

IN THE FRANKLIN COUNTY MUNICIPAL COURT
FRANKLIN COUNTY, OHIO
ENVIRONMENTAL DIVISION

FILED

2023 JAN 19 PM 12:16

LM

FRANKLIN COUNTY
MUNICIPAL COURT
LORI M. TYACK

STATE EX. REL
COLUMBUS CITY ATTORNEY
ZACH KLEIN

Relator - Plaintiff,

v.

ROBERT L WILLIAMS, et. al.

Respondents -Defendants.

Case No. 2023 ENV 60045

Judge Stephanie Mingo

EX-PARTE TEMPORARY RESTRAINING ORDER

This matter came before the Court on January 19, 2023 on Plaintiff's Motion for Temporary Restraining Order filed in conjunction with a Complaint for Preliminary and Permanent Injunctive Relief. Plaintiff State ex rel. Klein ("Plaintiff") was represented by Assistant City Attorney Christopher Clark. In light of the circumstances, this motion was filed ex-parte.

Having considered the evidence and testimony admitted at the Temporary Restraining Order hearing, the Court hereby **FINDS** as follows:

1. The Realtor has established that Respondents-Defendants are owners and/or person in charge, care control of the property at 5361 Mendon Court.
2. The real property that is the subject matter of this complaint is located at 5361 Mendon Court, Parcel No. 010-217374, situated in the City of Columbus, Franklin County, Ohio ("the Premises") on which is constructed as a building for one family dwelling.

IMAGE

3. Respondent-Defendant Robert L. Williams has owned the Premises since December 30, 2013.

On Information and belief, Realtor asserts the following:

4. The Premises came to the attention of the Columbus Police Department ("CPD") and more specifically the CPD Narcotics Bureau ("CPD Narcotics") in 2022.
5. Since January of 2022, there have been twenty (24) calls for service and complaints to the Premises including:
 - a. Three Accidental Overdoses (3)
 - b. One (1) Fights/Assaults
 - c. Two (2) Complaints of a Person with a Gun
 - d. One (1) Shooting
6. On January 3, 2022 CPD responded to the Premises on the report of a shooting. The caller stated a female was on bath salts.
7. On February 5, 2022, CPD responded to the Premises on a report of an accidental overdose.
8. On April 13, 2022, CPD received a disturbance complaint at the Premises. The caller stated her 27 year old niece told the caller that "they won't let her leave this drug house." The caller also stated they probably have guns because the niece's boyfriend was shot out here a couple months ago." She further stated "they shoot her up with drugs and prostitute her out." When CPD arrived, a male with three females spoke at the door. Everyone stated that the caller's niece left 20-60 minutes ago. Officers were denied permission to search the residence.

9. On April 15, 2022, CPD responded to the Premises on an unknown complaint. The caller stated her stepdaughter keeps calling her husband and screaming.
10. On May 23, 2022, CPD responded to the Premises on the report of an overdose. The caller stated a male at the location laced the caller's drugs with an hallucinogenic.
11. On June 1, 2022 CPD responded to the Premises on a report of a person with a gun. The caller stated they were being held hostage.
12. On June 8, 2022, CPD responded to the Premises of the report of a person with a gun. The caller stated Justin Beavers has a gun on him, threatened the caller and threatened to kill himself.
13. On June 21, 2022, CPD received a report of an unknown complaint. The caller stated her daughter is being held hostage by Justin Beaver.
14. On September 9, 2022, Detective Malone of CPD sent a notice to Robert L. Williams advising of the narcotics activity and felonious conduct at the Premises.
15. On November 8, 2022, CPD received an accidental overdose complaint to the Premises. The caller stated a female was overdosing on fentanyl.
16. On December 6, 2022, CPD received a domestic violence complaint for the Premises. The caller stated the caller's girlfriend's sister and sister's boyfriend is beating her and threatening her. The caller further stated she thinks there may be weapons because this is a drug house. The caller stated she has the boyfriend on the phone and he his screaming and threatening to shoot himself in the face.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. The Premises, and specifically the illegal narcotics and other violations of state, federal and/or local law constitute an imminent danger for those at and around the Premises.

