



Response to Civil lawsuit Case#2014CV0520
D&W Development vs Kristie Koester & Harold Craig

JUDGE POLLEX

FILED
WOOD COUNTY CLERK
COMMON PLEAS COURT
11-13-14 1:05
2014 NOV 13 PM 1:05

For almost a year Mr. Craig has hand delivered payment to Mr. Celley at the Parisburg Township offices. These payments have been based on Walt Celley's availability. This particular month Walt chose not to accept payment at the building and asked that it be mailed to Sanderson Law Office. This request was on the 5th of September (through text message) and payment was mailed on the 7th of September. This is the month that D&W has chosen to take the opportunity to default the mortgage. According to our checking account, this check has not been cashed.

The check from Octobers payment was cleared on October 7th, 2014. This check was delivered to the door mailbox at Sanderson Law Offices.(Exhibit A)

The check from November has yet to be cashed and also was dropped of in the door slot at Sanderson Law Offices.

Facts according to our understand of mortgage law in Ohio

*D&W is to inform Mr. Craig and Ms. Koester of default according to section 5313.05 Default of Vendee under the Ohio revised code. Not only did the vendor ignore the rights of the vendee by not providing notice of default, vendee was neglected the right to cure the default within the 30 day time frame required by law.

*According to ORC 5313.02 sec A line 2. Mr. Craig and Ms. Koester was to be provided a copy of a contract signed by both parties. The contract has no signature from D&W thus making it a non binding contract.

*According to ORC 5313.03 Vendor is required to send a biannual statement to Vendee. In the six years of the contract the Vendor has not sent this statement 1 time. The Vendor has also never sent a 1098 Mortgage interest form for tax purposes for Vendee, even though Vendee made the request (exhibit B)

*ORC 5313.06 section C No notifications.

*Ohio administrative code 109:4-3-27 under consumer protection (No reasonable probability of Payment) Mr. Craig has been unemployed since 2003. Mr. Celley required signature from both Mr. Craig and Ms. Koester. Law prohibits D&W to enter into this contract with Mr. Craig due to No reasonable probability of Payment.

*Terms of this mortgage are unconscionable- Section 4 part B of the Mortgage states that the if the borrower is in default and the lender does not default at the time, the may do it at any

time in the future. This in our opinion is what D&W is doing. Do to a separate issue that is defined later in this response, D&W is defaulting on the loan as retaliation.


*(Exhibit C) are the emails I sent to Gary Britten a Perrysburg Township Trustee explaining that I believe that Walt Celley's attack on the Perrysburg Heights Community Association was strictly based on his personal issues he has with Mr. Craig. You will find emails from Mr. Celley showing him threatening to start "slamming" him on the web and that Ms. Koester and Mr. Craig need to "beg" for promised mortgage extensions (exhibit D). This at best is harassment by Mr. Celley and Celley & Sanderson LLP. Upon a voice mail from Mr. Craig telling Mr. Celley that he can't harass them like that Mr. Celley's response in a recorded voicemail was that they are not a mortgage company and Mr. Craig is incorrect on the legalities of the harassment. Mr. Craig can provide voicemail for the courts. Mr. Craig and Ms. Koester feel that this breaks state and federal consumer protection laws.

*(exhibit E) Emails from Mr. Celley directly harassing Mr. Craig about the community center. The first email shows Mr. Celley's premeditation in his efforts to revoking the lease to the Perrysburg CC. Notice his communication is not directed to the Perrysburg heights community association, its board of directors, or its president. It is directly sent to Mr. Craig at his personal email. In the second email, you will see that the same is true. Mr. Celley directly communicates with Mr. Craig with what seems to be the threat of criminal charges. Once again this is not sent to the PHCA who was the Venue for the festival.

For over 5 years Walt Celley has used his position as an attorney with Celley & Sanderson LLP., D&W Development, and as the administrator for Perrysburg Township to harass and humiliate Mr. Craig, Ms. Koester, & recently has used that vendetta to victimize the Perrysburg Heights Community Association. Mr. Celley is willing to destroy the reputation of Mr. Craig, Ms. Koester, and the board of directors by continuing to harass today.

