

PROBATE COURT OF STARK COUNTY, OHIO

IN THE MATTER OF: LOUIS BAICH

CASE NO. 217403

FILED
OCT 15 2021

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 Oct 15, 2021 upon the
CASE MANAGEMENT CONFERENCE

Appearances were made by:
STEPHEN ANGELO GINELLA JR.

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: Caitlin Ogler, Magistrate

Tape index number: 211014-2643

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

THIS MATTER CAME BEFORE THE COURT FOR A STATUS CONFERENCE. ATTORNEY GINELLA WAS PRESENT VIA ZOOM. FIDUCIARY DID NOT APPEAR. FIDUCIARY, JOHN BAICH, FILED A PARTIAL ACCOUNT ON 8/20/2021, WHICH REFLECTS A BALANCE IN FIDUCIARY'S HANDS OF \$768.24. HOWEVER, THE PARTIAL ACCOUNT SUBMITTED FAILS TO REFLECT ANY RECEIPTS OR DISBURSEMENTS. FURTHER, THE MOST RECENT APPROVED ACCOUNT INDICATED \$9,457.14 REMAINING IN FIDUCIARY'S HANDS. IN ADDITION, A JUDGMENT ENTRY OF THIS COURT DATED 8/28/2014 ORDERED 5 ESTATE BENEFICIARIES TO REPAY THE ESTATE \$2,577.78 EACH. TO DATE, REPAYMENTS HAVE NOT BEEN SATISFIED. ATTORNEY GINELLA STATED THAT HE WILL WORK WITH FIDUCIARY TO FILE AN AMENDED PARTIAL ACCOUNT AND TO FILE A CONTEMPT ACTION REGARDING THE UNPAID MONIES DUE TO THE ESTATE FROM CERTAIN BENEFICIARIES.

MAGISTRATE'S DECISION AND ORDER

ORDERED THAT: [1] FIDUCIARY SHALL FILE AN AMENDED PARTIAL ACCOUNT BY 11/15/2021. [2] FIDUCIARY SHALL EITHER OBTAIN REPAYMENT PURSUANT TO THIS COURT'S 8/28/2014 JUDGMENT ENTRY OR FILE CONTEMPT ACTION BY 11/15/2021.

[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: Oct 15, 2021

MAGISTRATE 
Caitlin A. Sigler