2. Failing to immediately padlock the property after the execution of the ex parte temporary restraining order will allow the dangerous illegal activity to continue, thereby causing immediate and irreparable injury, loss or damage to the applicant and community.
3. Ex parte closure of the property is necessary to prevent destruction or removal of contraband or other property.
4. Prior notification of the temporary restraining order could pose a danger to the physical safety and lives of Columbus Police officers involved in its execution.
5. Realtor has established by clear and convincing evidence that the Premises is a nuisance per se as defined in C.C.C. § 4703.01(F). It is the further ORDER of this Court that all occupants of the Premises be forcibly removed from the Premises. In executing this order, all barricades throughout the structure may be forcibly removed so as to prevent fortifying portions of the residence. Said occupants may be forcibly detained during the execution of the order. Furthermore, the premises shall be closed, padlocked, boarded or secured as necessary by the Chief of Columbus Police or her designee(s) against its use for any purpose until a final decision is rendered on the Complaint for Preliminary and Permanent Injunctive Relief as required by RC 3767.04. This temporary restraining order shall apply to and prohibit usage of or entrance onto any curtilage or porch areas of the premises for any purpose- no vehicles or persons are to be anywhere on the parcel.
6. It is further ordered that this temporary restraining order shall apply to the parcel in its entirety. No person may enter and/or occupy 5361 Mendon Court. Any violation of this order, including mutilation of this order, is contempt of court, punishable as a first degree misdemeanor.

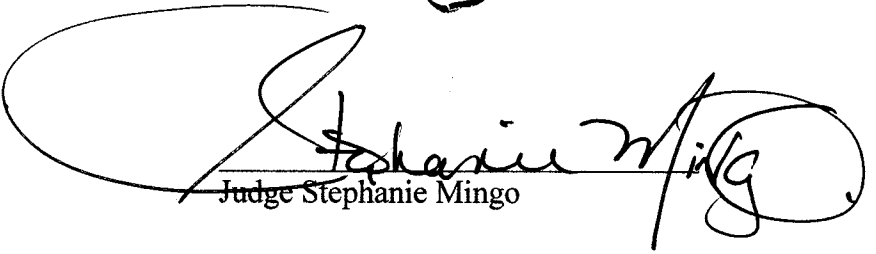
7. It is further ordered that only necessary personal property located at the Premises be removed by the occupants prior to closure and under the direction of the Columbus Division of Police. The Columbus Division of Police is authorized to seize and inventory any and all personal property located in 5361 Mendon Court related to or in connection with the illegal conduct. The Columbus Division of Police may also remove and secure at an off-site location highly mobile and valuable property, including but not limited to such personal property as automobiles, cash, jewelry and electronic equipment which may be at risk of theft during the pendency of this Order.

8. This case is continued for further ^{preliminary} ~~permanent~~ injunction hearing on the merits of Relator's Complaint for Preliminary and Permanent Injunctive Relief on - January 30, 23 at 9 ^{a.m.} p.m. in courtroom 15B, located on the 15th floor of 375 S. High Street, Columbus, Ohio 43215. This Order shall remain in effect until that time or as otherwise ordered by this Court.

9. This order shall be served upon the Respondents-Defendants by the Columbus Division of Police or Relator's counsel; the order may be served by posting a copy of it in a conspicuous place at one or more the principal doors or entrances. The closing of said premises with forcible entry and removal of all occupants shall be effectuated by Columbus Division of Police with the assistance of Columbus Code Enforcement. Based on the Affidavit submitted with the complaint and motion, the Court finds that notice of entry upon the Premises could result in destruction, concealment or removal of contraband, illegal narcotics or property and could create a serious risk of physical harm to law enforcement or other authorized individuals in the execution of this Order.

IT IS SO ORDERED.

1/19/23
Date


Judge Stephanie Mingo

IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
FRANKLIN COUNTY, OHIO

FILED

2023 JAN 19 AM 10:07

Lm

FRANKLIN COUNTY
MUNICIPAL COURT
LORI M. TYACK

STATE EX. REL
COLUMBUS CITY ATTORNEY
ZACH KLEIN

Relator-Plaintiff,

v.

ROBERT L WILLIAMS, ET. AL.

Respondents-Defendants.

