

IN THE COMMON PLEAS COURT OF FRANKLIN COUNTY, OHIO

ANN H. WOMER BENJAMIN,
Superintendent, Ohio Department
of Insurance, in her capacity as
Rehabilitator of Builders & Contractors
Employee Benefit Association Trust,

Plaintiff,

Case No. 03 CVH 09 10020

v.

JUDGE SCHNEIDER

A Day in the Country, et al.,

Defendants.

**ORDER AND ENTRY FOR DEFAULT JUDGMENT AGAINST CERTAIN
DEFENDANTS**

This cause came on for consideration pursuant to the Motion of Plaintiff For Default Judgment Against Certain Defendants, and the Court, being fully advised, finds the Motion well taken.

It is therefore, ORDERED, ADJUDGED and DECREED, that judgment is hereby granted to plaintiff, Ann H. Womer Benjamin, Superintendent, Ohio Department of Insurance, in her capacity as Rehabilitator of Builders & Contractors Employee Benefit Association Trust against the following defendants only and in the amounts so stated below:

DEFENDANT	2000 DEFICIENCY	2002 DEFICIENCY	INTEREST¹	TOTAL ASSESSMENT
A. Sisser Jewelers, Inc.	\$1,011.36	\$-0-	\$52.81	\$1,064.17
A. D. Kasamias M.D	\$2,758.44	\$1,172.31	\$205.26	\$4,136.01
A/C Heating & Cooling, Inc.	\$-0-	\$506.90	\$26.47	\$533.37
Alliance Metals, Inc.	\$1,677.28	\$1,170.84	\$148.73	\$2,996.85
Amadco/Carroll Glass	\$703.42	\$-0-	\$36.73	\$740.15
American Whistle Corp.	\$687.12	\$978.41	\$86.97	\$1,752.50
B.R.'S Landscape Constr.	\$-0-	\$293.09	\$15.30	\$308.39

¹ Interest is calculated at the statutory interest rate of 10% per annum from December 17, 2003 (the due date of the assessment) through June 1, 2004, and 4% per annum from June 2, 2004 through July 30, 2004.