We hope that the courts find that D&W Development at the hands of Walt Celley has bullied and harassed the defendants from the early days of this contract. We hope that the court void the contract and allows compensation to the defendants for the abuse they have endured at the hands of D&W Development, Celley & Sanderson LLP, and Walter Celley Perrysburg Township Administrator. Ms. Koester has worked hard to provide for Mr. Craig and her 2 children. For this orchestrated retaliation and harassment by Walt Celley and D&W Development Mr. Craig and Ms. Koester no longer feel comfortable with this arrangement and hope to be able to recoup expenses incurred refurbishing the trailer located on the land. We hope that the court would also send a message that this type of harassment cannot continue by Walt Celley in all three of his roles.

Kristie Lynn Koester



Back

KRISTIE L KOESTER 03-11
12436 FORT MEIGS BLVD.
PERRYSBURG, OH 43551

36-682/412

329

DATE 10/1/14



PAY TO THE ORDER OF

D+W Development

\$ 550.00

five hundred + fifty

00/100 DOLLARS



Crossroads Office
Rossford, Ohio 43460

MEMO

Ft. Meigs

Kristie Koester

Account #, Pursuant Sup. R. 44

SECURITY BLUE

Exhibit

A

Front

ENDORSE HERE

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
BEST VIEWED ON FINANCIAL INSTITUTION USE *

BOFD >041207341<
Perrysburg
2014-10-06
164948372

The security features listed below as well as those not listed exceed industry guidelines
* FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

Subject: Mortgage
From: The Charity Dude (dude@charitydude.com)
To: celley@celleysanderson.com;
Date: Friday, March 5, 2010 11:11 PM

Check number 11355 was mailed out on 2-25-09. It included a request for our 2009 interest form for our taxes and a signed copy of the mortgage, the only copy I have is an unsigned one. There is no reason you should not have it by now. I will call monday and if you have yet to receive, I will run a new one down to you.

Jason
419-356-6587

--- On Fri, 3/5/10, webhosting-userform@charitydude.com <webhosting-userform@charitydude.com> wrote:

From: webhosting-userform@charitydude.com <webhosting-userform@charitydude.com>
Subject: Yahoo! WebHosting Email
To: dude@charitydude.com
Date: Friday, March 5, 2010, 5:14 PM

name = Walt Celley
email = celley@celleysanderson.com
phone = 419-270-2018
comments = You need to pay your mortgage.
REMOTE_HOST: 72.240.196.136

Exhibit
B

Subject: Final email
From: The Charity Dude (dude@charitydude.com)
To: brittencattlesource@hotmail.com;
Date: Wednesday, October 1, 2014 1:15 PM

Over the last six years Mr. Celley and I have had tons of conversations about the Heights and the center. All of them have always been pretty tame. We have talked about both his and my thoughts about the last leadership and even how he feels the township should not have a hand in running a community center. We have even discussed PHCA putting together a proposal to purchase the land from the township due to a grant it gave for over \$100,000 in the 90's.

I never thought Walt's conversation made me believe that he hated this neighborhood. However, earlier this year he made a statement to me about a shooting in the neighborhood and "to bad the shooters did not have better aim" was his comment. This is a strong comment and I am willing to take a polygraph to substantiate my claim.

The comment in itself may have been made because 2 dudes were talking and may have been a joke. However, with the culmination and history of steps that I believe he has taken to make the existence of the PHCA as difficult as possible, I have to wonder if his true thoughts were spoken. Since, becoming the solicitor Mr. Celley has convinced the trustees not to donate to the center due to us not providing proper info (which township would have if they fulfilled their part of the lease by providing a board member). He made it clear that you did not want the summer school on the agenda in an email. Of course it made it on because people more important that Heights residents asked for it to be on. All of the recent emails and refusal to work on a solution show me he has no interest in the center becoming a well oiled machine. I have my idea of his motivation but if it is worth ruining all that goes on there for a personal grudge, that needs to be exposed.

All of these are my personal thoughts, none of them are the opinion of the PHCA or this neighborhood. I want the center and neighborhood to prosper. I do think that finding another organization or people to sacrifice their time for 0 pay will be impossible. I want an answer on what needs to happen. I have no interest in hurting anyone or causing anymore drama, but I do have interest in defending a good community center and its supporters against what I feel is a personal campaign.

Thank you for you time.

