

ORIGINAL

IN THE SUPREME COURT OF OHIO

Akim M. Rahman

13-1008

Appellant,

Date: June 21 of 2013

v.

Wells Fargo Bank N.A.

Case No.

Appellee

On Appeal from the
Franklin County Court,
10th Appellate District

Attn: John Kopf
Thompson Hine LLP
41 S. High Street, Suite # 1700
Columbus, OH 43215

Court of Appeals
Case No. 13-AP-376

MOTION FOR AN IMMEDIATE STAY PENDING APPEAL

(Under S. Ct. Prac. R. 7.01. A (3))

I, the Appellant, respectfully ask this Honorable Court to grant the Motion for an immediate stay pending appeal, the Tenth Appellate Court ruling, June 17 of 2013 that relied on the ruling of the Common Pleas Court of May 02 of 2013.

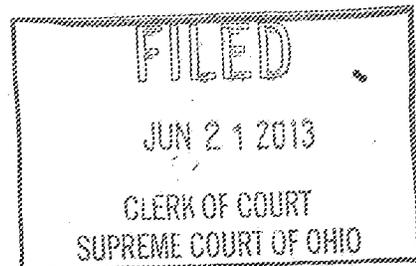
Respectfully submitted

Akim Rahman, Ph.D.

Certificate of Service

I certify that a copy of this Notice of Appeal was sent by ordinary US mail to Counsel for Appellee, Attn: John Kopf, Thompson Hine LLP, 41S. High Street, Suite # 1700, Columbus, OH 43215 on June 21 of 2013.

Akim Rahman, Ph.D.



Arguments

A court should stay its judgment pending appeal where the moving party can demonstrate that: (1) it is likely to succeed on the merits; (2) it would suffer irreparable injury in many facets, monetary damages & cost if the stay were not granted; (3) granting the stay would not substantially harm the other parties; (4) granting the stay would serve the public interests including Ohio homeowners' interests and current US Administrations efforts on curtailing the magnitudes of foreclosure in general (5) reducing social cost evolved from acts, related to abusive acts, in the captioned case, the perpetrated trespass, of law-violators (6) it is a jurisdictional appeal: why the Court should hear the case

This test is flexible and allows a movant to obtain a stay pending appeal by showing "a substantial case on the merits when a serious legal question is involved" and that "the balance of the equities weighs heavily in favor of granting the stay." *Ruiz v. Estelle*, 650 F.2d 555, 556 (5th Cir. 1981); see also *Mohammed v. Reno*, 309 F.3d 95, 101 (2d Cir. 2002).

("The probability of success that must be demonstrated is inversely proportional to the amount of irreparable injury plaintiff will suffer absent the stay."). The Appellant satisfy all these six prongs of this test.

Appellant is likely to prevail on the merits in the Appeals with the Supreme Court

Although the Appellant respects the 10th District Appellate Court and its decision where it has solely relied on Common Pleas Court ruling as a condition, the Appellant nevertheless believes that the Supreme Court is likely to disagree with this 10th District Appellate Court's judgment as well as its absolute reliance on the Common Pleas Court judgment on several independent grounds. It is worthy to mention here that since the Appellate Court ruling has set a condition (\$240,000.00 bond or enforcement of the ruling of the Common Pleas Court), the posting bond is unnecessary and excessive; therefore, the judgment of the Appellate Court cannot stand alone. Therefore, if the judgment of the Common Pleas Court is found to be defective, the Appellate judgment becomes defective.

- a. The ruling of the Tenth Appellate District Court has granted the appellant motion for a stay with a condition of a bond posting (an amount of \$240,000) with the trial court, which raises many questions:
 - A. whether the bond amount is excessive; whether bond requirement violates Open Court Clause of the Ohio Constitution
 - B. whether bond posting is necessary in the caption case because, the home itself is a collateral where I have over \$80,000 equity worth. In other words, in foreclosure cases, the necessity of posting bond is a dual punishment (can be called cruel punishment) to the homeowner who is being charged interests by the mortgage company on a daily basis until the issue resolved.
 - C. whether it is a cruel punishment; whether it produces miscarriage of justice, which undermines Ohioans interests in the long run
 - D. whether appellate Court ruling creates a benefit serving the Appellee so that the condition imposed by ruling in such way so that it cannot be met, therefore, Appellee goals can be achieved
 - E. whether this ruling has caused a miscarriage of justice, where in the future, the wrongdoers will be benefited by applying this technique and as a result the public interest will be undermined as months and years to come

The answers to all the above questions are “yes” and it has direct linkages with public interest and with the higher social costs, which warrants for an intervention by the highest Court so that public interest cannot be undermined and social cost cannot be enhanced. If the action is not taken by the Supreme Court, the wrongdoers will be encouraged and will be benefited using the ruling of the Appellate Court as reference as months and years to come in any foreclosure cases.

