

PROBATE COURT OF STARK COUNTY, OHIO

IN THE MATTER OF: LOUIS BAICH, DECEASED

CASE NO. 217403

FILED

MAY 25 2016

MAGISTRATE'S DECISION AND ORDER

JUDGE DIXIE PARK  
STARK COUNTY PROBATE COURT

Pursuant to a prior order referring the above entitled proceeding to me for hearing, I proceeded under the provisions of Civil Rule 53 to hear and examine such proceeding and respectfully submit the following decision and order thereon.

This matter was heard on May 25, 2016 upon the  
CASE MANAGEMENT HEARING

Appearances were made by:

STEPHEN A. GINELLA, JR., ESQ. - JOHN BAICH

A copy of the magistrate's decision and order was filed on the above stamped date with the Court and copies were mailed or personally served to the parties and/or their attorneys of record.

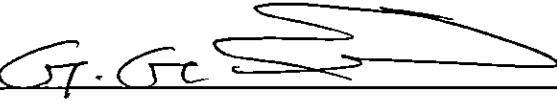
Findings of fact and the decision and order are as stated in the attachments hereto.

**NOTICE TO ATTORNEYS AND PARTIES**

Civil Rule 53(D)(3) and (4) provides as follows: A party may, within fourteen (14) days of the filing of the decision, serve and file written objections to the decision. If objections are timely served and filed by the party, any other party may serve and file objections within ten (10) days of the date on which the first objections were filed, or within the time otherwise prescribed by this rule, whichever period last expires. Such objections shall be considered a motion. Objections shall be specific and state with particularity the grounds therefor. Upon consideration of the objections the Court may adopt, reject or modify the decision; hear additional evidence; recommit the matter to the magistrate with instructions; or hear the matter itself.

Civil Rule 53(D)(4)(e) provides as follows: Permanent and interim orders. The court may adopt a decision and enter judgment without waiting for timely objections by the parties, but the filing of timely written objections shall operate as an automatic stay of execution of that judgment until the court disposes of those objections and thereby vacates, modifies, or adheres to the judgment previously entered. The court may make an interim order on the basis of a decision without waiting for or ruling on timely objections by the parties where immediate relief is justified. An interim order shall not be subject to the automatic stay caused by the filing of timely objections. An interim order shall not extend more than twenty-eight days from the date of its entry unless, within that time and for good cause shown, the court extends the interim order for an additional twenty-eight days.

These and all other provisions of the Ohio Rules of Civil Procedure must be in compliance or objections will be overruled.

Submitted by: , Magistrate

Tape index number: 7112

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JUDGE DIXIE PARK  
FINDINGS OF FACT AND CONCLUSIONS OF LAW  
STARK COUNTY PROBATE COURT

THE DECEDENT DIED TESTATE ON 1/27/2013 SURVIVED BY SIBLINGS AND THE ISSUE OF DECEASED SIBLINGS (NIECES & NEPHEWS) AS HIS SOLE NEXT OF KIN, AND RESIDUARY BENEFICIARIES OF HIS ESTATE. JOHN BAICH POSTED A \$600,000.00 SURETY BOND AND WAS APPOINTED FIDUCIARY ON 3/22/13. THE BOND WAS REDUCED TO \$200,000.00 ON 10/18/13. THE APPROVED INVENTORY LISTS A PROBATE ESTATE VALUED AT \$88,874.95. THERE IS ALSO AN ASBESTOS CLAIM PASSING FROM THE ESTATE OF THE DECEASED SURVIVING SPOUSE [#220053]. A FIRST PARTIAL ACCOUNT WAS FILED ON 2/25/14. THERE IS A PENDING ORDER FOR FIVE BENEFICIARIES TO REIMBURSE THE ESTATE FOR OVERPAYMENT OF THEIR DISTRIBUTION. THE OVERPAYMENTS HAVE NOT BEEN REPAYED IN FULL. THE FIDUCIARY IS DELINQUENT MORE THAN A YEAR IN THE FILING OF AN ANNUAL ACCOUNT ALTHOUGH NOTIFIED TO FILE ONE. BEVAN AND ASSOCIATES HAS A SETTLEMENT AVAILABLE FOR APPROVAL. A HEARING WILL BE REQUIRED ON THE ASBESTOS SETTLEMENT.

**MAGISTRATE'S DECISION AND ORDER**

ORDERED THAT: [1] A PARTIAL ACCOUNT TO BE FILED BEFORE JUNE 17, 2016.

[ X ] That pursuant to Civil Rule 53(D)(4)(e)(ii), based on the decision immediate relief is justified in this case for this recommendation to take effect forthwith as an interim order.

Dated: May 25, 2016

MAGISTRATE   
Gust Goutras