Case No. 2023 EVH 60045

Judge Stephanie Mingo

Parcel No. 010-217374

MOTION FOR EX PARTE TEMPORARY RESTRAINING ORDER

Relator-Plaintiff Columbus City Attorney Zach Klein. hereby moves for a temporary restraining order ("TRO") pursuant to R.C. 3767.04(B)(2) and Civ.R. 65(A). Support for this motion is found in the Affidavit of Detective Heidi Malone (attached as "Exhibit B") and the Certification of Assistant City Attorney Christopher Clark for Relator Columbus City Attorney Zach Klein (hereinafter "Relator"). Relator moves this Court for an *ex parte* temporary restraining order against the Respondents and all persons acting in concert or participating with them in violating the Ohio Revised Code (hereinafter "R.C.") public drug nuisance laws at 5361 Mendon Court, Columbus, Ohio (hereinafter "Premises") or any other location pending hearing and determination of the Complaint for Preliminary and Permanent Injunctive Relief filed in the above-styled case. The illegal criminal activity occurring at the premises, as evidenced by the attached Complaint and Affidavit constitutes a public nuisance as defined by R.C. § 3719.10 and § 3767 and constitutes an immediate threat to the life, health and safety of the area community.

Relator further requests that the Premises be closed and padlocked against its use for any purpose until further order of this Court.

IMAGE

Respectfully Submitted,

City of Columbus, Department of Law
Zach Klein, City Attorney

A handwritten signature in black ink, appearing to read 'CCLC', is positioned above a horizontal line.

Christopher C. Clark (0096257)

Assistant City Attorney

375 South High, 17th Floor

Columbus, Ohio 43215

Phone: (614) 645-5670

ccclark@columbus.gov

Counsel for the Relator-Plaintiff

STATE OF OHIO)
CITY OF COLUMBUS)
FRANKLIN COUNTY) ss:

Affidavit of Detective Heidi Malone, Columbus Division of Police

Now comes Detective Heidi Malone of the Columbus Division of Police having been duly cautioned and sworn who says:

- 1) I am currently employed by the Columbus Division of Police as a Detective.
- 2) The residential property at 5361 Mendon Court, Columbus Ohio, 43232, (hereinafter "Premises"), has the general reputation as a place where drug activity occurs.
- 3) Respondent-Defendant Robert L Williams owns the Premises.
- 4) The Premises came to the attention of the Columbus Police Department ("CPD") and more specifically the CPD Narcotics Bureau ("CPD Narcotics") in 2022.
- 5) Since January of 2022, there have been twenty (24) calls for service and complaints to the Premises including:
 - i. Three Accidental Overdoses (3)
 - ii. One (1) Fights/Assaults
 - iii. Two (2) Complaints of a Person with a Gun
 - iv. One (1) Shooting
- 6) On January 3, 2022 CPD responded to the Premises on the report of a shooting. The caller stated a female was on bath salts.
- 7) On February 5, 2022, CPD responded to the Premises on a report of an accidental overdose.
- 8) On April 13, 2022, CPD received a disturbance complaint at the Premises. The caller stated her 27 year old niece told the caller that "they won't let her leave this

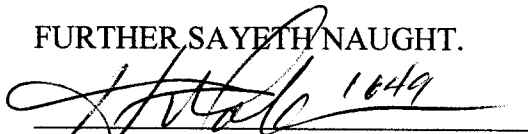
drug house.” The caller also stated they probably have guns because the niece’s boyfriend was shot out here a couple months ago.” She further stated “they shoot her up with drugs and prostitute her out.” When CPD arrived, a male with three females spoke at the door. Everyone stated that the caller’s niece left 20-60 minutes ago. Officers were denied permission to search the residence.

- 9) On April 15, 2022, CPD responded to the Premises on an unknown complaint. The caller stated her stepdaughter keeps calling her husband and screaming.
- 10) On May 23, 2022, CPD responded to the Premises on the report of an overdose. The caller stated a male at the location laced the caller’s drugs with an hallucinogenic.
- 11) On June 1, 2022 CPD responded to the Premises on a report of a person with a gun. The caller stated they were being held hostage.
- 12) On June 8, 2022, CPD responded to the Premises of the report of a person with a gun. The caller stated Justin Beavers has a gun on him, threatened the caller and threatened to kill himself.
- 13) On June 21, 2022, CPD received a report of an unknown complaint. The caller stated her daughter is being held hostage by Justin Beaver.
- 14) On September 9, 2022, Detective Malone of CPD sent a notice to Robert L. Williams advising of the narcotics activity and felonious conduct at the Premises.
- 15) On November 8, 2022, CPD received an accidental overdose complaint to the Premises. The caller stated a female was overdosing on fentanyl.
- 16) On December 6, 2022, CPD received a domestic violence complaint for the Premises. The caller stated the caller’s girlfriend’s sister and sister’s boyfriend is beating her and threatening her. The caller further stated she thinks there may

be weapons because this is a drug house. The caller stated she has the boyfriend on the phone and he his screaming and threatening to shoot himself in the face.

