)

Thomas, Trattner & Malone, LLC

1653 Merriman Road, #203

Akron, Ohio 44313

Tele: (330) 253-5738

Fax: (330) 253-5743

[rtrattner@ttmlaw.com](mailto:rtrattner@ttmlaw.com)

Attorney for Consumers National Bank,

successor by merger to The Peoples

National Bank of Mt. Pleasant

### CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Order Granting Motion for the Appointment of Private Settling Officer and Other Orders was sent by regular U.S. Mail service this \_\_\_\_\_ day of \_\_\_\_\_, 2024, to:

Robert B. Trattner, Esq.  
Thomas, Trattner & Malone, LLC  
1653 Merriman Road, #203  
Akron, Ohio 44313

Cerryn R. Cottrell Marshall, Esq.  
Assistant County Prosecuting Attorney  
16001 State Route 7  
Steubenville, OH 43952

Melissa D. Timko Jackson  
4907 State Route 151  
Mingo Junction, OH 43938

Cliff G. Babcock, Esq.  
Reimer Law Co.  
P.O. Box 39696  
31500 Bainbridge Road  
Solon, OH 44139

Michael G. Bednar  
Blake, Bednar, Blake and Richardson  
4110 Sunset Blvd.  
Steubenville, OH 43952

The Estate of Frederick A. Galea-Leone  
716 Pierce  
Toronto, OH 43964

The Unknown Spouse of  
Frederick A. Galea-Leone  
716 Pierce  
Toronto, OH 43964

Bank of America, N.A.  
c/o CT Corporation System, Statutory Agent  
4400 Easton Commons Way, Suite 125  
Columbus, Ohio 43219