

**IN THE COMMON PLEAS COURT OF
OTTAWA COUNTY, OHIO**

Hilary A. Moore,	:	Case No. 02-DRA-064
	:	
	:	
Plaintiff,	:	Judge Paul C. Moon
	:	Magistrate Bruce A. Winters
	:	
	:	
v.	:	<u>ORDER; TO THE OTTAWA COUNTY</u>
	:	<u>RECORDER, RE: REAL ESTATE</u>
	:	
	:	
John Robert Moore, IV,	:	
	:	
	:	
Defendant.	:	

* * * * *

{¶1} This cause is before this Court upon its Findings of Fact & Conclusions of Law; Decision & Orders (“Decision & Orders”) filed January 4, 2006, in which this Court, *sua sponte*, appointed a receiver and an attorney to represent the receiver, and joined all businesses and property owned in whole or in part by the Defendant or Plaintiff, including Defendant’s father, John R. Moore, III, who is an officer of several businesses or property owned in part by Defendant. This **Order; To The Ottawa County Recorder, Re: Real Estate** (“Order to the Ottawa County Recorder”) is to bring to the attention of the Ottawa County Recorder, the fact that a receiver has been appointed in this matter and that the receiver is empowered to: (1) take

COMMON PLEAS COURT OF OTTAWA COUNTY

possession of the property; (2) preserve the property; (3) sell the property; and (4) bring and defend actions. Most importantly, the property owned by the Defendants in this matter may not be sold or transferred without prior approval of this Court.

{¶2} The entities, and the underlying real estate, which the receiver (and any agent, employee or individual authorized by the receiver) are instructed to sell, include, but are not limited to: (1) Treasure Cove Marina, Inc., dba Moore Marine, Inc.; (2) The Yacht Center, Inc.; (3) Moore Business Consulting, Inc.

{¶3} The real estate which the receiver is empowered to sell, includes, but is not limited to, is reflected in Table 1:

Table 1

Description	Address
Treasure Cove Marina, Inc. dba Moore Marine, Inc.	(1) 2555 N.E. Catawba Road, Port Clinton, OH 43452 (2) 904 S.E. Catawba Road, Port Clinton, OH 43452 (3) 6000 Summit Street, Toledo, OH 43611
The Yacht Centre, Ltd.	(1) 1991 N.E. Catawba Road, Port Clinton, Ohio 43452
John R. Moore Rental Properties	(1) 2542 N.E. Catawba Road, Port Clinton, OH 43452
Moore Business Consulting, LLC	(1) 250 S.E. Catawba Road, Port Clinton, OH 43452
Cove West Properties	(1) 2542 N.E. Catawba Road, Port Clinton, OH 43452

COMMON PLEAS COURT OF OTTAWA COUNTY

{¶4} Most importantly, the Ottawa County Recorder is directed not to permit the transfer of real estate belonging to any of the Defendants in this matter, including, but not limited to: (1) Treasure Cove Marina, Inc., dba Moore Marine, Inc.; (2) The Yacht Centre, Inc.; (3) John R. Moore Rental Properties; (4) Moore Business Consulting, LLC; (5) Cove West Properties; (6) Moore's Auto Showcase, Inc. dba The Auto Connection; (7) Moore's All Tune & Lube, Inc. dba The Lube Connection, Inc.; (8) Great Lakes Marine Transit, Inc.; (9) Pure Force Powerwashing, LLC.