Jason Craig

Exhibit

C

Subject: Email on safety
From: The Charity Dude (dude@charitydude.com)
To: brittencattlesource@hotmail.com;
Date: Wednesday, October 1, 2014 12:49 PM

Another email that I consider a threat of arrest for the festival. After of course my reply that Mr. Gilmore would be controlling the security, I of course get no reply.

Jason Craig

----- Forwarded Message -----

From: The Charity Dude <dude@charitydude.com>
To: Walter Celley <WCelley@perrysburgtownship.us>
Sent: Monday, August 18, 2014 4:41 PM
Subject: Re: Concert Safety

Read it. Call me stupid but I see a lot about 8 entrances. Got that. Gilmore may not be happy. Amazing that none of this never came up 5 or 6 years ago when that large of a crowd was here. HMMMMM.

This part exempts from seating.

(1) This section does not apply to a live entertainment performance held in a restricted entertainment area if one admission ticket entitles the holder to view or participate in three or more different games, rides, activities, or live entertainment performances occurring simultaneously at different sites within the restricted entertainment area and if the initial admittance entrance to the restricted entertainment area, for which the ticket is required, is separate from the entrance to any specific live entertainment performance and an additional ticket is not required for admission to the particular live entertainment performance.

From: Walter Celley <WCelley@perrysburgtownship.us>
To: "The Charity Dude (dude@charitydude.com)" <dude@charitydude.com>
Sent: Monday, August 18, 2014 4:20 PM
Subject: Concert Safety

You might want to read this (or have your defense attorneys read it).

Walter J. Celley

Perrysburg Township Administrator

26609 Lime City Road

Perrysburg, OH 43551

Direct Line: 419.887.6914

Facsimile: 419.872.8889

E-mail: wcelley@perrysburgtownship.us

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Subject: Information on conflicts
From: The Charity Dude (dude@charitydude.com)
To: brittencattlesource@hotmail.com;
Date: Wednesday, October 1, 2014 12:40 PM

Mr. Britten,

I am not sure if the trustees are aware but Mr. Celley has several conflicts of interest with current and previous board members.

Previously Mr. Celley was the attorney of Anita Serda , I believe in her divorce, this currently has no impact on the PHCA or township business but has never publicly be disclosed.

Currently Mr. Celley and I have a financial arrangement in which I am purchasing property in the Heights off of him and Dawn Sanderson. As you see below, Mr. Celley has conflict with me personally which I believe is directly responsible for the issues he has created with the association. As you see he threatens to "slam" me on the web and tells me I would need to beg for promised extensions.

You will see in further emails he has established a pattern of what I consider as threats towards myself and premeditation for the default of the PHCA lease due to his long standing personal feud with me.

On several occasion in the last 3 years I have approached Walt, John Hrosko, and the ladies in the office to become members of our board of directors. I was first told by Walt that Hrosko was supposed to be on as administrator, I invited him to no avail. When the township hired Walt as administrator, he was also invited. The refusal of the township to be on our board (which is required by our lease) should not be held against the PHCA. If the township would have followed the requirements that they demanded at the time of the lease, none of the current reasons of concern would be valid. You would have all the information that is required in the lease ie financials, festival information, insurance etc.

This email does not represent the opinion of the PHCA, this is my decision to attempt to solve problems without causing further issue in the public arena. I only care about the kids of Perrysburg and the families that need support, however, I cannot stand by and let a personal conflict ruin what 100's of great people have done over the years.

Jason Craig

----- Forwarded Message -----

From: The Charity Dude <dude@charitydude.com>
To: Walter Celley <waltercelley@gmail.com>
Sent: Friday, June 11, 2010 4:08 AM
Subject: Re: where is my money?

I have no clue what you are ranting about. I am not a big fan of being threatened or spoke to in that manner. If the \$100 you are speaking about is the contract that you were supposed to send me , you are more than welcome to call Andrew Z and see if he signed one with me. I never got one from you and had to purchase a general agreement form from office max, which was to late for him to get signed. And with all due respect, in our phone call about andrew you started typing cause you had a free minute, at no point did I ask you to prepare anything. I believe as a courtesy I offered to sent something. If you believed for a minute I

would agree to pay \$100 for something that I can purchase at the store for \$29,95. You even stated on the phone that anything you made would not be strong in a court battle.