- 17) In my professional opinion continued felonious conduct of this nature at 5361 Mendon Court, Columbus Ohio, will cause immediate and irreparable injury, loss, damage, and/or harm to the surrounding community.
- 18) In my professional opinion any advance notice of any police entry into a building where illegal activity of this nature is suspected could create an unnecessary and unacceptable degree of risk to life and limb of the officers involved, bystanders, and the surrounding neighborhood, and could result in the concealment, destruction or removal of illegal contraband or property.

FURTHER SAYETH NAUGHT.


Detective Heidi Malone #1649

Sworn to and Subscribed in my presence this 19th day of January, 2023.



ANNELIESE R. RANKIN
NOTARY PUBLIC • STATE OF OHIO
Licking County
My Commission Expires July 20, 2026


Notary Public

IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
FRANKLIN COUNTY, OHIO

FILED

2023 JAN 19 AM 10:06

Lm
FRANKLIN COUNTY
MUNICIPAL COURT
LORI M. TYACK

STATE EX. REL
COLUMBUS CITY ATTORNEY
ZACH KLEIN

Relator-Plaintiff,

v.

ROBERT L WILLIAMS, ET. AL.

Respondents-Defendants.

Case No. 2023 EVH 60045

Judge Stephanie Mingo

Parcel No. 010-217374

ATTORNEY'S CERTIFICATION, CIVIL RULE 65

Assistant City Attorney Christopher C. Clark, attorney for Relator-Plaintiff Columbus City Attorney Zach Klein, pursuant to Civil Rule 65, hereby certifies the following:

1. No attempts have been made to notify Respondents-Defendants of this motion for an *ex parte* temporary restraining order.
2. Notice of this Motion for an *ex parte* temporary restraining order should not be required because:
3. 5361 Mendon Court, Parcel No. 010-217374, Columbus, Ohio ("the Premises") came to the attention of Columbus Police Department ("CPD") and more specifically the CPD Narcotics Bureau ("CPD Narcotics") in 2022.
4. Since January of 2022, there have been twenty (24) calls for service and complaints to the Premises including:
 - i. Three Accidental Overdoses (3)
 - ii. One (1) Fights/Assaults

IMAGE

iii. Two (2) Complaints of a Person with a Gun

iv. One (1) Shooting

5. On January 3, 2022 CPD responded to the Premises on the report of a shooting. The caller stated a female was on bath salts.
6. On February 5, 2022, CPD responded to the Premises on a report of an accidental overdose.
7. On April 13, 2022, CPD received a disturbance complaint at the Premises. The caller stated her 27 year old niece told the caller that "they won't let her leave this drug house." The caller also stated they probably have guns because the niece's boyfriend was shot out here a couple months ago." She further stated "they shoot her up with drugs and prostitute her out." When CPD arrived, a male with three females spoke at the door. Everyone stated that the caller's niece left 20-60 minutes ago. Officers were denied permission to search the residence.
8. On April 15, 2022, CPD responded to the Premises on an unknown complaint. The caller stated her stepdaughter keeps calling her husband and screaming.
9. On May 23, 2022, CPD responded to the Premises on the report of an overdose. The caller stated a male at the location laced the caller's drugs with an hallucinogenic.
10. On June 1, 2022 CPD responded to the Premises on a report of a person with a gun. The caller stated they were being held hostage.
11. On June 8, 2022, CPD responded to the Premises of the report of a person with a gun. The caller stated Justin Beavers has a gun on him, threatened the caller and threatened to kill himself.
12. On June 21, 2022, CPD received a report of an unknown complaint. The caller stated her daughter is being held hostage by Justin Beaver.

