



Public Health
Prevent Promote Protect

Wayne County Health Department

Nicholas V. Cascarelli, MHHS
Health Commissioner

Kathryn Helmuth, MD
Medical Director

DATE: March 31, 2015

TO: Andrea Uhler
Assistant Prosecuting Attorney

FROM: Nicholas V. Cascarelli, MHHS *NVC*
Health Commissioner

SUBJECT: 101 Eastern Dr.
Shreve, OH 44676

C 102020214
\$120⁰⁰

This is to certify that an attempt to abate a public health nuisance on the property owned by Carol Rose at 101 Eastern Dr., Shreve, Ohio 44676 on December 15, 2014 was made but prevented by owner.

The Health Department contracted with Amos Hauling, 8057 Zigler Road, Sterling, Ohio 44276 for removal of the debris. A truck and 2 employees were present.

An invoice dated February 6, 2015 in the amount of \$120.00 was received from Amos Hauling for time and travel spent. Said invoice was approved to be paid by the Wayne County Health Department on February 12, 2015, check # 792954.

The Board of Health requests such cost be assessed to the property as stated by the Court Order.

Main Office: 203 S. Walnut Street · Wooster, OH 44691 · Ph: 330-264-9590 ·
WIC Ph: 330-264-1942 · Fax 330-262-2538

Environmental Division: 428 W. Liberty Street · Wooster, OH 44691 Ph: 330-264-2426 ·
Fax: 330-262-8433

WEBSITE · Wayne-health.org

"Wayne County Health Department is an equal opportunity employer and provider."

AMOS' HAULING



INVOICE

8057 ZIGLER RD.
STERLING, OH 44276
330.607.7523

INVOICE DATE: February 6, 2015

TO

WAYNE COUNTY HEALTH DEPT.
428 W. LIBERTY ST.
WOOSTER, OH 44691

Terms
Due on receipt.

| WORK DATE | JOB ADDRESS | CONTAINER SIZE | AMOUNT |
|------------|---------------------------------|----------------|----------|
| 12/15/2014 | 101 EASTERN DR. SHREVE LABOR | | \$120.00 |

TOTAL \$120.00

*Make all checks payable to AMOS' HAULING
THANK YOU FOR YOUR BUSINESS!*

FILED
AUDITOR'S OFFICE

2015 APR -1 AM 9:02:57

IN THE COURT OF COMMON PLEAS
WAYNE COUNTY, OHIO

JARRAL UNDERWOOD
WAYNE COUNTY AUDITOR
Case No. 2014 CVC-H 00344

The Board of Health of the Wayne County
Combined General Health District

Plaintiff,

v.

aka Greg Rose, et al.

Defendants.

Judge: Corey E. Spittler

NUNC PRO TUNC ENTRY
GRANTING DEFAULT
JUDGMENT

This matter is before the Court on written motion of Plaintiff, the Board of Health of the Wayne County Combined General Health District, for default judgment on Plaintiff's Complaint against the Defendants, Gregory B. Rose aka Greg B. Rose aka Greg Rose ("Gregory B. Rose") and Carol S. Rose aka Carol Rose ("Carol S. Rose").

This Court finds that service in this matter was had according to law upon Defendants, Gregory B. Rose and Carol S. Rose, by certified U.S. mail on July 21, 2014. No answer or other pleading has been filed in response.

It is therefore ordered that judgment is granted in favor of Plaintiff.

This Court further finds that a public health nuisance exists at 101 Eastern Dr., Shreve, Clinton Township, Wayne County, Ohio, being known as Permanent Parcel No. 20-00345.000, and the real property located at South Market St., Shreve, Clinton Township, Wayne County, Ohio, being known as Permanent Parcel Nos. 20-01041.000 and 20-01043.000, which Defendants, after receiving a Public Health Order from Plaintiff on November 18, 2013 to abate, have failed to abate in violation of Chapters 3709 and 3707 of the Ohio Revised Code. Defendants' actions in failing to abate said public health nuisances constitute violations of valid orders and regulations of the Board of Health of the Wayne County Combined General Health District for which Plaintiff is entitled to injunctive relief to abate the unsanitary and unsafe health conditions at the properties.

This Court further finds that the above properties are common law public nuisances and statutory nuisances pursuant to R.C. §3767.13, for which Defendants are subject to injunctive relief prohibiting the creation and/or continuance of said nuisances and a tax of \$300.00 pursuant to R.C. §3767.08.

