

FILED
WOOD COUNTY CLERK
COMMON PLEAS COURT

2013.03.08 P 1:49

CINDY A. HUFNER

IN THE COURT OF COMMON PLEAS, WOOD COUNTY, OHIO

City of Northwood, an Ohio
Municipal Corporation
6000 Wales Road
Northwood, Ohio 43619

Plaintiff,

~vs.~

Woodville Mall Realty
Management, LLC.
aka Woodville Mall
Realty Management
c/o Statutory Agent,
CFD Service Company, Inc.
1300 E. Ninth Street, 20th Floor
Cleveland, Ohio 44114

and,

Mehran Kohansieh
249-27 37th Avenue
Little Neck, New York 11363

and,

Ohio Plaza Shopping Center, LLC
c/o Statutory Agent,
Charles Iacobucci
1509 Marion Waldo Road
Marion, Ohio 43302

and,

Soleyman Ghalchi
13 Fir Drive
Great Neck, New York 11024-1528

Case No. 2013CV0036

Judge KELSEY

**JUDGMENT ENTRY; AND ORDER
OF ABATEMENT**

Ballenger & Moore Co., L.P.A.
Brian J. Ballenger (0030390)
Email: ballengerlawbjb@sbcglobal.net
Troy L. Moore (0030043)
Email: tlmoore@ballengermoore.com
3401 Woodville Road, Ste. C
Northwood, Ohio 43619
Telephone: (419) 698-1040
Facsimile: (419) 698-5493

Counsel for the City of Northwood

and,

Woodville, LLC
c/o Statutory Agent,
National Registered Agents, Inc.
145 Baker Street
Marion, Ohio 43302

and,

John Does
c/o Woodville Mall
3725 Williston Road
Northwood, Ohio 43619

Defendants.

This matter came before this Court on upon Plaintiff's Complaint for Abatement of Nuisance, Removal of Buildings and Injunction. The Court finds that on June 7, 2012 this Court entered a Default Judgment against Woodville Mall Realty Management, LLC and permanently enjoined the Defendant from allowing the public access to the interior of the mall until such time as all violations of the Wood County Structures and Vacant Lot Code and the Ohio Building Code and the Ohio Fire Code are corrected to the satisfaction of the Wood County Combined Health District, the Wood County Building Inspection, and the City of Northwood Fire Department.

This court further finds that as of this date, the Defendants Ohio Plaza Shopping Center, LLC and Defendant Woodville Mall Realty Management, LLC have not corrected any of the known violations from June 2012, and the structures have fallen into a greater state of disrepair, including but not limited to leaking ceilings that are open to the elements, black mold throughout the structures, standing water throughout the structures, crumbling asphalt, no utilities, failure to provide storm water drainage, failure to provide fire suppression, etc.

The Court further finds that the Defendant Ohio Plaza Shopping Center, LLC purchased the property on 12/27/2012 from the Woodville Mall Realty Management, LLC.

The Court finds that Defendants Ohio Plaza Shopping Center, LLC and Defendant Woodville Mall Realty Management, LLC have stipulated that Defendants real property, including structures are by definition a nuisance as contemplated by R.C.3767.03.

The Court further finds that the Defendant, Woodville, LLC is in default for failure to file an Answer or otherwise plead in this matter.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the real property located at 3725 Williston Road, Northwood, Ohio, including structures of the Defendants Ohio Plaza Shopping Center, LLC, and Woodville Mall Realty Management, LLC is deemed a nuisance. The Real property is legally described on Exhibit A attached hereto.

IT IS FURTHER ORDERED that Defendants Ohio Plaza Shopping Center, LLC, and Woodville Mall Realty Management, LLC abate this nuisance known as the Woodville Mall, by removal of all structures including cement slab, asphalt, building materials and debris according to the following schedule.

- Defendants Ohio Plaza Shopping Center, LLC and Defendant Woodville Mall Realty Management, LLC shall prior to September 2, 2013 construct a perimeter fence around said property and maintain said fence until completion of the abatement.
- On or before September 30, 2013, Defendants Ohio Plaza Shopping Center, LLC, and Woodville Mall Realty Management, LLC shall submit the abatement plans to the Engineer for the City of Northwood for final approval. Said plans shall insure that the structure owned by Sears is not damaged by

the abatement; and that all plans for the removal of asbestos are approved by the appropriate state and federal agencies.