#2 I would not quite pat yourself on the back for selling me a garage, a garbage trailer, and \$20,000 worth of land that no one would even consider purchasing. In all reality I did you the favor, you and I both know it. I bailed you out of a bad investment move because you did not want to put money into it.

I am not sure where your anger is rooted from. I thought we seemed to get along quite well but clearly I misjudged your character. I would love to meet with you and discuss your problem with me. I have no need to hide behind email and threats. If you feel the need to begin foreclosure on this house because of an 8 day late payment, which just to correct you, I have been 3 or less days late 3 times in 12 months and late 8 days this time. The first 3 times we have been in contact and your temperment has been fine. You did not even contact me this time.

Feel free to call me to set up an appointment with you me and Dawn. I would be happy to discuss your disappointment in me.

Jason Craig
419-356-6587

— On Thu, 6/10/10, Walter Celley <waltercelley@gmail.com> wrote:

From: Walter Celley <waltercelley@gmail.com>
Subject: where is my money?
To: dude@charitydude.com
Date: Thursday, June 10, 2010, 11:12 PM

We need to have a talk. You owe me \$100. It was more like \$200 worth of work. What is your problem with paying your bills? You put my \$100 in the mail today! Now – if I don't get my \$100 Monday or Tuesday, I am going to start slamming you on the web. And I am telling you... You start paying your mortgage on time! You seem to be very casual about it. I'm pissed at you! Every month you are stealing my time to collect your payment. The fact that I have to shake you down for what you owe is disgusting. We gave you a great deal and financed it for you. Apparently, you don't give a shit about that. If we don't get our payments on time, starting immediately, we will foreclose on your mortgage. I don't want to hear about your big deals. You just pay on time and plan on having your financing in place when your balloon is up. If you think you will need to extend our mortgage, you really need to pay on time and plan to beg for it! We have to pay our payments on time. We are out of pocket because of you. This is the end of it if you are late again. Send me my \$100!

Subject: Mortgage Payment & his interest of community service
From: The Charity Dude (dude@charitydude.com)
To: brittencattlesource@hotmail.com;
Date: Wednesday, October 1, 2014 12:55 PM

As you can see, I come to the township frequently if not just to make a payment to Mr. Celley. If the township had any concerns for the center, he would have been welcome to ask for anything he needed during any of these visit.

Also, Mr. Celley has refused to allow us to submit a rough draft response to township complaints unless at a trustee meeting with copies available to the media. However, it does not seem as per our conversation below that Mr. Celley has no interest in answering any public questions unless he can orchestrate the conversation.

Jason Craig

----- Forwarded Message -----

From: Jason Craig <dude@charitydude.com>
To: Walter Celley <waltercelley@gmail.com>
Sent: Wednesday, August 6, 2014 8:17 PM
Subject: Re: Mortgage Payment

Nice. Next time I know to catch u at your car.

Sent frmy iPhone

On Aug 6, 2014, at 8:15 PM, Walter Celley <waltercelley@gmail.com> wrote:

I try to never stay after. People always want to talk about the meeting items and I don't like to do that.

On Aug 6, 2014 7:50 PM, "Jason Craig" <dude@charitydude.com> wrote:
Alex from sentinel and I thought u went to the bathroom. We waited for 10 minutes. I will bring in tomorrow.

Sent from my iPhone

On Aug 6, 2014, at 7:48 PM, Walter Celley <waltercelley@gmail.com> wrote:

I always split right after those meetings. You can bring it to me at the Township office.

On Wed, Aug 6, 2014 at 7:41 PM, Jason Craig
<dude@charitydude.com> wrote:

Tried to give it to u but you disappeared. Do you want me to just
drop off at Broadway.

Sent from my iPhone

On Aug 6, 2014, at 7:21 PM, Walter Celley
<waltercelley@gmail.com> wrote:

Due for August.