13. On September 9, 2022, Detective Malone of CPD sent a notice to Robert L. Williams advising of the narcotics activity and felonious conduct at the Premises.
14. On November 8, 2022, CPD received an accidental overdose complaint to the Premises.
The caller stated a female was overdosing on fentanyl.
15. On December 6, 2022, CPD received a domestic violence complaint for the Premises.
The caller stated the caller's girlfriend's sister and sister's boyfriend is beating her and threatening her. The caller further stated she thinks there may be weapons because this is a drug house. The caller stated she has the boyfriend on the phone and he his screaming and threatening to shoot himself in the face.
16. The Premises, and specifically the illegal narcotics activity at the property, constitute an imminent danger for those at the property and for those around the property.
17. Failing to immediately padlock the property after the execution of the *ex parte* temporary restraining order will allow the dangerous illegal activity to continue, thereby causing immediate and irreparable injury, loss or damage to the applicant and the community.
18. *Ex parte* closure of the property is necessary in order to prevent destruction or removal of contraband or other property.
19. Prior notification of the temporary restraining order could pose a danger to the physical safety and lives of the Columbus police officers involved in its execution.
20. The property rights of Respondents-Defendants will be sufficiently protected in that they will be notified in advance of the hearing for Preliminary Injunctive Relief that will be held within roughly ten (10) days after issuing the *ex parte* Temporary Restraining Order.

Respectfully Submitted,

City of Columbus, Department of Law
Zach Klein, City Attorney



Christopher C. Clark (0096257)
Assistant City Attorney
375 South High, 17th Floor
Columbus, Ohio 43215
Phone: (614) 645-5670
ccclark@columbus.gov
Counsel for the Relator-Plaintiff

IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
FRANKLIN COUNTY, OHIO

FILED

2023 JAN 19 AM 10:04

LM
FRANKLIN COUNTY
MUNICIPAL COURT
LORI M. TYACK

STATE EX. REL
COLUMBUS CITY ATTORNEY
ZACK KLEIN
375 South High Street, 17th Floor
Columbus, Ohio 43215

Relator-Plaintiff,

v.

ROBERT L WILLIAMS
2656 Pine Marsh Drive
Grove City, OH 43123

and

UNKNOWN TENANTS/ OCCUPANTS
LOCATED AT 5361 Mendon Court
5361 Mendon Court
Columbus, Ohio 43232

and

CHERYL BROOKS SULLIVAN
FRANKLIN COUNTY TREASURER
373 South High Street, 17th Floor
Columbus, Ohio 43215

and

STATE OF OHIO
DEPARTMENT OF TAXATION
150 E. Gay Street, 21st Floor
Columbus, Ohio 43215

and

COSTAL CREDIT LLC
10333 N. MERIDIAN ST SUITE 400
INDIANAPOLIS, MN 46290

AND

Case No. 2023 EvH 60045

Judge Stephanie Mingo

IMAGE

**MIDLAND FUNDING LLC
C/O LEVY & ASSOCIATES LLC
4645 EXECUTIVE DRIVE
COLUMBUS, OH 43220**

AND

REAL PROPERTY AT	:	Parcel Nos. 010-217374
5361 MENDON COURT	:	
5361 MENDON COURT	:	
Columbus, Ohio 43232	:	
Respondents-Defendants.	:	

**VERIFIED COMPLAINT FOR PRELIMINARY
AND PERMANENT INJUNCTIVE RELIEF**

1. This complaint concerns enforcement of the Ohio Revised Code (hereinafter "R.C.") Chapter 3767 et seq., other code provisions, and common law so as to be within the exclusive jurisdiction of the Environmental Division of the Franklin County Municipal Court pursuant to R.C. § 1901.183.
2. Relator-Plaintiff Zach Klein is the duly-elected, sworn, and acting City Attorney for the City of Columbus, Ohio and is a party charged at both common law and by R.C. § 3767.03 with the prevention, prosecution, and abatement of any public nuisance within the City of Columbus, Franklin County, Ohio.
3. The real property that is the subject matter of this complaint is located at 5361 Mendon Court, Parcel No. 010-217374 situated in the City of Columbus, Franklin County, Ohio ("the Premises") on which is constructed as a building for a one family dwelling.
4. Respondents-Defendant Robert L. Williams is the owner of the Premises by virtue of a General Warranty Deed recorded in Instrument No. 201312300211645, recorded with the Franklin County Recorder's Office.