- b. The Court entry judgment should have granted a mistrial and / or fashioned another appropriate remedy when the Court rulings (Judge Travis’s ruling on jury trial motion, Judge Bender’s ruling for bench trial and then bench trial proceeding itself etc.) *erred* from
 - i. Not applying properly the provisions of the Civ. R. 15 (B); Civ. R. 39 (A)(1) & Civ. R. 39 (B): A de novo standard of review to questions of law, discretion, and Judgment and other issues

- ii. Denial of the US Constitutional rights (Amendment VII, Amendment VI and Amendment V & Amendment XIV), and individual rights under the Constitution of the State of Ohio
- iii. Violation of Fair Credit Reporting Act (FCRA): after returning checks, the fees / charges / late fees were justified by the Appellee and it was reported to credit bureaus, which has caused a declined of credit score of Appellant
- iv. Not observing (in bench trial) the Court's own ruling (rendered by Travis on time slot arrangement and its application (not observed by the bench trial) (A plain error in rulings, which has caused miscarriage of justice)
- v. Improper applications of provisions of the Civ. R. 38 and Civ. R. 39
The Civ. R. 38 (A) says

Right preserved. The right to trial by jury shall be preserved to the parties inviolate.

The Civ. R. 39 (A) (1) clearly says

When trial by jury has been demanded as provided in Rule 38, the action shall be designated upon the docket as a jury action. The trial of all issues so demanded shall be by jury, unless (1) the parties or their attorneys of record, by written stipulation filed with the court or by an oral stipulation made in open court and entered in the record, consent to trial by the court sitting without a jury

Enforcement of the Common Pleas Court ruling, as it is set (the condition) by the Appellate Court ruling, can facilitate ignoring these violations and improper application of the provisions of the Civ. R., in legal system, which can encourage the wrongdoers to continue it in its practice for fulfilling its own greedy, which can undermine the public interest and can cause damages to the values and philosophy of any legal system.

- c. In Common Pleas Court, the bench trial was a preset up where Appellate was barred to present its side

In the captioned case, under the Court guardianship, in *conference status* meeting (July 27 of 2012), after acknowledging the administrative *error(s)* committed by the Appellee, then attorney of the Appellee had pursued for joint-efforts for an amicable settlement outside the Court where the process was requiring the good faith and willing participation of both parties for efforts on discussions & then resolutions on claims & the counterclaims. However, the Appellee, as it has done in many occasions, has once again replaced its attorney and, in response, the Motion for Jury trial was filed by the Appellant with the Court of Common Pleas on October 02 of 2012 and subsequently a Complete Jury Trial Form along with jury-trial fees were filed with the Court in early March of 2013. This jury trial demand of the Appellant has never been withdrawn by the Appellant.

However, the bench trial was chosen by Appellee's trick where Appellant was barred to present its side. The captioned case had bench trial on March 11 of 2013 where the Appellee had presented its evidences; however, the defendant was barred presenting it evidences including Appellant's own witness under oath (**See:** excerpt transcript). Furthermore, the defendant was barred cross-examining the witness, Ms. Susan Rowel, of the Appellee, the Wells Fargo in this case (**See:** excerpt transcript). It is here notable that the Appellant is a *Pro Se* in this case, therefore, the Appellant had dual rights / roles, presenting the case as a defense counsel in one hand; on the other hand, the Appellant had the right to be a witness himself under oath so that Appellant side could have presented to its fullest in the trial. This was also acknowledged by the Magistrate on the record (**See:** excerpt transcript). However, based on conspiracy theory, Appellant's both rights were denied in the said Magistrate trail. And I believe because of this preset up, therefore, other defendant did not appear for trial.

