

PROBATE COURT OF STARK COUNTY, OHIO

FILED
JAN 19 2024

IN THE MATTER OF: LOUIS BAICH

CASE NO. 217403

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 Jan 19, 2024 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 Boyer, Magistrate

Tape index number: 24026-4456

CASE NO. 217403

FINDINGS OF FACT AND CONCLUSIONS OF LAW

THIS MATTER CAME BEFORE THE COURT FOR A CASE MANAGEMENT CONFERENCE. ATTORNEY GINELLA APPEARED AND STATED THAT HE HAS MADE MULTIPLE ATTEMPTS BY BOTH CERTIFIED AND REGULAR MAIL TO REACH THE BENEFICIARIES WHO WERE OVERPAID. TWO BENEFICIARIES HAVE PAID BACK THE ESTATE, TO WIT: CONNIE HOLLANDSWORTH AND LINDA NAKOWSKI. REPAYMENT REMAINS OUTSTANDING FROM JAMES BAICH, LAURA WARNER, AND DANIEL BAICH.

MAGISTRATE'S DECISION AND ORDER

IT IS HEREBY ORDERED: FIDUCIARY SHALL EITHER OBTAIN THE OUTSTANDING OVERPAYMENTS OR FILE A CONTEMPT ACTION BY 2/19/2024.

[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: Jan 19, 2024

MAGISTRATE

Caitlin A. Sigler
Caitlin A. Sigler