

ORIGINAL

13-1434

SUPREME COURT OF OHIO

PATRICK BRUNNER
KAREN BRUNNER

: Appeal No. C-130569

: Trial No. 13CV02026

Appellees,

: MOTION FOR EMERGENCY STAY

vs.

: PENDING APPEAL

BYRON GERMANY
REGINA SHIELDS

:

Appellants,

FILED
SEP 06 2013
CLERK OF COURT SUPREME COURT OF OHIO

APPEAL FROM THE FIRST APPELLATE DISTRICT COURT

MOTION FOR EMERGENCY STAY PENDING APPEAL

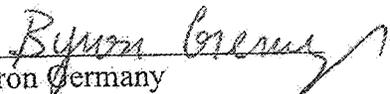
In accordance to App Rule 7.0183 Appellants motion for emergency stay of the judgment and order is sought because appellant will suffer irreparable harm if a stay is not granted. Appellants will lose their home and will have to uproot their children as well as lose their equity interest in property and ability to maintain for their family if stay is not granted. Appellants have substantial investment of over 20% invested in said property pursuant to O.R.C 5313.07. Appellants believes they will prevail on the merits. Appellants have a month to month clause in the contract for deed. Appellee should have proceeded to default proceeding in the event of a default not eviction pursuant to Ohio Revised code 2323.07. The trial court failed to follow the law and made numerous *erroneous* application of law. Municipal eviction court lack jurisdiction and was not competent to hear the case based on its merits. The trial court was prejudice against Appellants

and practiced patterns of misconduct in defiance to the applicable legal provisions, standards and rules of court. Appellant request that Ohio Supreme Court grant and Emergency Stay of writ pending the conclusion of this matter.

Respectfully Submitted,



Regina Shields
223 Solarama Court
Cincinnati, OH 45238
Telephone: (513) 373-0405



Byron Germany
223 Solarama Court
Cincinnati, OH 45238
Telephone: (513) 372-4529

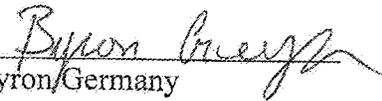
CERTIFICATE OF SERVICE

I certify that a copy of this Notice of appeal was served by regular mail upon

STUART RICHARDS on September 5, 2013.



Regina Shields
223 Solarama Court
Cincinnati, OH 45238
Telephone: (513) 373-0405



Byron Germany
223 Solarama Court
Cincinnati, OH 45238
Telephone: (513) 372-4529

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

APPEAL NO. _____

STATE OF OHIO
Plaintiff

vs

AFFIDAVIT OF INDIGENCY

REGINA SHIELDS
Defendant

REGINA SHIELDS, the undersigned, being first duly sworn and
cautioned, deposes and states

1. That he is the defendant in the above styled case;
2. That he is a citizen of the State of Ohio;
3. That he is indigent and unable to pay the costs and charges involved in the within matter;
4. That he is entitled to the redress that is sought in the above styled action to the best of his knowledge and belief.

FURTHER AFFIANT SAYETH NAUGHT.

REGINA SHIELDS/ *Regina Shields*
Defendant/Appellant-Indigent

SWORN TO AND SUBSCRIBED BEFORE ME, A NOTARY PUBLIC IN AND FOR THE
COUNTY AND STATE THIS 3 DAY OF September, 2013.



JUDY L. SCHALK
Notary Public, State of Ohio
My Commission Expires
December 25, 2016

Judy L. Schalk
NOTARY PUBLIC

TRACY WINKLER
CLERK OF COURTS
HAMILTON COUNTY, OHIO
SEP 3 10 46 26

HAMILTON COUNTY COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

BYRON GERMANY
REGINA SHIELDS

: Case No. A1305692

:

Plaintiffs,

:

**MOTION TO PROCEED
IN FORMA PAUPERIS**

vs.

:

PATRICK BRUNNER
KAREN BRUNNE

:

Defendants,

Now come Regina Shields, a party in this action, and moves the court to waive the advance deposit for cost and fees required by R.C. 1901.26 for the reason that movant does not have the means to pay such deposit.



Regina Shields (Pro se)
223 Solarama Ct.
Cincinnati, Ohio 45238

TRACY WINKLER
CLERK OF COURTS
HAMILTON COUNTY, OHIO
2011-07-26 3:24 PM

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

PATRICK BRUNNER : APPEAL NO. _____
KAREN BRUNNE : TRIAL NO. 13CV02026
Appellees, :
vs. : ENTRY GRANTING LEAVE TO
BYRON GERMANY : PROCEED IN FORMA PAUPERIS
REGINA SHIELDS :
Appellants, :

Upon consideration of the motion and affidavit of Regina Shields And being otherwise fully advised in the premises, the court finds that the movant is unable to make advance deposits for fees and costs required by R.C. 1901.26. The motion is therefore granted and requirement that said movant make advance deposit in this case is hereby waived.