- d. The Appellee has trespassed Appellant's home where the incident was reported to Hilliard Police Dept. where Police Department has issued a complete report

The fact finding trail was ended without having Appellant's own statement under oath. Furthermore, cross-examination of various exhibits such as Police report(s), return checks etc. and exhibits of Plaintiff side were prohibited without merits. In the bench trial, to justify its position, the Magistrate had used a reference of a ruling by Judge John Bender in the captioned

case (**See:** excerpt transcript: Exhibit-A); however, it now appears that there is no such ruling exists to my knowledge. Likewise, my recent searching of the Court-records suggest that the Magistrate's reference was absolutely false and it was used in aim to *intend defraud* and it was an act of deception for the sake of gaining benefits for the Appellee where the current attorney of the Appellee had influenced significantly, which has denied Appellant's privileges established by **the Constitutional Amendment VI**

----- to have compulsory process for obtaining witnesses in his favor....

Furthermore, this trial setup had denied my constitutional rights established under the Amendment VII of the US Constitution where it says

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact, tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Obviously, the captioned case monetarily worth is more than \$250,000; therefore, I believe my jury trial right was denied strategically where motivationally the issue of trespass and caused damages and other monetary damages including exemplary damages as it was granted by a Court ruling (Wells Fargo, Plaintiff v. Steven E. Tyson, SUSAN L. TYSON, LEITH ANN TYSON, LINDSAY TYSON and KYRA TYSON, Defendants) in year 2010. The Court decision of the referred case was:

The Court finds the appropriate measure of damages for the trespass to Defendant's possessory interest in the property to be in the amount of \$ 200.00. The Court further finds that Defendant is entitled to recover \$ 4,892.00 representing the value of the personality lost as a direct result of Plaintiff's actions in trespass. Finally, the Court finds that Defendant is entitled to recover exemplary damages from Plaintiff in the amount of \$ 150,000.00.

In the captioned case, the question is: whether trespass and its damages would have been addressed in the bench trial, in Court ruling, whether the trespass has caused monetary damages – breaking the door, changed lock system, whether it has cost the social cost where now other homeowners may become victim by the Appellee if it can get away without punishment. Answers to the questions posed are facts and truth and supported by police reports; therefore, the question would be whether the current Court has ignored it without merit.

The Court ruling did not address these issues in the decision, therefore, in the final judgment, it was not weighted in; therefore, the Supreme Court is likely to disagree with this Court's judgment on these grounds because it has linkage with public interest as months and year to come. Furthermore, since there is a denial of Constitutional rights, the Supreme Court may consider it for retrial that is for jury trial.

Appellant will suffer irreparable injury in absent of a stay

The judgment will immediately impose irreparable harm on my economic conditions, credit worthiness in financial market and its affected neighboring home prices, undermine my home values and will force me to prepare that will prove unnecessary if the Supreme Court agrees with the Appellant's arguments and find the issue to be linked to public, *especially*, homeowners interest.

The Appellant respectfully submits that it should be allowed to obtain Supreme Court review before these obligations are imposed. The harms imposed on the Appellant are irreparable because they cannot be undone by a favorable ruling on appeal.

In addition, there is no way for the Supreme Court to rule on this appeal within 45 days, so Appellant will be compelled to spend countless hours and devote scarce resources toward preparing for regardless of the outcome of the Appellant's appeal.

The Appellant's irreparable injuries in many facets including monetary damages & cost, exhaust the home equity worth etc. outweigh any harm to the Appellee

No harm will befall the Appellee if this Court's judgment is stayed pending appeal. Since the foreclosure case has been going on for over two years, the Appellee should not be able to prove that the proposed stay pending appeals will decrease dramatically its interest in the next 45 days or so forth. Therefore, the opportunities for the Appellee will not be adversely affected by the issuance of a stay. Indeed, Appellee has never even moved for urgent hearings in this case, even though it filed this lawsuit over two years ago, so the Appellee has not litigated its case in a manner that urgently calls for the courts' immediate relief trial or hearing. Rather, it has

motivationally delayed the case. If the Appellee now wants to insist that delay will cause irreparable harm to it, it needs to explain why it never thought it necessary to seek immediate trial or hearing for relief when the court proceedings in this case lasted over two years.

A stay pending appeal is in the public interests including Ohio homeowners' interests and current US Administrations interests on curtailing magnitudes of foreclosure in general.

