

IN THE COURT OF COMMON PLEAS  
 CUYAHOGA COUNTY, OHIO

FILED  
 2017 JAN 20 P 3:40  
 CASE NO. 04-548887  
 GERALD E. FUERST  
 JUDGE JOSE A. VILLANUEVA  
 CUYAHOGA COUNTY

DOUG WHITE, DIRECTOR OF THE OHIO )  
 DEPARTMENT OF COMMERCE )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 JOANNE C. SCHNEIDER, et al. )  
 )  
 Defendants. )

**RECEIVER'S APPLICATION FOR THE PAYMENT OF ADMINISTRATIVE CLAIMS**

Now comes the Receiver, Matthew L. Fornshell, by and through the undersigned legal counsel, and respectfully moves this Court for authorization to disburse the outstanding fees and expenses incurred in this receivership from October 1, 2011 through December 31, 2011.

Pursuant to this Court's Findings and Order of Distribution dated December 21, 2007<sup>1</sup> (the "Distribution Order"), each Allowed Administrative Claim "will be paid in full from either the Secured Creditor Allocation<sup>2</sup> or from the remaining unencumbered funds in the Receivership Estate or both." (See the Distribution Order at Section IV.A.1). As this Court is aware, the payment of Administrative Claims has priority over all other parties claiming a secured interest in the assets of the Receivership Estate.

In accordance with this Court's prior Orders authorizing the payment of administrative claims, the Receiver is requesting the Court's authorization to distribute the following amounts in full from the Secured Creditor Allocation Account established at Park National Bank in

<sup>1</sup> As this Court most recently recognized in its May 16, 2011 Order, as corrected by the August 29, 2011 Judgment Entry, the Distribution Order and Secured Creditor Allocation represent the law of the case.  
<sup>2</sup> "Secured Creditor Allocation" means "ten percent (10%) of each Secured Claim that shall be set aside for payment of Allowed Administrative Claims."

November 2011, and the remaining unencumbered funds in the Receivership Operating Account<sup>3</sup> to the Receiver and certain professional representing the Receiver:

- Schottenstein, Zox & Dunn, Co., L.P.A. \$ 52,654.69  
(Receiver Fees/Legal Services through December 31, 2011)
- Yarger Radel & Pentz, LLC \$ 6,274.11  
(Legal Services through December 31, 2011)
- Howard Wershbale & Co. \$ 1,305.00  
(Accounting Services through December 31, 2011)

WHEREFORE, the Receiver respectfully requests that the Court authorize him to pay the Administrative Claims sought in this Application. The Receiver will submit, contemporaneously herewith, detailed invoices for the professional services provided to the Receiver, for the Court's *in camera* inspection. For the convenience of the Court a proposed order accompanies this motion.

Respectfully submitted,



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Jonathon M. Yarger (0043781)  
Victor D. Radel (0075293)  
YARGER RADEL & PENTZ, LLC  
1111 Superior Avenue, Suite 530  
Cleveland, Ohio 44114  
Tel: (216) 539.9600  
Email: [jyarger@yrplaw.com](mailto:jyarger@yrplaw.com)  
[vradel@yrplaw.com](mailto:vradel@yrplaw.com)

*Attorneys for Receiver Matthew L. Fornshell*

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<sup>3</sup> Contemporaneously herewith, the Receiver filed his Report to Court pursuant to Local Rule 26(B), which reports the Receivership's receipts and disbursements and account information through December 31, 2011. Bank statements for the Receivership Operating Account are attached to the Receiver's Report as Exhibit C.1.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies a copy of the foregoing *Receiver's Application for the*

*Payment of Administrative Claims* will be served by the Receiver upon the following persons:

Walter J. McNamara, Esq.  
Ohio Attorney General's Office  
Assistant Attorney General  
30 East Broad Street, 26<sup>th</sup> Floor  
Columbus, Ohio 43215-3428  
[Walter.mcnamara@ohioattorneygeneral.gov](mailto:Walter.mcnamara@ohioattorneygeneral.gov)

Joanne C. and Alan C. Schneider  
c/o Ian N. Friedman, Esq.  
700 West St. Clair Avenue, #110  
Cleveland, Ohio 44113;

All persons requesting Notice who have served a request for Notice on Garden City, Inc or the Receiver.

The *Receiver's Application for the Payment of Administrative Claims* will be posted on the Receivership's website at [www.szd.com](http://www.szd.com).

  
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Jonathon M. Yarger

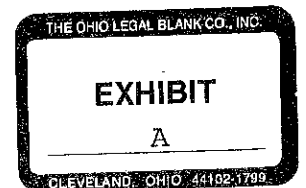
IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

DOUG WHITE, DIRECTOR OF THE OHIO ) CASE NO. 04-548887  
DEPARTMENT OF COMMERCE )  
 ) JUDGE JOSE A. VILLANUEVA  
Plaintiffs, )  
 )  
v. ) ORDER  
 )  
JOANNE C. SCHNEIDER, et al. )  
 )  
Defendants. )

On January \_\_, 2012, Matthew L. Fornshell, the Receiver appointed by this Court in the above captioned matter, submitted to this Court for its consideration an Application for payment of certain Administrative Claims of the Receivership. This Court approves and authorizes the Receiver to pay the following fees and expenses:

- Schottenstein, Zox & Dunn, Co., L.P.A. \$ 52,654.69  
(Receiver Fees/Legal Services)
- Yarger Radel & Pentz, LLC \$ 6,274.11  
(Legal Services)
- Howard Wershbale & Co. \$ 1,305.00  
(Accounting Services)

This Court recognizes that this Order approving the payment of the Receivership's fees and expenses represents payment of the fee invoices submitted to the Receiver through the dates stated in the Application. The Court will consider authorizing future payments to professionals retained by the Receiver on future invoices as the financial standing of the Receivership may permit.



IT IS SO ORDERED.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge Jose A. Villanueva