TRACY WILSON
CLERK OF COURTS
HAMILTON COUNTY, OHIO
2013-3-12 4:26

APPROVED AND FILED
FOR JOURNALIZATION

DATE _____

Judge

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

PATRICK BRUNNER : APPEAL NO. _____
KAREN BRUNNER : TRIAL NO. 13CV02026
Appellees, :
vs. : AFFIDAVIT IN SUPPORT OF
MOTION TO STAY
BYRON GERMANY :
REGINA SHIELDS :
Appellants,

STATE OF OHIO)
COUNTY OF) SS:
HAMILTON)

Being duly cautioned and sworn, affiant state as follows:

1. I am Regina Shields, Appellant in the above reference matter.
2. I have resided at 223 Solarama Ct, Cincinnati, Ohio for over two(2) and a half years; I have invested over a One Hundred and Fifty Thousand Dollars in said property during that period of time as per my Lease Option Contract for Deed.
3. I have paid over twenty percent (20%) of the purchase price and am not nor have I been a party to any foreclosure proceeding as required under ORC 5313.07.
4. I am entitled to due process under the United State Constitutional Law.
5. I am not required to pay a monthly rent payment under my Lease Option Contract for Deed.

TRACY WILSON
CLERK OF COURTS
HAMILTON COUNTY, OHIO
APR 23 - 3 P 12 26

6. I believe I am likely to prevail on appeal and will be irreparably harmed if a stay is not granted.
7. If a stay is not granted, I will be denied due process rights in that any remedy from my appeal process will be moot after I am displaced and the property sold out from under me.
8. It is my understanding that a late utility payment is not grounds for termination of this Lease Option Contract for Deed.
9. The Appellee already holds or controls title to the property in question so there is harm to Appellee in granting my stay.
10. Absent a stay, I will never be able to be made whole regardless of my pending appeal.
11. In fact, the Appellee will be unjustly enriched based upon the thousands of dollars in cash and or renovations, upkeep and maintenance I have performed on the property over the course of my purchase option contract for deed in addition the bonds I have deposited with the courts.

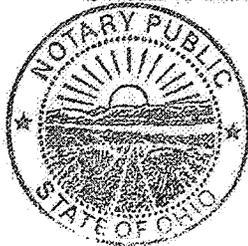
AFFIANT FUTHER SAYETH NAUGHT.

TRACY WINTER
 CLERK OF COURTS
 HAMILTON COUNTY, OHIO
 2013-09-03 P 4:26

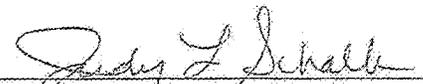


 REGINA SHIELDS

Sworn to and subscribed in my presence on this 3 day of September, 2013



JUDY L. SCHALK
 Notary Public, State of Ohio
 My Commission Expires
 December 25, 2016



 NOTARY PUBLIC

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

APPEAL NO. _____

STATE OF OHIO
Plaintiff

vs

AFFIDAVIT OF INDIGENCY

BYRON GERMANY
Defendant

BYRON GERMANY, the undersigned, being first duly sworn and
cautioned, deposes and states

1. That he is the defendant in the above styled case;
2. That he is a citizen of the State of Ohio;
3. That he is indigent and unable to pay the costs and charges involved in the within matter,
4. That he is entitled to the redress that is sought in the above styled action to the best of his knowledge and belief.

FURTHER AFFIANT SAYETH NAUGHT.

BYRON GERMANY/ Byron Germany
Defendant/Appellant-Indigent

TRACY WINKLER
CLERK OF COURTS
HAMILTON COUNTY, OHIO
1.31.13
3 P 4:26

SWORN TO AND SUBSCRIBED BEFORE ME, A NOTARY PUBLIC IN AND FOR THE
COUNTY AND STATE THIS 3 DAY OF September 2013.



JUDY L. SCHALK
Notary Public, State of Ohio
My Commission Expires
December 25, 2016

Judy L. Schalk
NOTARY PUBLIC

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

PATRICK BRUNNER
KAREN BRUNNER

Appellees,

vs.

BYRON GERMANY
REGINA SHIELDS

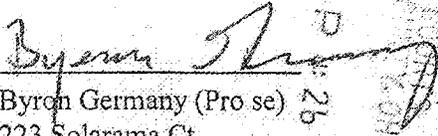
Appellants,

APPEAL NO. _____

TRIAL NO. 13CV02026

MOTION TO PROCEED
IN FORMA PAUPERIS

Now come Byron Germany, a party in this action, and moves the court to waive the advance deposit for cost and fees required by R.C. 1901.26 for the reason that movant does not have the means to pay such deposit.


