

CASE LAW UPDATE

Judge Hopkins

In re Robert Peace – James Vande Ryt, et al. v. Robert Peace, Adv. Case No. 13-1041, Case No. 13-10430. Decided 10/02/2015.

Holding: Judgment for Plaintiffs as to damage under 11 USC 523(a)(6) in the amount of \$72,000.00.

Factual Background:

This was a long-running dispute between neighbors over alleged property damage caused by Peace onto the property of the VandeRyts for the terra-forming on the Peace's property and the assistance by Peace on a family members adjacent property which as the Court found caused significant increased water flow resulting in the loss of 20-30 trees in the VandeRyt's back yard. Peace's actions were found to be willful and malicious as the Court found he was an active participant in the improvements to the property and he breached his duty of care under Ohio law with the flow of surface water.

The Court found that Peace's actions were done without a proper permit and with significant knowledge that his actions would harm the VandeRyts.

Miscellaneous Cases of Note

I. Ohio Supreme Court

Daren Messer, et al. v. JP Morgan Chase Bank, N.A., Case No. 2014-2036 – Decided February 16th, 2016

- Two Certified Questions from Judge Caldwell:

- Does ORC § 1301.401 apply to all recorded mortgages in Ohio? YES
- Does ORC § 1301.401 act to provide constructive notice to the world of a recorded mortgage that was deficiently executed under ORC § 5301.01? YES