5. Respondents-Defendants Unknown Tenants have occupied the Premises and/or exerted charge, care and control over it.
6. Cheryl Brooks Sullivan is the duly appointed, sworn, and serving Treasurer of Franklin County, Ohio, and may claim an interest in the property for unpaid taxes.
7. The State of Ohio, Department of Taxation may claim an interest in the property by virtue of five Certificate of Judgment Liens 16 JG 012580, 21 JG 083635, 18 JG 026856, 16 JG 040697, and 14 JG 005641 which could be adversely affected by this action.
8. Costal Credit LLC may claim an interest in the property by virtue of a Certificate of Judgment Lien 21 JG 045010 which could be adversely affected by this action.
9. Midland Funding LLC may claim an interest in the property by virtue of a Certificate of Judgment Lien 18 JG 048497.
10. The court has personal jurisdiction over the individual respondents pursuant to R.C. § 2307.382(A)(8) since the basis of this complaint is real property located in Franklin County, Ohio.
11. This action is *in rem* with respect to the Premises and this Court is a proper venue pursuant to Civ.R. 3(B)(5) since the subject of the action is real property situated in Franklin County, Ohio.
12. The term "Premises" as used in this Complaint, shall refer to Parcel Nos. 010-217374 in its entirety, including all structures, buildings, curtilage, parking lot areas and/or enclosures.

CALLS FOR SERVICE TO THE PREMISES

13. The Premises is a residential one family building located on the east side of the City of Columbus.
14. Robert L. Williams has owned the Premises since December 30, 2013.
15. The Premises came to the attention of the Columbus Police Department ("CPD") and more specifically the CPD Narcotics Bureau ("CPD Narcotics") in 2022.
16. Since January of 2022, there have been twenty (24) calls for service and complaints to the Premises including:
 - i. Three Accidental Overdoses (3)
 - ii. One (1) Fights/Assaults
 - iii. Two (2) Complaints of a Person with a Gun
 - iv. One (1) Shooting
17. On January 3, 2022 CPD responded to the Premises on the report of a shooting.

The caller stated a female was on bath salts.
18. On February 5, 2022, CPD responded to the Premises on a report of an accidental overdose.
19. On April 13, 2022, CPD received a disturbance complaint at the Premises. The caller stated her 27 year old niece told the caller that "they won't let her leave this drug house." The caller also stated they probably have guns because the niece's boyfriend was shot out here a couple months ago." She further stated "they shoot her up with drugs and prostitute her out." When CPD arrived, a male with three females spoke at the door. Everyone stated that the caller's niece left 20-60 minutes ago. Officers were denied permission to search the residence.

20. On April 15, 2022, CPD responded to the Premises on an unknown complaint.
The caller stated her stepdaughter keeps calling her husband and screaming.
21. On May 23, 2022, CPD responded to the Premises on the report of an overdose.
The caller stated a male at the location laced the caller's drugs with an hallucinogenic.
22. On June 1, 2022 CPD responded to the Premises on a report of a person with a gun. The caller stated they were being held hostage.
23. On June 8, 2022, CPD responded to the Premises of the report of a person with a gun. The caller stated Justin Beavers has a gun on him, threatened the caller and threatened to kill himself.
24. On June 21, 2022, CPD received a report of an unknown complaint. The caller stated her daughter is being held hostage by Justin Beaver.
25. On September 9, 2022, Detective Malone of CPD sent a notice to Robert L. Williams advising of the narcotics activity and felonious conduct at the Premises.
26. On November 8, 2022, CPD received an accidental overdose complaint to the Premises. The caller stated a female was overdosing on fentanyl.
27. On December 6, 2022, CPD received a domestic violence complaint for the Premises. The caller stated the caller's girlfriend's sister and sister's boyfriend is beating her and threatening her. The caller further stated she thinks there may be weapons because this is a drug house. The caller stated she has the boyfriend on the phone and he is screaming and threatening to shoot himself in the face.
28. Relator-Plaintiff alleges that the Premises is a public nuisance as defined in

§ 3767.01 and/or R.C. § 3767.12 (*et seq.*), C.C.C. 4703.01(F), and under common law, subject to abatement under R.C. § 3767.

29. Relator-Plaintiff asserts that the Premises herein is generally reputed to be kept, conducted, and maintained for the purposes of committing violations of Ohio Revised Code 2925 (Drug Offenses), and for the purposes of illegal activity.
30. Respondents-Defendants are guilty of maintaining a nuisance at the Premises, subject to abatement in accordance with R.C. 3767.01 (*et seq.*), for having a structure in violation of the laws pertaining to illegal drugs (including violations of R.C. Chapter 2925, R.C., R.C. 3719.10, etc.); such operations, and criminal activity at the premises, substantially interferes with the area's public decency, sobriety, peace, safety, welfare, and good order.
31. Respondents-Defendants own fixtures, furniture, and moveable property that have been used or are currently being used in conducting, maintaining, and facilitating said public nuisance.
32. Respondents-Defendants at all times relevant to this action maintained a public nuisance threatening the health, safety, and welfare of the People of the City of Columbus (and the health, safety, and welfare of those at 5361 Mendon Court, and that of Columbus Police).
33. Respondents-Defendants are guilty of maintaining a nuisance at the Premises based on their actual and constructive knowledge of the nuisance, as well as the well-known general reputation of the premises, which is prima-facie evidence of the nuisance and of knowledge of and of acquiescence and/or participation in the nuisance.

