

IN THE COURT OF COMMON PLEAS  
TRUMBULL COUNTY, OHIO  
PROBATE DIVISION

JOHN J. CLEMENTE, JR	)	CASE NO. 2007 CVA 0042
	)	
PLAINTIFF-APPELLEE	)	CASE NO. 2007 CVA 0007
	)	
and	)	JUDGE SWIFT
	)	
GARRICK G. KRLICH	)	NOTICE OF APPEAL
	)	
INTERVENING PLAINTIFF-APPELLANT)	)	
	)	
v.	)	
	)	
FRANK J. CLEMENTE, GUARDIAN OF	)	
THE ESTATE OF MARY CLEMENTE	)	
	)	
DEFENDANT-APPELLEE	)	

Now comes, Garrick G. Krllich, pro se, and gives notice of appeal of the Judgment of the Trumbull County Court of Common Pleas, Probate Division, entered on November 27, 2007, which denied intervening plaintiff, Garrick G. Krllich's motion to set aside an order of sale and motion to intervene, and ordered specific performance of an alleged contract for sale of real estate, to the Eleventh District court of Appeals. A copy of the Judgment is attached hereto as Exhibit "A."

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GARRICK G. KRLICH, PRO SE  
713 East Liberty Street  
Hubbard, OH 44425  
Phone: (330) 534-2949

**FILED**

NOV 27 2007

IN THE COURT OF COMMON PLEAS  
DIVISION OF PROBATE  
TRUMBULL COUNTY, OHIO

JUDGE THOMAS A. SWIFT  
TRUMBULL COUNTY PROBATE COURT  
WARREN, OHIO

JOHN J. CLEMENTE JR.,

CASE NO. 2007 CVA 042

Plaintiff

vs.

FRANK J. CLEMENTE, Guardian of  
the Person and Estate of Mary Clemente

Defendant

JUDGMENT ENTRY

This 21<sup>st</sup> day of November, 2007 this cause came on to be heard upon the Complaint of the Plaintiff, the Answer of Defendant thereto, the Complaint filed by Garrick Krich, the Answer of Defendant thereto, and the Motion to Set Aside Order of Sale filed by Garrick Krich, the Court being fully advised in the premises, finds that the Order of Private Sale was issued on July 31, 2007 and that the Motion to Set Aside the Order of Sale was filed on November 20, 2007, and is untimely. The Court further finds that Garrick G. Krich lacks standing to intervene in the proceedings.

The Court further finds that a valid contract to sell the following described real property was entered into by and between Plaintiff and Defendant on July 25, 2007, and that pursuant to the Order of Private Sale issued by this Court on July 31, 2007, the Defendant should be required to specifically perform the terms of the aforementioned contract and Order of this Court and deliver his Fiduciary Deed to Plaintiff in consideration for the sum of Twenty Thousand Dollars (\$20,000.00):

Situated in the Township of Hubbard, County of Trumbull and State of Ohio:

And known as being part of Lot No. 54, in the original survey of lands in said Hubbard Township, and described as follows: to-wit; On the north partly by the public highway and partly by a lot former owned by John Lloyd; on the east by part of said Lot No. 54, owned by the heirs of John Mayers; on the south by land now or formerly owned by the heirs of Wm. Phillips and on the west by part of and being the same parcel of land conveyed to Mrs. Mary Huff by David Wheeler and Albina Wheeler, husband and wife, by deed dated August 18, 1899 and recorded in Trumbull County Records of Deeds Vol. 165, page 580 and containing within said bounds one acre of land.

ADDRESS: 723 East Liberty Street, Hubbard, OH 44425  
PERM. PARCEL: 01-071100

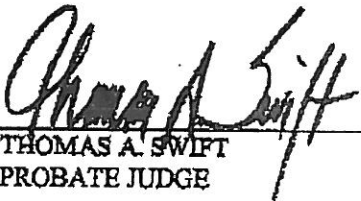
It is therefore ORDERED, ADJUDGED AND DECREED that the Defendant shall specifically perform the terms of the contract entered into on July 25, 2007, and shall deliver his Fiduciary Deed to Plaintiff for the subject property as provided for in said contract and pursuant to the terms of the Order of Private Sale and the terms of said contract.

