

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

Hilary A. Moore,	:	Case No. 02-DRA-064
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	:	
Plaintiff,	:	Judge Paul C. Moon
	:	Magistrate Bruce A. Winters
	:	
	:	
v.	:	<b><u>ORDER; TO THE OTTAWA COUNTY</u></b>
	:	<b><u>SHERIFF, RE: RECEIVER</u></b>
	:	
	:	
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 a shareholder of several businesses or property owned in part by Defendant. This **Order; To The Ottawa County Sheriff, Re: Receiver** (“Order to the Ottawa County Sheriff”) is to bring to the attention of the Ottawa County Sheriff, the fact that a receiver has been appointed in this matter and that the receiver is empowered to: (1) take possession of

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the property; (2) preserve the property; (3) sell the property; and (4) bring and defend actions. Most importantly, the receiver is authorized to take possession of the property, and may not be prevented from doing so by any agent, employee or other individual acting on behalf of the Defendant, John R. Moore, IV, or his father, John R. Moore, III, or any employee of any entity owned in whole or in part by the Plaintiff, Defendant, or Defendant's father, John R. Moore, III.

{¶2} The entities, and the underlying real estate, upon which the receiver (and any agent, employee or individual authorized by the receiver) are permitted, include, but are not limited to: (1) Treasure Cove Marina, Inc., dba Moore Marine, Inc.; (2) The Yacht Center, Inc.; (3) John R. Moore Rental Properties; (4) Moore Business Consulting, Inc.; (5) Cove West Properties, Inc.; (6) Moore's Auto Showcase, Inc. dba The Auto Connection; (7) Moore's All Tune & Lube, Inc. dba The Lube Connection; (8) Great Lakes Marine Transit, Inc.; (9) Pure Force Powerwashing, Inc.; (10) The Huntington National Bank; and (11) John R. Moore, III.

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

**Table 1**

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<b>Description</b>	<b>Address</b>
John Robert Moore, III	4245 Colony Drive, Port Clinton, OH 43452
John Robert Moore, IV	32790 Briarwood Court, Avon Lake, OH 44012
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

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	(4) John R. Moore, III, 4245 Colony Drive, Port Clinton, OH 43452 (5) John R. Moore, IV, 32790 Briarwood Court, Avon Lake, OH 44012
The Yacht Centre, Ltd.	(1) 1991 N.E. Catawba Road, Port Clinton, Ohio 43452 (2) John R. Moore, III, 4245 Colony Drive, Port Clinton, OH 43452 (3) John R. Moore, IV, 32790 Briarwood Court, Avon Lake, OH 44012
John R. Moore Rental Properties	(1) 2555 N.E. Catawba Road, Port Clinton, OH 43452 (2) John R. Moore, IV, 32790 Briarwood Court, Avon Lake, OH 44012
Moore Business Consulting, LLC	(1) 250 S.E. Catawba Road, Port Clinton, OH 43452 (2) John R. Moore, IV, 32790 Briarwood Court, Avon Lake, OH 44012
Cove West Properties	(1) 2542 N.E. Catawba Road, Port Clinton, OH 43452 (2) John R. Moore, IV, 32790 Briarwood Court, Avon Lake, OH 44012
Moore's Auto Showcase Inc. dba The Auto Connection	(1) John R. Moore, IV, 32790 Briarwood Court, Avon Lake, OH 44012
Moore's All Tune & Lube, Inc. dba The Lube Connection	(1) 250 S.E. Catawba Road, Port Clinton, OH 43452 (2) John R. Moore, IV, 32790 Briarwood Court, Avon Lake, OH 44012
Great Lakes Marine Transit, Inc.	(1) John R. Moore, III, 4245 Colony Drive, Port Clinton, OH 43452 (2) John R. Moore, IV, 32790 Briarwood Court, Avon Lake, OH 44012
Pure Force Powerwashing, LLC	(1) John R. Moore, IV, 32790 Briarwood Court, Avon Lake, OH 44012

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{¶4} Most importantly, because of the volatile nature of Defendant, the Ottawa County Sheriff is directed to accompany the receiver and/or any of his agents, employees or individuals authorized by the receiver to act on his behalf, onto the premises of any entity listed above (with the exception of Huntington Bank and any premises outside of Ottawa County). The purpose of this Order is *primarily* to secure the safety of the receiver and/or any of his agents, employees or

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individuals authorized by the receiver to act on his behalf. The second purpose of this Order is to permit the receiver to contact the Ottawa County Sheriff's Office to request, within a reasonable amount of time, *and circumstances permitting*, that a deputy sheriff accompany him onto the named premises for the purpose of preventing irreparable loss of property and the preservation of Plaintiff's rights. Accordingly,

{¶5} IT IS ORDERED, ADJUDGED, and DECREED that the Ottawa County Sheriff shall accompany the receiver, Mr. Bernard H. Niehaus, Esq. and/or any of his agents, employees or individuals authorized by the receiver to act on his behalf, onto the named premises, *circumstances permitting*, to: (1), ensure the safety of the receiver and/or any of his agents, employees or individuals authorized by the receiver to act on his behalf, and (2) prevent irreparable loss of property and the preservation of Plaintiff's rights;

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

{¶7} IT IS FURTHER ORDERED, ADJUDGED, and DECREED that this Court's Order to the Ottawa County Sheriff 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: "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."<sup>1</sup>

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

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{¶8} 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.

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

**{¶10} 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 Sheriff. The Clerk shall serve this summons in the manner prescribed by Civil Rule 4.1.**

**{¶11} 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 Sheriff. The Clerk shall serve this summons by certified mail with a return receipt requested, 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

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PAUL C. MOON, JUDGE

JANUARY 4, 2006

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BRUCE A. WINTERS, MAGISTRATE

COMMON PLEAS COURT OF OTTAWA COUNTY

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**CERTIFICATE OF SERVICE**

A copy of the foregoing "Order to the Ottawa County Sheriff" was delivered by personal service through the Ottawa County Sheriff, in the manner prescribed by Civil Rule 4 through 4.2, this 4<sup>th</sup> 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

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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

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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*

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COMMON PLEAS COURT OF OTTAWA COUNTY

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A copy of the foregoing “Order to the Ottawa County Sheriff” was delivered by certified mail, in the manner prescribed by Civil Rule 4 through 4.3 and 4.6(A) and (B), this 4<sup>th</sup> 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*

COMMON PLEAS COURT OF OTTAWA COUNTY

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2542 N.E. Catawba Road  
Port Clinton, OH 43452  
*New Third Party Defendant*

John R. Moore Rental Properties  
John R. Moore, IV  
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Port Clinton, OH 43452  
*New Third Party Defendant*

Treasure Cove Marina, Inc.  
250 S.E. Catawba Road  
Port Clinton, OH 43452  
*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.  
6000 Summit Street  
Toledo, OH 43611  
*New Third Party Defendant*

COMMON PLEAS COURT OF OTTAWA COUNTY

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*New Third Party Defendant*

Moore's Auto Showcase, Inc. dba The Auto Connection  
John R. Moore, IV, Officer  
32790 Briarwood Court  
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J. Earl Ley, Statutory Agent  
2742 N. Muncey Ave.  
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*New Third Party Defendant (Registration No. 684585)*

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980 Wilcox Road  
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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*

COMMON PLEAS COURT OF OTTAWA COUNTY

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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 Sheriff" was delivered by regular mail, this 4<sup>th</sup> day of January, 2006, to the following:

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

JANUARY 4, 2006

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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.