20-00345.000

Defendants, Gregory B. Rose and Carol S. Rose, are ordered to remove all solid wastes, including but not limited to, all garbage, refuse, scrap tires, and other debris, from the properties located at 101 Eastern Drive and South Market Street immediately and in a manner consistent with all applicable rules and regulations of the Board of Health of the Wayne County Combined General Health District as ordered by Plaintiff's November 18, 2013 Public Health Order.


Defendants, Gregory B. Rose and Carol S. Rose, are permanently enjoined from further maintaining the nuisances at the above properties and from maintaining the nuisances elsewhere and are prohibited from transferring any ownership interest in the above properties without first obtaining permission from Plaintiff until all solid waste has been removed from the properties and Plaintiff has inspected said properties to verify that the nuisance condition of the properties has been abated. Plaintiff is granted full access to the properties for inspection purposes until all solid waste has been removed from the properties.

It is further ordered that a tax of \$300.00 shall be imposed on Parcel Nos. 20-00345.000, 20-01041.000 and 20-01043.000 as required by R.C. §3767.08. The Clerk of Courts is ordered to make and certify a return of the imposition of said tax thereon to the County Auditor, who shall enter the same as a tax upon the properties, which shall be a perpetual lien upon the properties until paid in full.

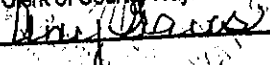
It is further ordered that in the event that the Defendant does not abate the nuisance conditions on the above properties within ten (10) days from the date of this entry, the Board of Health of the Wayne County Combined General Health District may, at its option, abate said nuisances and place the costs thereof on the real property tax list, as provided for under R.C. §3707.01, as assessments against the properties. The liens will then be able to be collected in the same manner as other taxes.

All costs in this proceeding are assessed to Gregory B. Rose and Carol S. Rose.

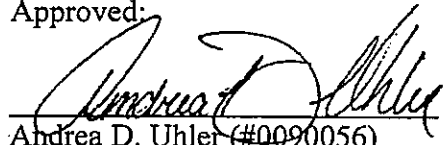
IT IS SO ORDERED.



JUDGE COREY E. SPITLER
11/24/2014

I hereby certify that this is a true copy of
the original on file.
WITNESS my hand and seal of the Common
Pleas Court This 24th day of Nov
20 14
TIM NEAL
Clerk of Courts, Wayne County, Ohio
By: 

Approved:

A handwritten signature in black ink, appearing to read "Andrea D. Uhler", written over a horizontal line.

Andrea D. Uhler (#0090056)

Assistant Prosecuting Attorney

115 West Liberty Street

Wooster, Ohio 44691

Ph: (330) 262-3030

Fax: (330) 287-5412

Email: auhler@countyprosecutor.com

Linda Rohrer

From: Jarra Underwood <jarra.underwood@co.wayne.oh.us>
Sent: Thursday, December 18, 2014 9:50 AM
To: Linda Rohrer
Subject: FW: Rose Judgment Entry

Jarra L Underwood
Wayne County Auditor
330-287-5439

From: Andrea Uhler [<mailto:AUhler@countyprosecutor.com>]
Sent: Tuesday, November 25, 2014 2:04 PM
To: Jarra Underwood
Subject: Rose Judgment Entry

Hi Jarra,

I confirmed the tax should be imposed on each parcel (\$300 each). And thank you for looking for examples of how costs have been assessed against property owners in the past when the Board of Health abates the nuisance. I greatly appreciate your assistance!

Thanks again,

Andrea

Andrea D. Uhler
Assistant Prosecuting Attorney
Wayne County Prosecutor's Office
115 West Liberty St.
Wooster, OH 44691
Phone: (330)262-3030
Fax: (330)287-5412
email: auhler@countyprosecutor.com
www.countyprosecutor.com
www.facebook.com/countyprosecutor

All legal opinions from this office are fact specific and based upon the current status of the statutes involved. Many factors may cause the opinion to change. Given similar situations, the Prosecutor's Office should be consulted to determine whether a prior opinion is still valid under the law.

*This document, including any attachments, may be a privileged and confidential communication. It is intended for use **only** by the individual or entity to which it is addressed. It is not intended for distribution to, or receipt by, anyone other than the named addressee or his/her/its agent. Pursuant to ORC § 149.43(A)(1), this document is **not** a public record. If you are not the intended recipient, please do not copy this document or otherwise distribute it. If you are in unauthorized possession of this document, please contact the sender by reply e-mail and destroy all copies of the original e-mail message.*