

*Margaret  
S. ...*

DANIEL M. HARRIGAN

2006 MAY -1 AM 11:31

SUMMIT COUNTY  
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS

SUMMIT COUNTY, OHIO

IN RE:	)	MISC. NO. 325
CERTIFICATE OF READINESS FOR	)	
FORECLOSURE ACTIONS FILED IN	)	
THE COURT OF COMMON PLEAS -	)	<b><u>ORDER</u></b>
<u>GENERAL DIVISION</u>	)	

DUE TO THE DRAMATIC INCREASE OF FORECLOSURE ACTIONS FILED AND THE NUMBER OF CLAIMS FILED BY PARTIES OTHER THAN THE ORIGINAL MORTGAGEE AND NOTE HOLDER, THE JUDGES OF THE COMMON PLEAS COURT – GENERAL DIVISION HAVE DETERMINED THAT WHEN A FORECLOSURE CASE IS FILED THE USE OF A CERTIFICATE OF READINESS IS NECESSARY TO ALLOW THAT SUBSTANTIAL JUSTICE BE DONE AND TO ENSURE JUDICIAL EFFICIENCY. CURRENT CIRCUMSTANCES ALSO REQUIRE A MODIFICATION OF THE TIME IN WHICH TO FILE THE PRELIMINARY JUDICIAL REPORT, SHORTENING THE TIME TO FILE SUCH PRELIMINARY JUDICIAL REPORT FROM SIXTY DAYS AFTER FILING THE COMPLAINT TO CONTEMPORANEOUS WITH THE FILING OF PLAINTIFF’S COMPLAINT.

THE COURT HEREBY INCORPORATES, BY REFERENCE, THE ATTACHED CERTIFICATE OF READINESS, WHICH IS REQUIRED TO BE FILED

WITH THE CLERK OF COURTS AT THE TIME THE PLAINTIFF'S COMPLAINT IN FORECLOSURE IS FILED. THE COMPLAINT IN FORECLOSURE, THE PRELIMINARY JUDICIAL REPORT AND THE CERTIFICATE OF READINESS SHALL ALL BE FILED CONTEMPORANEOUSLY.

TO ADOPT THESE PROCEDURES, THE RULES OF PRACTICE AND PROCEDURE OF THE COURT OF COMMON PLEAS – GENERAL DIVISION, RULES 11.01 AND 11.02 SHALL BE AMENDED TO READ IN THEIR ENTIRETY AS FOLLOWS (ADDED OR ALTERED LANGUAGE IN BOLD):

**11.01 – TITLE EVIDENCE; PRELIMINARY JUDICIAL REPORT AND CERTIFICATE OF READINESS**

In actions for the marshaling and foreclosure of liens on real property or partition of real estate, a Preliminary Judicial Report shall be filed with the Clerk by the attorney for the plaintiff **at the time of the filing of the complaint. This shall serve** as evidence of the state of the record title of the **real property** in question. Said report may be prepared by an attorney or a competent abstractor or title company. A copy, certified by the attorney or a photographic copy of the original evidence of title, may be filed with the Clerk in lieu of the original, and shall become and remain a part of the case file. **Along with the filing of the Preliminary Judicial Report, the attorney shall file a Certificate of Readiness and any required supporting documentation, demonstrating that plaintiff is the real party in interest and the matter is ready to proceed against all necessary parties. This shall be signed by the attorney. The complaint, the Preliminary Judicial Report and the Certificate of Readiness shall be filed as separate documents at the same time and shall be separately time-stamped with the complaint being filed first.**

**11.02 – FAILURE TO PROVIDE EVIDENCE**

**If a Preliminary Judicial Report and the Certificate of Readiness, along with all supporting documentation, are not presented to be filed at the time of the filing of the complaint, the Clerk of Courts shall not accept such complaint for filing.**

THIS ORDER SHALL BE EFFECTIVE JUNE 1, 2008 AND ALL  
FORECLOSURE FILINGS SHALL BE BOUND BY THE AMENDED LOCAL RULES  
AFTER THIS DATE.