Byron Germany (Pro se)
223 Solarama Ct.
Cincinnati, Ohio 45238

TRACY WINN
CLERK OF APPEALS
HAMILTON COUNTY, OHIO
2013 SEP -3 P 26

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

PATRICK BRUNNER : APPEAL NO. _____
KAREN BRUNNE :
Appellees, : TRIAL NO. 13CV02026
vs. : ENTRY GRANTING LEAVE TO
BYRON GERMANY : PROCEED IN FORMA PAUPERIS
REGINA SHIELDS :
Appellants, :

Upon consideration of the motion and affidavit of Byron Germany And being otherwise fully advised in the premises, the court finds that the movant is unable to make advance deposits for fees and costs required by R.C. 1901.26. The motion is therefore granted and requirement that said movant make advance deposit in this case is hereby waived.

APPROVED AND FILED
FOR JOURNALIZATION

DATE _____

Judge

TRACY WINKLER
CLERK OF COURTS
HAMILTON COUNTY OH
2013 SEP -3 P 4:26

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO

APPEAL NO. _____

TRIAL NO. 13CV02026

vs.

BYRON GERMANY

**MOTION TO PREPARE
TRANSCRIPTS OF PROCEEDINGS
AT STATES EXPENSE**

Defendant-Appellant, BYRON GERMANY, respectfully moves

this Court to order the official court reporter to prepare a complete transcript of all the proceedings had in the trial court in the above-styled case.

Defendant-Appellant is indigent and unable to pay the costs of the preparation of the transcript.

Byron Germany
(Signature)

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Notice of appeal was served by regular mail upon

Stewart Beckwith on September 3, 2013

Byron Germany
(Signature)

TRACY WINKLER
CLERK OF COURTS
HAMILTON COUNTY, OHIO
SEP 3 3 P 4:26

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

PATRICK BRUNNER : APPEAL NO. _____
KAREN BRUNNER :
Appellees, : TRIAL NO. 13CV02026
vs. : AFFIDAVIT IN SUPPORT OF
BYRON GERMANY : MOTION TO STAY
REGINA SHIELDS :
Appellants, :

STATE OF OHIO)
COUNTY OF) SS:
HAMILTON)

Being duly cautioned and sworn, affiant state as follows:

1. I am Byron Germany, Appellant in the above reference matter.
2. I have resided at 223 Solarama Ct, Cincinnati, Ohio for over two(2) and a half years; I have invested over a One Hundred and Fifty Thousand Dollars in said property during that period of time as per my Lease Option Contract for Deed.
3. I have paid over twenty percent (20%) of the purchase price and am not nor have I been a party to any foreclosure proceeding as required under ORC 5313.07.
4. I am entitled to due process under the United State Constitutional Law.
5. I am not required to pay a monthly rent payment under my Lease Option Contract for Deed.

TRACY WINNER
CLERK OF COURTS
HAMILTON COUNTY, OHIO
JUL 27 2 12 PM '13

6. I believe I am likely to prevail on appeal and will be irreparably harmed if a stay is not granted.
7. If a stay is not granted, I will be denied due process rights in that any remedy from my appeal process will be moot after I am displaced and the property sold out from under me.
8. It is my understanding that a late utility payment is not grounds for termination of this Lease Option Contract for Deed.
9. The Appellee already holds or controls title to the property in question so there is harm to Appellee in granting my stay.
10. Absent a stay, I will never be able to be made whole regardless of my pending appeal.
11. In fact, the Appellee will be unjustly enriched based upon the thousands of dollars in cash and or renovations, upkeep and maintenance I have performed on the property over the course of my purchase option contract for deed in addition the bonds I have deposited with the courts.

AFFIANT FUTHER SAYETH NAUGHT.

Byron G. Germany
BYRON GERMANY

Sworn to and subscribed in my presence on this 3 day of September, 2013



JUDY L. SCHALK
Notary Public, State of Ohio
My Commission Expires
December 25, 2016

Judy L. Schalk
NOTARY PUBLIC

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

ENTERED
SEP - 4 2013

PATRICK BRUNNER
KAREN BRUNNER

APPEAL NO. C-130569
TRIAL NO. 13CV-02026

Appellees,

vs.

ENTRY OVERRULING MOTION
FOR STAY

BYRON GERMANY
REGINA SHIELDS

Appellants.

This is being considered upon the appellants' motion for stay and the appellees' response to the motion. The Court finds that the motion is not well taken and is overruled.

To The Clerk:

Enter upon the Journal of the Court on SEP 04 2013 per order of the Court.

By: *Pao*
Judge

(Copies sent to all counsel)



D103423356