The 10th District Appellate Court's ruling (the conditional part) seeks to protect the interest of the Appellee without any regard to countervailing considerations— social costs, which evolved from 1) Appellee's motivational acts including *too fast* foreclosure commencement, 2) perpetrated trespass and destroyed lock and damaged door, and 3) the need for rational policymaking that weighs interests in protecting homeowners' interests and penalize law violators against other important considerations. The public interest involves more than a blinkered determination to protect mortgage company's interests without regard to costs. The "public interest" is best reflected by the fact that the Chief of the Consumer Financial Protection Bureau, a politically accountable actor who has designed and implemented many rules to protect homeowners' interest in this perspective where the chief of the Bureau has initiated various cases against various mortgage companies.

It is a jurisdictional appeal that has linkages with the interest of public, especially, homeowners' in State of Ohio

Legal issues related to perpetrated trespass

The law is clear that it is both the province and the obligation of the trial court to assess and determine all matters of credibility, *Matter of Liccione v. Miuchael A.* 65 NY2d 826, 482 NE2d 917, 493 NYS2d 121 (1985), *Morgan v. McCaffrey* 14 AD3d 670, 789 NYS2d 274 (2nd Dept. 2005). It is for the trial court to apply and resolve issues of witness credibility. However, the bench trial willfully declined to include the issue of trespass in its ruling and failed to take action.

In the matter before the Court of Common Pleas, it was an apparent to investigate whether Appellee (Plaintiff) had perpetrated a trespass against the real property of Appellant (Defendant), which was actionable and subjects Plaintiff to liability for damages. Distilled to its very essence,

trespass is characterized by one's intentional entry, with neither permission nor legal justification, upon the real property of another, *Woodhull v. Town of Riverhead* 46 AD3d 802, 849 NYS2d 79 (2nd Dept. 2007). The injury arising therefrom afflicts the owner's right of exclusive possession of the property, *Steinfeld v. Morris* 258 AD 228, 16 NYS2d 155 (1st Dept. 1939), *Kaplan v. Incorporated Village of Lynbrook* 12 AD3d 410, 784 NYS2d 586 (2nd Dept. 2004).

In sum, because of failure addressing the issue of perpetrated trespass in Court rulings, this case puts in issue the essence of homeowners (borrowers) and the mortgage companies (financers) and the fate the both parties relations, thereby affecting every law enforcement agencies who are authorized to punish wrongdoers and the homeowners in Ohio. To promote the purposes and preserve the integrity of agreements between homeowners and financers, to assure safety and security of homeowners, its real property and to protect its rights, this court has jurisdiction to hear this case and review the erroneous and dangerous decision of the Court of Appeals that can affect all Ohioans interests.

Legal issues related to rights violations

Bond security amount

The initial question is whether the posting of this type of surety bond violates the Open Courts Clause of the Ohio Constitution, which provides “[t]hat all courts shall be open; and every man, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.” This Open Courts Clause was designed “to ensure that all persons would have access to justice through the courts.” This type clause exists in various forms in thirty-eight states, including Ohio. To promote the purposes and preserve the integrity of the Open Court Clause, this court has jurisdiction to hear this case and review erroneous and dangerous decisions of the Court and Appellate rulings. This Court ruling can ensure a protection of homeowners' interest and rights to its fullest in State of Ohio.

Improper application of rules, provisions; denial of rights under Civ. R.

The Civ. R. 15 (B) clearly says

When issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings.

Even though the Appellant was barred (See tr.) presenting its side in the bench trial, the appellant was able to manage casting its claim (counter claim) on the record (See Tr.) in aim to utilize the provisions of the Civ. R. 15 to justify its counter claim in the captioned case. However, the Court ruling absolutely ignored it and the Court has failed to apply the Civ. R. 15 in its ruling. Therefore, to promote the purposes and preserve the integrity of the provisions of the Civ. R., this Court has jurisdiction to hear this case and review the erroneous and dangerous decision of the Court ruling on which the Appellate ruling relied on. This Court action can ensure no provision of Civ. R. is inappropriately applied in months and years to come.

The Civ. R. 38 (A) says

Right preserved. The right to trial by jury shall be preserved to the parties inviolate.