It is further ORDERED, ADJUDGED AND DECREED that the Motion to Set Aside Order of Sale and the Motion to Intervene be and hereby are denied and dismissed.

It is further ORDERED, ADJUDGED AND DECREED that the Defendant shall pay the costs of this action.

NOV 27 2007

DATE

  
THOMAS A. SWIFT  
PROBATE JUDGE

Copies mailed/delivered this 27th day of November, 2007 to the following:  
James W. Thomas, Esq., Eunor F. Snyder, Esq., Elliot P. Legow, Esq., Jeff Adler, Esq., O'Brien Memorial Health Care c/o Administrator, and Anthony G. Rossi, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing notice of appeal was forwarded by regular U.S. Mail upon:

James W. Thomas, Esq.  
42 E. Wilson Street  
P.O. Box 330  
Girard, OH 44420

and

Emmor F. Snyder, Esq.  
3 N. State Street  
Girard, OH 44420

and

Jeff Adler, Esq.  
973 W. Liberty Sreet  
Hubbard, OH 44425

154 Y-TOWN HUBBARD RD STE D  
HUBBARD OH

and

O'Brien Memorial Health Care  
c/o Administrator  
563 Brookfield Ave., SE  
Brookfield, OH 4403  
MASONRY OH 44438  
and 448-2557

Anthony G. Rossi, Esq.  
P.O. Box 4270  
Warren, OH 44482

x

GARRICK G. KRLICH, PRO SE  
713 East Liberty Street  
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Phone: (330) 534-2949

ELEVENTH DISTRICT COURT OF APPEALS  
DOCKETING STATEMENT

(To be attached to and filed with Notice of Appeal)

(CAPTION - must be complete)

(NAME, ADDRESS, & PHONE FOR COUNSEL)

GARRICK G. KRLICH

pro se

713 East Liberty Street

Hubbard, Ohio 44425

Appellant

Appellant

vs.

FRANK J. CLEMENTE, ET AL.

TRIAL COURT NO. 2007 CVA 042

2007 CVA 007

Appellees

TYPE OF CASE: (Please indicate)

☐ A. No transcript of proceedings required

☒ B. Length of transcript is such that preparation time will not be a source of delay.

☐ C. Agreed or narrative statement to be submitted pursuant to App. R. 9(C) or (D).

☐ D. Record was made in administrative hearing and filed with trial court.

☐ E. All parties to case approve assignment to accelerated calendar.

☐ F. Criminal cases involving:

☐ 1. Crim.R. 11 challenges.

☐ 2. Post-conviction appeals alleging ineffective assistance of counsel

☐ 3. Challenges to sentencing to revocation of probation or to failure to grant probation.

☐ 4. Crim.R. 29 or weight of evidence challenges, especially with lesser crimes.

☐ 5. Routine DUI cases and other minor traffic offenses.

☐ 6. Expungement cases.

☐ G. Civil cases involving:

☐ 1. Routine administrative appeals.

☐ 2. Actions on account.

☐ 3. Slip and fall.

☐ 4. Civ.R. 60 (B) motions.

☐ 5. Simple contract cases.

☐ 6. Minor negligence actions.

☐ 7. Property division in divorce case or post-decree support motions.

☐ H. App.R. 11.2 abortion, adoption or parental rights appeal.

☒ I. Other Probate complaint for sale of interest in real estate.

PROBABLE ISSUE FOR REVIEW: Standing of Appellant to intervene;  
Existence of contract;  
Propriety of waiver of real estate appraisal;  
Whether trial court abused its discretion.

NOTE: Information re Record (and Court Reporter's Certification, if applicable) MUST be completed on Notice of Appeal.

Copy of Judgment Entry being appealed MUST be attached to Notice of Appeal

CERTIFICATE OF SERVICE: I certify that I have mailed or otherwise delivered a copy of this Docketing Statement to all counsel or record or the parties if unrepresented.

Date 12/27/07

Attorney's Signature X