CLAIM FOR RELIEF

34. Plaintiff incorporates the proceeding paragraphs 1 through 33 as if fully incorporated herein.
35. The Premises is a public nuisance as defined in C.C.C. § 4703.01(F); R.C. §§ 2923.43, 3719.10, 3767.01, 3767.12; and/or common law.
36. The Premises is subject to abatement pursuant to C.C.C. § 4701.08, R.C. Chapter 3767, and/or common law.
37. Respondents-Defendants (except for those named only as interested parties) are guilty of maintaining a public nuisance at the Premises pursuant to R.C. § 3767.02.
38. Respondents-Defendants are further guilty of maintaining a public nuisance at the Premises based on their actual and constructive knowledge of the public nuisance, as well as the well-known general reputation of the Premises, which is prima-facie evidence of the nuisance and of knowledge of and of acquiescence and/or participation in the public nuisance.
39. Respondents-Defendants (except for those named only as interested parties) own fixtures, furniture, and moveable property that have been used or are currently being used in conducting, maintaining, and facilitating said public nuisance.
40. Respondents-Defendants (except for those named only as interested parties) at all times relevant to this action maintained a public nuisance threatening the health, safety, and welfare of the people of the City of Columbus, persons at the Premises, and members of the Columbus Ohio Division of Police.

JUDGMENT AND RELIEF DEMANDED

WHEREFORE, Relator demands judgment as follows:

41. Per R.C. § 3767 and Ohio Civ.R. 65(B)(1), that the court set a preliminary injunction hearing on the matter.
42. A determination that the Premises constitutes and be declared a public nuisance as defined by O.R.C. §§ 2923.43, 3719.10, 3767.01, § 3767.12(et seq), C.C.C. § 4703.01(F) and/or common law.
43. A determination that the Premises is subject to abatement under C.C.C. § 4701.08, R.C. §3767 and/or common law.
44. That all Respondents-Defendants (except for those named only as interested parties) be found guilty of maintaining a public nuisance at the Premises.
45. That all Respondents-Defendants, and any heirs, successors in interest or title, transferees and/or assigns be preliminarily, permanently and perpetually enjoined from conducting, maintaining, using, occupying, or in any way permitting the use of the Premises as a public nuisance.
46. That all Respondents-Defendants, and any heirs, successors in interest or title, transferees and/or assigns be preliminarily, permanently and perpetually enjoined from conducting, maintaining, using, occupying, or in any way permitting the use of a public nuisance anywhere in Franklin County, Ohio and/or Columbus, Ohio.
47. The Court order, pursuant to O.R.C. § 3767.06(A), that Respondents-Defendants (except for those named only as interested parties) abate the public nuisance located at the Premises.
48. The Court order, pursuant to O.R.C. § 3767.05(E)(3) that the Premises not be occupied or used for one year after the judgment is rendered.

49. The Court order, pursuant to O.R.C. § 3767.06(A), that the Premises be closed against its use for any purpose for a period of one year.
50. The Court order, pursuant to § 3767.06(A), that all personal property and contents used in conducting or maintain the public nuisance at the Premises be removed and sold, without appraisal, at a public auction to the highest bidder for cash.
51. That the Court tax Respondents-Defendants (except for those named only as interested parties) \$300 in accordance with Revised Code § 3767.08, plus the costs of this action.
52. This Court appoint a receiver if needed, pursuant to Chapter 2735 of the Ohio Revised Code.
53. An award of Plaintiff's cost and attorney's fees payable by Defendant(s).
54. Realtor-Plaintiff further requests that this Court grant Plaintiff the following relief as permitted by law:
 - a. Interest on all sums to which Realtor-Plaintiff may be entitled
 - b. Attorney's fees and costs of expenses of this action, and
 - c. All such further equitable and other relief this Court determines Realtor-Plaintiff to be entitled.