--

Walter J. Celley
2509 Broadway
Toledo, Ohio 43609
(419) 270-2018

--

Walter J. Celley
2509 Broadway
Toledo, Ohio 43609
(419) 270-2018

Subject: Premeditated effort to cancel our lease
From: The Charity Dude (dude@charitydude.com)
To: brittencattlesource@hotmail.com;
Date: Wednesday, October 1, 2014 12:46 PM

The following conversation is a discussion between Mr. Celley and I about the Hip Hop aspect of this years festival. As you see on July 30th he states he is already looking into the lease to find a reason to cancel it. This I believe shows a bit of premeditation due to the agitation over hip hop at our festival which is mainstream "American" music. Deciding that hip hop cannot be considered American part of our festival makes no sense to me. Are only country and rock and roll American?

Jason Craig

----- Forwarded Message -----

From: Jason Craig <dude@charitydude.com>
To: Walter Celley <WCelley@perrysburgtownship.us>
Sent: Thursday, July 31, 2014 9:59 PM
Subject: Re: OG Hip Hop Festival

Let me clear something up. I have no doubt that there is no racial thought in your mind. My concern is with the bird in your ear. I find you very open minded but not as much with others. I did discuss the ad campaign that revolver was pushing. That is being changed. My racial comment was due to the questioning about the festival itself. The only change would have been the color of the artist. Well I guess the success rate also. If you took personal offense I apologize. The statement was meant to explain the only problem that could be considered was fear due to the crowd that may come.

Sent from my iPhone

On Jul 31, 2014, at 9:49 PM, Walter Celley <WCelley@perrysburgtownship.us> wrote:

Well it's hard for me to believe that you are totally unaware of the internet and facebook publicity for the event. Beyond that, I am struggling to even respond to you. I am so disappointed that you would make this about race. Good luck with your event.

From: Jason Craig [dude@charitydude.com]
Sent: Wednesday, July 30, 2014 4:51 PM
To: Walter Celley
Subject: Re: OG Hip Hop Festival

The only publicity I have is an article by the sentinel. It is about 45 local artists on Saturday and 5 on Friday. I have already had conversation with fire inspector on the population we can hold. We have

extra insurance and soon a permit from the city. We also have insurance for use of the high school parking lot. We are hoping for 3000 on Friday and 7000 on Saturday. I have spoke to city township and county to make sure enough officers are available. Is the real question about the festival or the color of the artists performing. It is a big fundraiser this year. Our Mexican American festival used to have 8-10000 every year.

Sent from my iPhone

On Jul 30, 2014, at 4:42 PM, Walter Celley <WCelley@perrysburgtownship.us> wrote:

There are rumors of 30 bands and possible 10,000 people attending? None of the publicity is calling it the 'Mexican American hip hop festival.' I am asking because I am being asked.

From: Jason Craig [<mailto:dude@charitydude.com>]
Sent: Wednesday, July 30, 2014 4:40 PM
To: Walter Celley
Subject: Re: OG Hip Hop Festival

We are the organizers. We have the same sponsors as usual. It is the Mexican American hip hop festival. We have 15 police and a private security group. Hip hop is American music. Revolver is bringing in local talent and 3 big groups for Saturday. Security and additional info was on the extra sheet I gave you.

Sent from my iPhone

On Jul 30, 2014, at 4:30 PM, Walter Celley <WCelley@perrysburgtownship.us> wrote:

So, tell me about this. Who is the sponsor, how many police are you hiring, where is parking, etc.? I'm going to take a look at the lease tomorrow. I thought we approved a liquor permit for the Mexican American Festival for two days. There was no mention of this.

Walter J. Celley

Perrysburg Township Administrator

26609 Lime City Road
Perrysburg, OH 43551
Direct Line: 419.887.6914
Facsimile: 419.872.8889
E-mail: <mailto:wcelley@perrysburgtownship.us>

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Subject: Re: Ft. Meigs Blvd.
From: The Charity Dude (dude@charitydude.com)
To: celley@celleysanderson.com;
Date: Thursday, April 23, 2009 11:35 AM

I like the terms on the 30 year. We even are willing to pay a \$1000 cash penalty if we have to renew after the first 5. Here is what we would want. 1st payment due on July 1st. Access to the house to make it able to be lived in by that date. You with have to relinquish your right to loan out the garage, LOL. The reason we want the July 1st daye is so we can time up the loose ends where we live. Of course taxes are low, so that is no problem. What type of insurance would you like carried.