The Civ. R. 39 (A) (1) clearly says

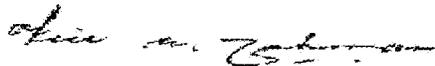
When trial by jury has been demanded as provided in Rule 38, the action shall be designated upon the docket as a jury action. The trial of all issues so demanded shall be by jury, unless (1) the parties or their attorneys of record, by written stipulation filed with the court or by an oral stipulation made in open court and entered in the record, consent to trial by the court sitting without a jury

The Court record should show that the Appellant has never waived its rights for jury trial, however, the case was tried in a bench trail, which has violated the Appellant rights established under the provision of Civ. R. 38 and Civ. R. 39. Therefore, in aim to promote the purposes and integrity of the Civ. R. 38 and Civ. R. 39, this Court have jurisdiction to hear the captioned case and review the erroneous and dangerous decisions of the Court on which the Appellate decision relied on.

Conclusion

Since the Appellant satisfy all the six prongs of this test, the Appellant respectfully requests that this Honorable Court grant an immediate stay pending appeal.

Respectfully submitted by



Akim Rahman, Ph.D.

Enclosure:

Copy of the Brief: This was filed by the Appellant with the Court of Appellate on May 29 of 2013. This document should provide additional facts and information in support of the motion

A note here:

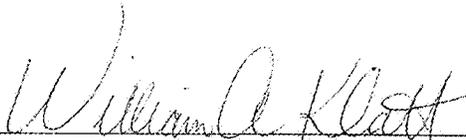
The Appellee (Attn: John Kopf) has not yet filed its brief with the Court of Appellate. However, the Appellate Court rendered a conditional ruling, which is unreasonable and will create a miscarriage of justice if it is not prevented by the Court. Appellant Brief will support this claim.

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

Wells Fargo Bank, N.A., :
Plaintiff-Appellee, :
v. : No. 13AP-376
Akim Rahman, : (REGULAR CALENDAR)
Defendant-Appellant. :

JOURNAL ENTRY

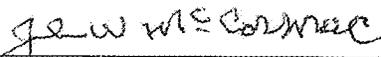
Appellant's May 8, 2013 motion for a stay of execution of the trial court judgment pending appeal is granted conditioned upon appellant's posting with the clerk of the trial court not later than June 24, 2013, a supersedeas or cash bond in the amount of \$240,000.



Judge William A. Klatt, P.J.



Judge Lisa L. Sadler



Judge John W. McCormac, retired of the Tenth Appellate District, assigned to active duty under the authority of Section 6(C), Article IV, Ohio Constitution.

cc: Clerk, Court of Appeals
Clerk, Civil Division



Court Disposition

Case Number: 13AP000376

Case Style: WELLS FARGO BANK NA -VS- AKIM M RAHMAN

Motion Tie Off Information:

1. Motion CMS Document Id: 13AP0003762013-05-0899960000
Document Title: 05-08-2013-MOTION TO STAY
Disposition: 3201
2. Motion CMS Document Id: 13AP0003762013-05-0899970000
Document Title: 05-08-2013-MOTION TO STAY
Disposition: 3201

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

Wells Fargo Bank, N.A.,

Plaintiff,

v.

Akim Rahman, et al.,

Defendants.

Case No. 11-CV-1095

Judge Alan Travis

FINAL JUDGMENT ENTRY AND DECREE IN FORECLOSURE

On May 2, 2013, the Court issued its decision adopting the Magistrate’s Decision dated March 11, 2013, which determined after a bench trial on March 11, 2013, that Plaintiff Wells Fargo Bank, N.A. (“Wells Fargo”) is entitled to judgment on the claims of the Complaint to obtain judgment upon the Note described in the Complaint and to foreclose the lien of the Mortgage securing the obligation of such Note upon the real estate described herein. This matter is now before the Court for entry of the final judgment and decree of foreclosure.

The Court finds that the defendant Franklin County Treasurer (“Treasurer”) filed an Answer but did not appear for trial. However, to the extent that there are any outstanding taxes or assessments now due that are liens upon the real estate, those liens are senior in priority to Wells Fargo’s interest in the Mortgage. The exact amount of said taxes and assessments is unascertainable at this time, but will be determined at the time of the Sheriff’s sale of said premises for which amount the Franklin County Treasurer has good and valid liens.

The Court finds that all necessary parties have been properly served and are properly before the Court. The Court finds that Defendants Jane Doe, name unknown, spouse of Akim Rahman, JP Morgan Chase Bank, N.A., and Hoffman Farms Homeowners’ Association, Inc.

were served with process and the Complaint but have failed to plead or otherwise defend, did not appear for trial, and are in default.