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DEFENDANT	2000 DEFICIENCY	2002 DEFICIENCY	INTEREST	TOTAL ASSESSMENT
Backyard Putting Greens	\$364.12	\$256.04	\$32.38	\$652.54
Batteries Unlimited	\$565.15	\$1,553.11	\$110.61	\$2,228.87
Beaber Farms	\$-0-	\$901.19	\$47.06	\$948.25
Berger Peat Moss	\$-0-	\$355.52	\$18.56	\$374.08
Bestway Bath Systems, Inc.	\$-0-	\$739.93	\$38.64	\$778.57
Bob Miller Landscaping	\$199.08	\$469.70	\$34.92	\$703.70
Bordonaro Landscaping	\$350.56	\$172.41	\$27.31	\$550.28
Botson's Cycle & Acces.	\$258.84	\$69.60	\$17.15	\$345.59
Braden Medical Services	\$-0-	\$6,100.48	\$318.56	\$6,419.04
Briar Hill Landscaping	\$549.48	\$367.97	\$47.91	\$965.36
Brooker's Pit Stop, Inc.	\$-0-	\$1,350.85	\$70.54	\$1,421.39
Bruderly Excavating Co.	\$-0-	\$752.92	\$39.32	\$792.24
Bryant's Forever Green	\$-0-	\$588.79	\$30.75	\$619.54
Callos Prof. Employment	\$48,319.09	\$27,047.84	\$3,935.60	\$79,302.53
Canfield Dairy Queen	\$811.85	\$320.49	\$59.13	\$1,191.47
Cantrell Construction Co.	\$-0-	\$177.36	\$9.26	\$186.62
Cardinal Restaurants, Inc.	\$6,690.82	\$-0-	\$349.39	\$7,040.21
Carroll Glass & Maint., Inc.	\$11,408.87	\$9,098.88	\$1,070.90	\$21,578.65
Center Township/Noble County	\$-0-	\$776.20	\$40.53	\$816.73
Century 21(RHA Group)	\$244.89	\$695.49	\$49.11	\$989.49
Champion Creek Landscape	\$-0-	\$91.66	\$4.79	\$96.45
Champion Transport	\$1,542.88	\$3,615.75	\$269.38	\$5,428.01
Chesterland Nurseries	\$37.24	\$147.71	\$9.66	\$194.61
Colonial Auto Sales& Serv.	\$-0-	\$1,005.62	\$62.27	\$1,067.89
Corsi Landscaping	\$-0-	\$185.15	\$9.67	\$194.82
Country Side Landscaping	\$1,113.14	\$870.19	\$103.57	\$2,086.90
Crane Services, Inc.	\$902.94	\$663.51	\$81.80	\$1,648.25
D. J. Group, Inc.	\$1,777.72	\$994.98	\$144.79	\$2,917.49
DLM Properties	\$87.86	\$-0-	\$4.59	\$92.45
Dan's Landscaping	\$182.06	\$239.23	\$22.00	\$443.29
David C. Zangmeister,MD	\$788.95	\$936.81	\$90.12	\$1,815.88
Drs. Davenport and Rohrabaugh	\$1,277.05	\$1,823.10	\$161.89	\$3,262.04
Dealers Supply Co.	\$10,181.72	\$1,722.09	\$621.61	\$12,525.42
Deluxe Motel, Inc.	\$740.23	\$-0-	\$38.65	\$778.88
Demyan's Service Center	\$-0-	\$495.22	\$25.86	\$521.08
Designing with Nature	\$733.37	\$180.47	\$47.72	\$961.56
DeWeese Landscaping	\$732.59	\$748.94	\$77.36	\$1,558.89
Digital Color Imaging	\$-0-	\$7,869.37	\$410.93	\$8,280.30
Dilco Industries, Inc.	\$-0-	\$666.81	\$34.82	\$701.63
Donald Bunner	\$176.16	\$-0-	\$9.20	\$185.36
Duncan Plumbing	\$3,798.95	\$2,088.46	\$5,897.41	\$6,205.37
Eddie Turk	\$-0-	\$338.23	\$17.66	\$355.89
Electric Motor Repair	\$4,922.19	\$2,474.08	\$386.23	\$7,782.50
Ellet Manor	\$-0-	\$599.51	\$31.31	\$630.82
Ermco, Inc.	\$9,550.57	\$-0-	\$498.72	\$10,049.29
Fair Sales Consultants	\$341.50	\$-0-	\$17.83	\$359.33