{¶5} The purpose of this Order is *primarily* to secure the equity in the real estate assigned to the Plaintiff. The second purpose of this Order is to enable the Ottawa County Recorder's Office to refuse the transfer of any real estate owned by the named Defendants for the purpose of preventing irreparable loss of property and the preservation of Plaintiff's rights. Accordingly,

{¶6} IT IS ORDERED, ADJUDGED, and DECREED that the Ottawa County Recorder shall refuse to transfer any real estate owned in whole or in part, by any of the named Defendants, unless approval of this Court is first obtained;

{¶7} IT IS FURTHER ORDERED, ADJUDGED, and DECREED that costs of this proceeding are to be paid by Defendant;

{¶8} IT IS FURTHER ORDERED, ADJUDGED, and DECREED that this Court's Order to the Ottawa County Recorder serves as both the magistrate's decision and the trial court's judgment adopting the magistrate's decision. Civ.R. 53(E)(4)(c) specifically allows the trial court to adopt a magistrate's decision *immediately* without waiting for objections to be filed:

COMMON PLEAS COURT OF OTTAWA COUNTY

“the court may adopt a magistrate’s decision and enter judgment without waiting for timely objections by the parties, but the filing of timely written objections shall operate as an automatic stay of execution of that judgment until the court disposes of those objections and vacates, modifies, or adheres to the judgment previously entered.”¹

{¶9} Because of the significance of this case, the trial court has thoroughly reviewed the record, all pleadings, the relevant case law, trial testimony, numerous trial exhibits and the transcripts of prior hearings concerning the financial status of the Defendant.

{¶10} IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Clerk of Courts shall send copies of this Order to the Ottawa County Recorder to all parties of record or their counsel by regular U.S. Mail.

{¶11} IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Clerk of Courts shall cause to be served upon the individual new third party Defendant, John R. Moore, III, as set forth in the attached Certificate of Service, by certified mail with a return receipt requested, and by personal service through the Ottawa County Sheriff, a copy of this Order to the Ottawa County Recorder. The Clerk shall serve this summons in the manner prescribed by Civil Rule 4.1.

¹ *Clendenen v. Fannin Realty, Inc.*, 2002 Ohio 4548, P13 (Ohio Ct. App. 2002)

COMMON PLEAS COURT OF OTTAWA COUNTY

{¶12} IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Clerk of Courts shall cause to be served upon the new third party Defendant entities, a copy of this Order to the Ottawa County Recorder. The Clerk shall serve this summons by certified mail, and by personal service through the Ottawa County Sheriff, in the manner prescribed by Civil Rule 4 through 4.3 and 4.6(A) and (B).

JANUARY 4, 2006

PAUL C. MOON, JUDGE

JANUARY 4, 2006

BRUCE A. WINTERS, MAGISTRATE

COMMON PLEAS COURT OF OTTAWA COUNTY

CERTIFICATE OF SERVICE

A copy of the foregoing "Order to the Ottawa County Recorder" was delivered by personal service through the Ottawa County Sheriff, in the manner prescribed by Civil Rule 4 through 4.2, this 4th day of January, 2006, to the following:

John R. Moore Rental Properties
John R. Moore, IV
32790 Briarwood Court
Avon Lake, OH 44012
New Third Party Defendant

Treasure Cove Marina, Inc.
John R. Moore, IV, Officer
32790 Briarwood Court
Avon Lake, OH 44012
New Third Party Defendant

Treasure Cove Marina, Inc.
John R. Moore, III, Officer
32790 Briarwood Court
Avon Lake, OH 44012
New Third Party Defendant

Moore Marine, Inc.
James L. Reinheimer, Statutory Agent
208 Madison Street
Port Clinton, OH 43452
New Third Party Defendant (Registration No. 1206847)

Moore Marine, Inc.
John R. Moore, IV, Officer
32790 Briarwood Court
Avon Lake, OH 44012
New Third Party Defendant (Registration No. 1206847)

COMMON PLEAS COURT OF OTTAWA COUNTY

Moore Marine, Inc.
J. Earl Ley, Statutory Agent
2742 N. Muncey Ave.
Port Clinton, OH 43452
New Third Party Defendant (Registration No. 470982)

Moore Marine, Inc.
John R. Moore, IV, Officer
32790 Briarwood Court
Avon Lake, OH 44012
New Third Party Defendant (Registration No. 470982)

