

IN THE COURT OF COMMON PLEAS,  
WAYNE COUNTY, OHIO

FILED  
COURT  
12 JAN 11 AM 7:30

Wayne County Board of Health

Plaintiff

v.

Elmer John Bond, et al.

Defendants

Case No. 11-CV-0433

*Agreed Settlement*  
Entry Granting Default  
Judgment

FILED  
AUDITOR'S OFFICE  
2012 JAN 11 P 12:37  
MILDRED L. BOND  
WAYNE COUNTY AUDITOR

This matter is before the Court on written motion of Plaintiff for default judgment on Plaintiff's complaint against the Defendants, Elmer John Bond and Mildred L. Bond, and Defendant, Jonnie L. Bond. *The case was scheduled for a preliminary injunction hearing on 1/10/12.*

The Court finds that service in this cause was had according to law upon Elmer and Mildred Bond by certified US Mail and Jonnie L. Bond by personal service. No answer or other pleading has been filed in response. *Attorney Wayne Graham appeared as counsel for Jonnie Bond.*

It is therefore ordered that judgment be granted in favor of the plaintiff. Elmer and Mildred Bond are dismissed as parties to this action, as they no longer own the property. Jonnie L. Bond is the current owner of the property.

This Court finds that the property located at 8251 Newkirk Road in Shreve is a statutory nuisance under RC 3767.13 and a nuisance at common law. This Court finds Defendant Jonnie Bond in violation of RC 3734.10 which prohibits open dumping and in violation of the Wayne County Board of Health's orders to remove all solid waste from the property.

Jonnie Bond is ordered to remove all solid wastes from the property located at 8251 Newkirk Road immediately in a manner consistent with all applicable rules and regulations. Ms. Bond is further prohibited from transferring any ownership interest in this property without first obtaining the permission of the Board of Health until all solid waste has been removed and the Board of Health has inspected said property to verify that no solid waste remains on the property. The Board of Health is granted full access to the property for inspection purposes until all solid waste has been removed from the property.

C 101919011

✓ 1/10/12

It is further ordered that a tax of \$300.00 shall be imposed on Parcel No. 19-00727.000 as required by RC 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 property, which shall be a perpetual lien upon this property until fully paid.

It is further ordered that in the event that the Defendant does not abate the nuisance conditions on this property within ~~ten (10)~~ <sup>thirty (30)</sup> 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 nuisance and place the costs thereof on the real property tax list, as provided for under R.C. 3707.01, as an assessment against the property. This lien will then be able to be collected in the same manner as other taxes. *If significant progress is made by the Defendant within the thirty (30)\**

All costs in this proceeding are assessed to Jonnie Bond.

It is so ORDERED.

JOURNALIZED

*Mark K. Wiest* 1/10/12

JUDGE MARK K. WIEST

JAN 11 2012

Approved:

*[Signature]*

Latecia E. Wiles  
Assistant Prosecuting Attorney

TIM NEAL, CLERK  
WAYNE COUNTY, OHIO

*\* day period, a thirty day extension will be granted. No more than two 30 day extensions may be granted for a total of 90 days total from the date of this entry. Plaintiff will determine whether significant progress has been made by the Defendant and will notify the court if an extension has been agreed to. If the nuisance remains unabated, Plaintiff may take action described above to abate the nuisance.*

*[Signature]*

*[Signature]*

Wayne Sec J Bond  
WAYNE GRAHAM

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 11<sup>th</sup> day of January 20 12

TIM NEAL

Clerk of Courts, Wayne County, Ohio

By: *[Signature]*