DEFENDANT	2000 DEFICIENCY	2002 DEFICIENCY	INTEREST	TOTAL ASSESSMENT
Falls Landscape	\$751.68	\$678.71	\$74.69	\$1,505.08
Fireland's Lawn	\$968.61	\$325.84	\$67.60	\$1,362.05
First Quality Collision	\$1,553.50	\$3,165.34	\$246.41	\$4,965.25
Florafinos Greenhouse	\$386.96	\$372.10	\$39.64	\$798.70
Fostoria Grain Inspection	\$2,815.05	\$497.09	\$172.96	\$3,485.10
Fred J. Robinson & Assoc.	\$-0-	\$162.86	\$8.50	\$171.36
Gattuso's Music Center	\$1,100.41	\$1,167.29	\$113.20	\$2,280.90
Gary's Wholesale, Inc.	\$259.01	\$446.69	\$36.85	\$742.55
Gill's Quality Meat Market	\$-0-	\$143.98	\$7.52	\$151.50
Global Organic Alliance	\$364.87	\$214.58	\$30.26	\$609.71
Godard Leasing & Sales	\$2,300.53	\$-0-	\$120.13	\$2,420.66
Goodby Charlie	\$129.87	\$-0-	\$6.78	\$136.65
Greenleaf Landscapes, Inc.	\$-0-	\$5,037.34	\$263.05	\$5,300.39
Harmony Landscaping	\$119.03	\$335.02	\$23.71	\$477.76
Hartman Drywall	\$501.34	\$362.98	\$45.13	\$909.45
Hay's Enterprises	\$-0-	\$3,148.64	\$164.42	\$3,313.06
Heavener Enterprises	\$-0-	\$248.03	\$12.95	\$260.98
Hoehnen Landscape	\$633.58	\$583.64	\$63.56	\$1,280.78
Holiday Bar, Inc.	\$745.27	\$557.31	\$68.02	\$1,370.60
Home & Kitchen Supply Co.	\$-0-	\$3,341.28	\$174.48	\$3,515.76
Honey Creek Contracting	\$5,633.00	\$2,837.74	\$442.34	\$8,913.08
Joanne A. Dockery	\$562.01	\$-0-	\$29.35	\$591.36
Kellers Fine Line Welding	\$755.64	\$414.45	\$61.10	\$1,231.19
Kenneth Cowens MD Inc.	\$-0-	\$122.30	\$6.39	\$128.69
Kilar Mfg., Inc.	\$11,234.91	\$1,467.50	\$663.31	\$13,365.72
King Expediting	\$662.05	\$514.23	\$61.42	\$1,237.70
King Limestone, Inc.	\$-0-	\$7,049.08	\$368.10	\$7,417.18
KMA & Associates	\$326.38	\$117.79	\$23.19	\$467.36
Landscape Creations	\$43.84	\$381.45	\$22.21	\$447.50
Larry's Pet Grooming	\$170.82	\$-0-	\$8.92	\$179.74
Lashley Tractor Sales Inc.	\$3,110.89	\$2,956.41	\$317.49	\$6,384.79
Lenore D. Byers	\$253.37	\$-0-	\$13.23	\$266.60
Leslie Scott Landscape	\$-0-	255.40	\$13.34	\$268.74
Linn Engineering, Inc.	\$-0-	\$2,306.69	\$120.45	\$2,427.14
Lucile Binion	\$535.16	\$-0-	\$27.95	\$563.11
Luscher Construction	\$367.34	\$-0-	\$19.18	\$386.52
McCallister Landscaping	\$452.31	\$374.12	\$43.16	\$869.59
Machine Dynamics	\$2,770.12	\$84.84	\$149.08	\$3,004.04
Madhu Asset Management	\$181.81	\$-0-	\$9.49	\$191.30
Mahoning Womens Center	\$839.97	\$598.12	\$75.10	\$1,513.19
Marietta Urology, Inc.	\$-0-	\$1,839.07	\$96.03	\$1,935.10
Marilyn Bell	\$158.97	\$240.55	\$20.86	\$420.38
Mason Color Works, Inc.	\$10,855.48	\$4,097.47	\$780.83	\$15,733.78