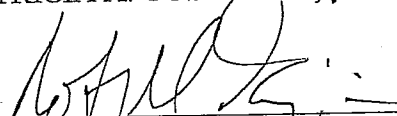
**IT IS SO ORDERED.**



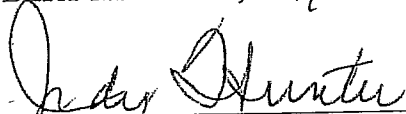
ELINORE MARSH STORMER  
ADMINISTRATIVE JUDGE



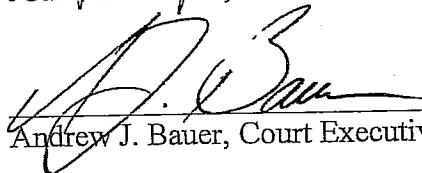
PATRICIA A. COSGROVE, JUDGE



ROBERT M. GIPPIN, JUDGE



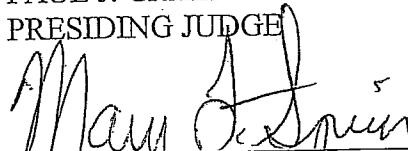
JUDY HUNTER, JUDGE



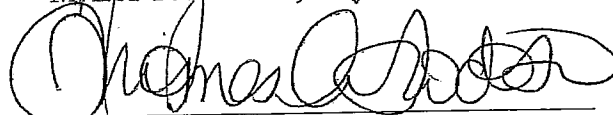
Andrew J. Bauer, Court Executive Officer



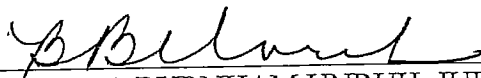
PAUL J. GALLAGHER  
PRESIDING JUDGE



MARY F. SPICER, JUDGE



THOMAS A. TEODOSIO, JUDGE



BRENDA BURNHAM UNRUH, JUDGE

**In the Court of Common Pleas  
County of Summit**

**Certificate of Readiness**

Case Caption \_\_\_\_\_

I, \_\_\_\_\_, counsel for the Plaintiff, certify to the Court that I have reviewed the case file and my own records, and that all of the below statements are correct to the best of my knowledge and belief:

1. The complaint, the mortgage attached to the complaint, and the preliminary judicial report all contain the correct legal description(s) and permanent parcel number(s) relating to the subject property located in Summit County, Ohio.
2. The complaint and the preliminary judicial report both indicate the correct owners of the subject real estate (as shown on the mortgage, tax lien, mechanic's lien, or judgment lien) and signators (as shown on the note and mortgage), and that said owners and signators have been named as Defendants within the complaint.
3. The Plaintiff is the owner of the note and mortgage upon which the complaint is founded and as verified within the preliminary judicial report.
4. Should the Plaintiff be different from the designated owner of the original note and mortgage due to an assignment, copies of that assignment, and intervening assignments of such note and mortgage are attached to the complaint, and are similarly reflected within the preliminary judicial report.
5. Should the Plaintiff be different from the designated owner of the original note and mortgage due to a name change or corporate merger, copies of said name change or merger are attached to the complaint, or an affidavit attesting to the name change or merger along with the dates of the name change or merger is attached to the complaint.

6. Should there be more than one Plaintiff asserting a separate right of ownership in the mortgage and note, all necessary supporting documents establishing the separate chains of ownership are attached to the complaint.
7. The Plaintiff has in its custody and control the original note and mortgage, and said documents are available for inspection upon order of the Court.
8. All such assignments, name changes, or corporate mergers referred to above, and which are shown on the preliminary judicial report, bear a date prior to the filing date of the complaint in this matter.
9. None of the individual Defendants named in this complaint has been adjudicated as incompetent or otherwise under guardianship and/or is a minor.
10. Any person named in their representative capacity (such as a guardian, an estate representative, statutory agent, trustee, or in any other representative capacity) has been correctly designated by name and duly appointed by court order or other government designation, and copies of such appointment documents can be produced upon order of the Court.
11. None of the designated Defendants are currently under the protection of the Federal Bankruptcy Court; if relief from stay has been granted, then a copy of such relief from stay is attached to the complaint.
12. Should the complaint be based upon a judgment lien, mechanic's lien, or a tax certificate, the preliminary judicial report reflects said claim, and a copy of the lien or certificate, together with an affidavit stating the current balance due, is attached to the complaint.
13. Should the complaint be based upon a tax certificate, an affidavit is attached to the complaint describing the tax certificate numbers, the current amount due, and the real estate subject to the within foreclosure.
14. Should the complaint be based upon a mortgage and note, I have available for inspection upon order of the Court a statement showing the total amount due, with a separate itemized part showing the pay-off balance, interest, the interest rate, and any penalties or other charges, with specific reference identifying what the additional penalties and charges are based upon. A person responsible for maintaining such records for the Plaintiff shall certify this statement.

As counsel for the Plaintiff, I acknowledge and otherwise understand that if any of the above requirements are not met or if the provided documents and information are inaccurate, the Court may cause this case to be dismissed without prejudice at the Plaintiff's cost.

\_\_\_\_\_  
Counsel for Plaintiff

\_\_\_\_\_  
Printed Name and Bar Number

Date \_\_\_\_\_

Pursuant to Local Rule 11.09, this Preliminary Certificate of Readiness shall be filed with the Clerk of Courts with the complaint and preliminary judicial report.