The Court finds that Defendant Akim Rahman ("Rahman") was served with process and the Complaint and appeared for trial. Rahman executed a note dated December 11, 2003 ("Note"), in the principal amount of \$200,168.00 payable to Wells Fargo Home Mortgage, Inc. ("WFHM") and a mortgage dated December 11, 2003 ("Mortgage"). WFHM merged into Wells Fargo, and Wells Fargo is the party entitled to enforce the Note and Mortgage.

The Court finds that Rahman defaulted under the Note by failing to make payments when due, and that there is due and owing to Wells Fargo from Rahman upon the Note the principal sum of \$178,333.81, together with interest at the rate of 5.25% per annum from and after July 1, 2010, plus advances for taxes and insurance totaling \$29,773.56 as of the trial date, plus costs for property inspections totaling \$380.00 as of the trial date, plus court costs and such additional advances for taxes, insurance and other charges, as allowed by law or under the Note or Mortgage.

The Court finds that the Note is secured by the Mortgage, which Mortgage constitutes a valid and subsisting first lien, except to the extent the Treasurer has valid and subsisting liens for unpaid taxes or assessments due and owing, upon the following described premises commonly known as 4428 Trailane Drive, Hilliard, Ohio 43026 (hereinafter the "Subject Property"):

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, AND IN THE CITY OF HILLIARD:

BEING LOT NUMBER FIVE HUNDRED FIFTEEN (515), IN HOFFMAN FARMS SECTION 8, AS THE SAME IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK 100, PAGE 54, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

PARCEL NO. 050-009614-00

PRIOR DEED REFERENCE: 200512150394409.

The Court finds that the Mortgage was filed for record on December 15, 2003, Instrument No. 200312150394418, in the Recorder's Office in Franklin County, Ohio.

The Court finds that the conditions of the Mortgage have been broken and Wells Fargo is entitled to have the equity of redemption of the defendant titleholders foreclosed.

Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment is entered in favor of Wells Fargo and against Akim Rahman upon Count One of the Complaint in the amount of \$178,333.81, plus pre- and post-judgment interest thereon at the rate 5.25% per annum from and after July 1, 2010, plus advances for taxes and insurance totaling \$29,773.56 as of the trial date, plus costs for property inspections totaling \$380.00 as of the trial date, plus court costs and such additional advances for taxes, insurance and other charges, as allowed by law or under the Note or Mortgage as they may continue to accrue.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that default judgment is entered against Jane Doe, name unknown, spouse of Akim Rahman, JP Morgan Chase Bank, N.A., and Hoffman Farms Homeowners' Association, Inc., barring them from asserting any interest in the Subject Property.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that unless the sums hereinbefore found to be due to Wells Fargo, and the costs of this action, be fully paid within three (3) days from the date of the Entry of this decree, the equity of redemption of the defendant titleholders in the Subject Property shall be foreclosed and the Subject Property sold free and clear of the interests of all parties herein, and an order of sale shall issue to the Sheriff of this County, directing him to appraise, advertise and sell said Subject Property according to law and the orders of this Court and report his proceedings to this Court.

IT IS HEREBY FURTHER ORDERED that the Sheriff shall send counsel for the party requesting the Order of Sale a copy of the publication notice promptly upon its first publication.

IT IS HEREBY FURTHER ORDERED that the Sheriff, upon confirmation of said sale, shall pay from the proceeds of said sale, upon the claims herein found, the amounts thereof in the following order of priority:

1. To the Clerk of this Court, the costs of this action, including the fees of the appraisers.
2. To the Treasurer of Franklin County, the taxes and assessments due and payable as of the date of the Sheriff's Sale, and legally assessed against the real estate.
3. To Wells Fargo, the principal sum of \$178,333.81, together with interest thereon at the rate of 5.25% per annum from and after July 1, 2010, together with advances for taxes and insurance totaling \$29,773.56 as of the trial date, plus costs for property inspections totaling \$380.00 as of the trial date, plus court costs, together with such additional advances for taxes, insurance and other charges, as allowed by law or under the Note or Mortgage, as they may continue to accrue and shown as of the date of the confirmation of the sale.
4. The balance of the sale proceeds, if any, shall be paid by the Sheriff to the Clerk of this Court to await further orders of this Court.