The Yacht Centre, Ltd.
Mr. James L. Reinheimer, Statutory Agent
208 Madison Street
Port Clinton, OH 43452
New Third Party Defendant (Registration No. LL2432)

The Yacht Centre, Ltd.
John R. Moore, IV, Officer
32790 Briarwood Court
Avon Lake, OH 44012
New Third Party Defendant (Registration No. LL2432)

Cove West Properties
John R. Moore, IV,
32790 Briarwood Court
Avon Lake, OH 44012
New Third Party Defendant

Moore's Auto Showcase, Inc. dba The Auto Connection
James L. Reinheimer, Statutory Agent
208 Madison Street
Port Clinton, OH 43452
New Third Party Defendant (Registration No. 1206845)

COMMON PLEAS COURT OF OTTAWA COUNTY

Moore's Auto Showcase, Inc. dba The Auto Connection
John R. Moore, IV, Officer
32790 Briarwood Court
Avon Lake, OH 44012
New Third Party Defendant

Great Lakes Marine Transit, Inc.
J. Earl Ley, Statutory Agent
2742 N. Muncey Ave.
Port Clinton, OH 43452
New Third Party Defendant (Registration No. 684585)

Great Lakes Marine Transit, LLC
Hugh G. Wheeler, Jr., Statutory Agent
980 Wilcox Road
Port Clinton, OH 43452
New Third Party Defendant (Registration No. 1458572)

The Huntington National Bank
Attn: Toni Gerald Perry
Assistant Vice President
Commercial Real Estate Division
917 Euclid Ave. CM17
Cleveland, OH 44115
New Third Party Defendant

John R. Moore, III
4245 Colony Club Drive
Port Clinton, OH 43452
New Third Party Defendant

(Continued)

COMMON PLEAS COURT OF OTTAWA COUNTY

A copy of the foregoing “Order to the Ottawa County Recorder” was delivered by certified mail, in the manner prescribed by Civil Rule 4 through 4.3 and 4.6(A) and (B), this 4th day of January, 2006, to the following:

Frederic E. Matthews, Esq.
Rayle, Mathews & Coon
100 S. Main Street
Bowling Green, OH 43402
Attorney for Plaintiff Hilary A. Moore

Melvin G. Nusbaum, Esq.
Spitzer Building, Suite 840
520 Madison Ave.
Toledo, OH 43604-1387
Attorney for Plaintiff Hilary A. Moore

Martin J. Holmes, Esq.
Martin E. Mohler, Esq.
Shindler, Neff, Holmes, Schlageter & Mohler, L.L.P
1200 Edison Plaza
300 Madison Ave.
Toledo, OH 43604-1556
Attorneys for Defendant John Robert Moore, IV

Bernard H. Niehaus, Esq.
Frantz, Ward LLP
2500 Key Center
127 Public Square
Cleveland, OH 44114-1230
Receiver Appointed by the Ottawa County Court of Common Pleas

John Coppler, Esq.
Flynn, Py and Kruse
115 West Perry Street
Port Clinton, OH 43452
Attorney Appointed by the Ottawa County Court of Common Pleas to Represent Receiver

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32790 Briarwood Court
Avon Lake, OH 44012
New Third Party Defendant

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6000 Summit Street
Toledo, OH 43611
New Third Party Defendant

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John R. Moore, III
4245 Colony Club Drive
Port Clinton, OH 43452
New Third Party Defendant

A copy of the foregoing "Order to the Ottawa County Recorder" was delivered by regular mail, this 4th day of January, 2006, to the following:

Ottawa County Recorder's Office
315 Madison Street
Port Clinton, Ohio 43452

JANUARY 4, 2006

JOAN MONNETT, CLERK OF COURTS
/DEPUTY CLERK

Note: If there is a party and/or attorney not listed above, but is reflected on the Clerk's Docket as not excused, the Clerk's Office will add them to this page.