Respectfully submitted,

City of Columbus, Department of Law
Zach Klein, City Attorney



Christopher C. Clark (0096257)
Assistant City Attorney
375 South High, 17th Floor
Columbus, Ohio 43215

Phone: (614) 645-5670
ccclark@columbus.gov
Counsel for the Relator-Plaintiff

201312300211645
Pg. 2 \$28.00 T20130110727
12/30/2013 3:06PM BXAPERTITLE
Terry J. Brown
Franklin County Recorder

TRANSFERRED

DEC 30 2013

CLARENCE E. MINGO II
RECORDER
FRANKLIN COUNTY, OHIO

AmeriTitle Box
1311038-OSRF

25796
Conveyance
Mandatory- 91.70
Permissive- 91.70
CLARENCE E. MINGO II <i>CM</i> FRANKLIN COUNTY AUDITOR

GENERAL WARRANTY DEED

Franisha Mahavixay, unmarried of Franklin County, State of Ohio for valuable consideration paid, GRANT(S), with general warranty covenants to Robert L. Williams whose tax mailing address is 2656 Pine Marsh Drive Dr. Grove City, OH 43123, the following Real Property:

Situated in the County of Franklin, State of Ohio and City of Columbus:

Being Lot Number 1404 of WALNUT BLUFF SECTION 8, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 72, page 62, Recorder's Office, Franklin County, Ohio.

Tax Parcel No: 010-217374

Property Address: 5361 Mendon Court Columbus, OH 43232

Subject to all taxes after date hereof, conditions, restrictions, covenants, legal highways and easement of record, if any.

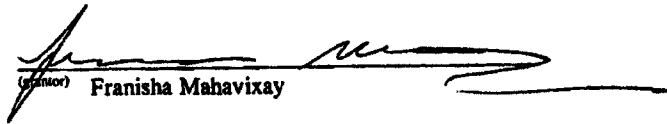
Prior Instrument: Instrument No. 201209280145441

Plaintiff's
Exhibit

A

Signed on this 26th day of December, 2013.

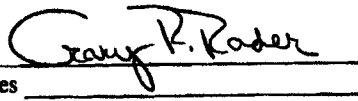
GRANTOR:


(grantor) Franisha Mahavixay

State of Ohio, County of Franklin :ss

Be It Remembered, that on this 26th day of December, 2013, before me, the Subscriber, a notary public in and for said County, personally came the GRANTOR(S), Franisha Mahavixay, whose identity was either known to me or proven to me by satisfactory evidence, and who has/have signed the foregoing instrument and acknowledged the same as his/her/their voluntary act and deed.

In testimony whereof, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.

NOTARY PUBLIC: 
My Commission Expires _____



Gary R. Rader
Notary Public, State of Ohio
My Commission Expires 03-31-2014

This Instrument was prepared by Lisa J. Berger, esq.

(Statutory Form - O.R.C. 5302 05 & 06)

INSTRUCTIONS FOR SERVICE
and

WAIVER OF NOTIFICATION

FILED

2023 JAN 19 AM 10:05

LM
FRANKLIN COUNTY
MUNICIPAL COURT
LORI M. EVANS

FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL CIVIL DIVISION, THIRD FLOOR
375 SOUTH HIGH STREET, COLUMBUS, OHIO 43215

STATE EX. REL
CITY OF COLUMBUS

.....
vs.

ROBERT L WILLIAMS ET AL.

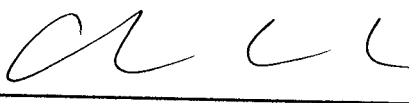
.....Case No.

TO THE CLERK OF COURTS:

You are instructed to make certified mail service, return receipt requested, and bailiff's service, to the defendants at the addresses set forth in the caption of this complaint. If service of process by certified mail is returned by the postal authorities with an endorsement of "refused" or "unclaimed" and if the certificate of mailing can be deemed complete not less than five (5) days before any scheduled hearing, the undersigned waives notice of the failure of service by the clerk and requests ordinary mail service in accordance with civil rule 4.6 (c) or (d) and O.R.C. 1923.06.

Christopher C. Clark (0096257)
Assistant City Attorney
ccclark@columbus.gov
City of Columbus 614-645-5670
ATTORNEY OF RECORD

DATE: 1-19-23

Signature 

IMAGE