--- On Tue, 4/21/09, Walt Celley <celley@celleysanderson.com> wrote:

From: Walt Celley <celley@celleysanderson.com>
Subject: Ft. Meigs Blvd.
To: "dude@charitydude.com" <dude@charitydude.com>
Date: Tuesday, April 21, 2009, 10:28 PM

Exhibit

 <http://www.celleysanderson.com/email/emailheader.gif>

www.celleysanderson.com

D

This transmission contains confidential information intended only for the a
The information contained in this transmission may also be privileged and/or subject to attor
If you are not the intended recipient, any use, dissemination, distribution or copying of this documet

Jason:

I ran some different amortization schedules on 45K with a 5 year balloon and attached them. Take a look. We can handle any of these for you. Apparently, I ran them for only 59 months, so they would be a few bucks different for 60 months, but they are close. I ran these at 6.5%, which seems pretty fair over a 5 year term. I can run any other schedules you want. We could do a 10 year balloon, but would rather not. We can do 5 years with a renewal.....whatever works that you can make the payments on. Let me know which direction we need to go. Thank you for meeting me today and giving me your advice. I respect it and appreciate it. Bless you. Take a look at pburgrotary.com and see some of what I do. Then look at rotary.org. It will blow you away.

Very truly yours,

 <http://www.celleysanderson.com/email/wsig.gif>

Walter J. Celley

CELLEY & SANDERSON LLP
2509 Broadway, Toledo, Ohio 43609
27457 Holiday Lane, Suite E, Perrysburg, Ohio 43551
Telephone 419-872-5695
Facsimile 419-872-4476

Exhibit E

Subject: Re: where is my money?
From: The Charity Dude (dude@charitydude.com)
To: waltercelley@gmail.com;
Date: Friday, June 11, 2010 4:08 AM

I have no clue what you are ranting about. I am not a big fan of being threatened or spoke to in that manner. If the \$100 you are speaking about is the contract that you were supposed to send me , you are more than welcome to call Andrew Z and see if he signed one with me. I never got one from you and had to purchase a general agreement form from office max, which was to late for him to get signed. And with all due respect, in our phone call about andrew you started typing cause you had a free minute, at no point did I ask you to prepare anything. I believe as a courtesy I offered to sent something. If you believed for a minute I would agree to pay \$100 for something that I can purchase at the store for \$29,95. You even stated on the phone that anything you made would not be strong in a court battle.

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Jason Craig
419-356-6587

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about it. I'm pissed at you! Every month you are stealing my time to collect your payment. The fact that I have to shake you down for what you owe is disgusting. We gave you a great deal and financed it for you. Apparently, you don't give a shit about that. If we don't get our payments on time, starting immediately, we will foreclose on your mortgage. I don't want to hear about your big deals. You just pay on time and plan on having your financing in place when your balloon is up. If you think you will need to extend our mortgage, you really need to pay on time and plan to beg for it! We have to pay our payments on time. We are out of pocket because of you. This is the end of it if you are late again. Send me my \$100!

Subject: Re: Concert Safety
From: The Charity Dude (dude@charitydude.com)
To: WCelley@perrysburgtownship.us;
Date: Monday, August 18, 2014 4:41 PM

Read it. Call me stupid but I see a lot about 8 entrances. Got that. Gilmore may not be happy. Amazing that none of this never came up 5 or 6 years ago when that large of a crowd was here. HMMMM.

This part exempts from seating.

(1) This section does not apply to a live entertainment performance held in a restricted entertainment area if one admission ticket entitles the holder to view or participate in three or more different games, rides, activities, or live entertainment performances occurring simultaneously at different sites within the restricted entertainment area and if the initial admittance entrance to the restricted entertainment area, for which the ticket is required, is separate from the entrance to any specific live entertainment performance and an additional ticket is not required for admission to the particular live entertainment performance.

From: Walter Celley <WCelley@perrysburgtownship.us>
To: "The Charity Dude (dude@charitydude.com)" <dude@charitydude.com>
Sent: Monday, August 18, 2014 4:20 PM
Subject: Concert Safety

You might want to read this (or have your defense attorneys read it).

Walter J. Celley
Perrysburg Township Administrator

26609 Lime City Road
Perrysburg, OH 43551
Direct Line: 419.887.6914
Facsimile: 419.872.8889
E-mail: wcelley@perrysburgtownship.us

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