- Defendants Ohio Plaza Shopping Center, LLC and Defendant Woodville Mall Realty Management, LLC must remove all structures, including debris, building materials and trash on the described real estate on or before May 2, 2014.
- Defendants Ohio Plaza Shopping Center, LLC and Defendant Woodville Mall Realty Management, LLC shall not perform any demolition, construction, redevelopment or staging between November 15, 2013 and January 15, 2014 which would in any way impact negatively upon the Sears store located on the eastern portion of the Woodville Mall proper.
- Defendants Ohio Plaza Shopping Center, LLC and Defendant Woodville Mall Realty Management, LLC shall also remove all asphalt and cement slab located on the premises on or before July 31, 2014, unless otherwise approved in writing by Plaintiffs.

IT IS FURTHER ORDERED that Defendants Ohio Plaza Shopping Center, LLC and Defendant Woodville Mall Realty Management, LLC are permanently enjoined from maintaining the Woodville Mall in such a manner as to constitute a nuisance.

IT IS FURTHER ORDERED that Plaintiff, City of Northwood is authorized to employ a construction expert, at the expense of Ohio Plaza Shopping Center, LLC, and Woodville Mall Realty Management, LLC, to enter the premises for the purpose of preparing a construction plan and a financial plan for the abatement of the nuisance and for the removal of any and all of the buildings, cement and asphalt at issue.

IT IS FURTHER ORDERED that Plaintiff, City of Northwood is granted a lump sum judgment against Defendants Ohio Plaza Shopping Center, LLC, and Woodville Mall Realty Management, LLC, jointly and severally, in the sum of \$1,690,000.00.

That said judgment shall immediately be assessed against the real property legally described on Exhibit A attached hereto, through the Wood County Auditor's office, Wood County Recorder's office and Wood County Treasurer's office.

That in the event that the Defendants Ohio Plaza Shopping Center, LLC and Defendant Woodville Mall Realty Management, LLC properly abate the nuisance known as the Woodville Mall, in accordance with the above schedule of dates, then the above mentioned Judgment shall be deemed satisfied. Failure to abide or otherwise meet the above stated dates of the time table shall provide the City of Northwood the right to immediately enter the premises and begin abatement and further to immediately foreclose on the above stated judgment.

The Defendants Ohio Plaza Shopping Center, LLC and Defendant Woodville Mall Realty Management, LLC shall pay the Costs of this proceeding and shall be responsible for the attorney fees the City of Northwood incurred in the prosecution of this action or the enforcement of this Judgment Entry.

IT IS FURTHER ORDERED that Defendant, Woodville, LLC abate this nuisance known as Elder Beerman, by removal of all structures including cement slab, asphalt, building materials and debris.

IT IS FURTHER ORDERED that Defendant, Woodville, LLC is permanently enjoined from maintaining Elder Beerman in such a manner as to constitute a nuisance.

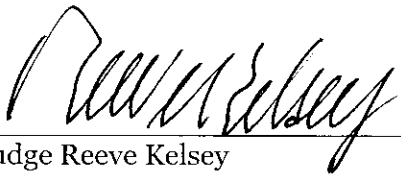
IT IS FURTHER ORDERED that Plaintiff, City of Northwood is authorized to employ a construction expert, at the expense of Defendant Woodville, LLC, to enter the premises for the purpose of preparing a construction plan and a financial plan for the

abatement of the nuisance and for the removal of any and all of the buildings, cement and asphalt at issue.

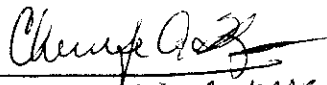
IT IS FURTHER ORDERED that Plaintiff, City of Northwood is granted a lump sum judgment against Defendant Woodville, LLC, in the sum of \$750,000.00.

That said judgment shall immediately be assessed against the real property legally described on Exhibit B attached hereto, through the Wood County Auditor's office, Wood County Recorder's office and Wood County Treasurer's office.

The Defendant Woodville, LLC, shall pay the Costs of this proceeding and shall be responsible for the attorney fees the City of Northwood incurred in the prosecution of this action or the enforcement of this Judgment Entry.



Judge Reeve Kelsey
8/8/13


 8-8-13

Cheryl A. Kadak
Atty for Chris Bliga



Douglas A. Wilkins
Attorney for
Woodville Mall Realty
Manager LLC
per telephonic approval

8/8/13



Brian J. Ballenger 8-9-13
att for Plaintiff