DEFENDANT	2000 DEFICIENCY	2002 DEFICIENCY	INTEREST	TOTAL ASSESSMENT
Master Auto Body	\$400.80	\$446.67	\$44.25	\$891.72
Muffler House of Cambridge	-0-	\$797.34	\$41.64	\$838.98
Myers & Sons Inc.	\$1,847.48	\$1,381.04	\$168.59	\$3,397.11
National Manufacturing	\$4,384.23	\$1,971.47	\$331.89	\$6,687.59
Nature's Way Landscaping	\$951.20	\$684.31	\$85.40	\$1,720.91
Northeast Tire Mold, Inc.	\$11,814.24	\$-0-	\$616.93	\$12,431.17
NM of El Paso	\$2,388.59	\$-0-	\$124.73	\$2,513.32
Perfect Cut-Off, Inc.	\$24,623.73	\$-0-	\$1,285.83	\$25,909.56
Perin Basil	\$32.61	\$-0-	\$1.70	\$34.31
Pipes By Pappy's	\$1,151.26	\$-0-	\$60.12	\$1,211.38
Pro Touch Lawn Care	\$445.26	\$285.71	\$38.17	\$769.14
Ridgely Home Modernizing	\$-0-	\$491.62	\$25.67	\$517.29
Ridgewood Landscaping	\$158.51	\$111.97	\$14.12	\$284.60
Robert W. Egolf Construction	\$1,016.63	\$-0-	\$53.09	\$1,069.72
Russell Automotive Center	\$968.56	\$503.05	\$76.85	\$1,548.46
Ryan Carpet Service	\$-0-	\$624.85	\$32.63	\$657.48
S & D Application, Inc.	\$2,515.67	\$2,352.46	\$254.21	\$5,122.34
S. G. Miller Plumbing	\$-0-	\$475.31	\$24.82	\$500.13
Scenic -FX Inc.	\$182.06	\$326.39	\$26.55	\$535.00
Shanta Raghaven	\$971.59	\$423.06	\$72.83	\$1,467.48
Sidoti	\$847.15	\$1,154.23	\$104.51	\$2,105.89
Sigler Trucking	\$846.58	\$681.43	\$79.79	\$1,607.80
Skyway Park, Inc.	\$-0-	\$6,189.25	\$323.20	\$6,512.45
Steven Downer, DPM	\$108.38	\$-0-	\$5.66	\$114.04
Sourlis Rentals, Inc.	\$-0-	\$241.04	\$12.59	\$253.63
Southwest Tire Molds, Inc.	\$2,718.70	\$-0-	\$141.97	\$2,860.67
Special Scapes	\$-0-	\$61.30	\$3.20	\$64.50
Super Tire	\$1,484.71	\$-0-	\$77.53	\$1,562.24
Supers Landscape, Inc.	\$-0-	\$1,679.30	\$87.69	\$1,766.99
T & C Landscaping	\$203.63	\$219.28	\$22.08	\$444.99
T. C. Moore & Assoc., Inc.	\$1,793.18	\$1,509.89	\$172.45	\$3,474.81
Terrascape Outdoors	\$-0-	\$509.08	\$26.58	\$535.66
The Murray Company	\$-0-	\$257.09	\$13.43	\$270.52
Theodore Treece	\$-0-	\$109.17	\$5.70	\$114.87
Thomas Bacha	\$34.45	\$-0-	\$1.80	\$36.25
Timberlanes, Inc.	\$-0-	\$1,805.93	\$94.30	\$1,900.23
Tony's Lawn Care	\$51.65	\$-0-	\$2.70	\$54.35
Tony Trolio's T-Shirts	\$87.96	\$302.43	\$20.39	\$410.78
Top Line Transportation	\$3,746.91	\$2,280.39	\$314.74	\$6,342.04
Tri-K Enterprises, Inc.	\$2,847.14	\$1,792.78	\$242.29	\$4,882.21
Trimble's Rural Remnants	\$-0-	\$306.79	\$16.02	\$322.81
Triple S Machine, Inc.	\$6,937.26	\$1,028.28	\$415.95	\$8,381.49
Tri-State Mobility Equip.	\$11,123.00	\$8,598.83	\$1,029.86	\$20,751.69
Vizmeg & Sons	\$121.37	\$-0-	\$6.34	\$127.71
Wallace Poured Walls, Inc.	\$983.30	\$2,615.77	\$187.94	\$3,787.01
Warren Trumbull Urban	\$3,824.50	\$2,430.86	\$326.65	\$6,582.01
Weber Construction	\$1,045.99	\$576.06	\$84.70	\$1,706.75

<u>DEFENDANT</u>	<u>2000 DEFICIENCY</u>	<u>2002 DEFICIENCY</u>	<u>INTEREST</u>	<u>TOTAL ASSESSMENT</u>
Wellman Seeds, Inc.	\$-0-	\$1,680.89	\$87.77	\$1,768.66
William R. Dorsey D.O., Inc.	\$-0-	\$1,470.38	\$76.78	\$1,547.16
Wilson & Sons Landscaping	\$146.77	\$-0-	\$7.66	\$154.43
Working with Nature	\$802.81	\$513.89	\$68.76	\$1,385.46
Youngstown Spec. Metals	\$-0-	\$512.42	\$26.76	\$539.18
Zeris Interactive	\$2,122.21	\$2,278.11	\$229.78	\$4,630.10
Zimmerman Realty Ltd.	\$-0-	\$278.00	\$14.52	\$292.52

Court costs and interest from July 30, 2004 through the date judgment is paid are also awarded. This case remains pending against all remaining defendants. The Court finds no just cause for delay.

Date: _____

Judge Schneider

APPROVED:

JIM PETRO
Attorney General, State of Ohio

By: 

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Benjamin, Superintendent of the Ohio

Department of Insurance, in her capacity as Rehabilitator
for Builders and Contractors Employee

Benefit Association Trust