IT IS FURTHER ORDERED, that upon the distribution of the proceeds of sale as aforesaid, the Clerk of this Court shall issue a certificate to the County Recorder directing the Recorder to enter the same on the margin of the records of said mortgages and liens, releasing said liens from the Subject Property.

No other claims remain pending in this case. This is a final and appealable order.

The Clerk of Court shall serve upon all parties not in default for failure to appear notice of this judgment and its date of entry upon the journal and not the service in the appearance docket. Civ.R. 58(B).

SO ORDERED.

JUDGE TRAVIS

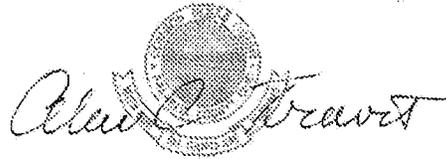
Submitted:

/s/ John B. Kopf III
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Franklin County Court of Common Pleas

Date: 05-02-2013
Case Title: WELLS FARGO BANK NA -VS- AKIM M RAHMAN
Case Number: 11CV001095
Type: JUDGMENT ENTRY

It Is So Ordered.

A handwritten signature in cursive script, "Alan C. Travis", is written over a circular seal. The seal is partially obscured by the signature and contains some illegible text and a central emblem.

/s/ Visiting Judge Alan C. Travis

Court Disposition

Case Number: 11CV001095

Case Style: WELLS FARGO BANK NA -VS- AKIM M RAHMAN

Case Terminated: 12 - Default

Final Appealable Order: Yes

Motion Tie Off Information:

1. Motion CMS Document Id: 11CV0010952011-08-1199980000
Document Title: 08-11-2011-MOTION
Disposition: MOTION RELEASED TO CLEAR DOCKET
2. Motion CMS Document Id: 11CV0010952011-08-3099980000
Document Title: 08-30-2011-MOTION
Disposition: MOTION RELEASED TO CLEAR DOCKET
3. Motion CMS Document Id: 11CV0010952011-11-1499980000
Document Title: 11-14-2011-MOTION
Disposition: MOTION RELEASED TO CLEAR DOCKET
4. Motion CMS Document Id: 11CV0010952012-02-0899930000
Document Title: 02-08-2012-MOTION FOR DEFAULT JUDGMENT
Disposition: MOTION GRANTED
5. Motion CMS Document Id: 11CV0010952012-02-0899920000
Document Title: 02-08-2012-MOTION FOR SUMMARY
JUDGMENT
Disposition: MOTION RELEASED TO CLEAR DOCKET

6. Motion CMS Document Id: 11CV0010952012-02-2499980000
Document Title: 02-24-2012-MOTION
Disposition: MOTION RELEASED TO CLEAR DOCKET
7. Motion CMS Document Id: 11CV0010952012-03-1999980000
Document Title: 03-19-2012-MOTION
Disposition: MOTION DENIED
8. Motion CMS Document Id: 11CV0010952012-03-1999970000
Document Title: 03-19-2012-MOTION
Disposition: MOTION DENIED
9. Motion CMS Document Id: 11CV0010952012-03-1999950000
Document Title: 03-19-2012-MOTION
Disposition: MOTION DENIED
10. Motion CMS Document Id: 11CV0010952012-06-2199980000
Document Title: 06-21-2012-MOTION
Disposition: MOTION DENIED

11. Motion CMS Document Id: 11CV0010952012-10-0299980000
Document Title: 10-02-2012-MOTION TO REQUEST JURY TRIAL
Disposition: MOTION DENIED

12. Motion CMS Document Id: 11CV0010952013-03-1499980000
Document Title: 03-14-2013-MOTION
Disposition: MOTION DENIED

13. Motion CMS Document Id: 11CV0010952013-03-1599970000
Document Title: 03-15-2013-OBJECTION TO
Disposition: OBJECTION DENIED

14. Motion CMS Document Id: 11CV0010952013-03-1899970000
Document Title: 03-18-2013-MOTION
Disposition: MOTION DENIED

15. Motion CMS Document Id: 11CV0010952013-03-2199980000
Document Title: 03-21-2013-MOTION
Disposition: MOTION DENIED

16. Motion CMS Document Id: 11CV0010952013-03-2299950000
Document Title: 03-22-2013-MOTION FOR LEAVE TO FILE
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17. Motion CMS Document Id: 11CV0010952013-03-2699980000
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