



March 16, 2015

Re: Legal Update

Dear Fellow Clifton Club Member,

To date, there has been no substantive movement or ruling on the lawsuit that was filed in the Court of Common Pleas in May 2012. However, the six plaintiffs and some other Clifton Park residents who support the plaintiffs' position recently have distributed a number of misleading communications. These communications included an appeal for funds to help cover the plaintiffs' legal expenses, personal opinions, and misremembrance of the past. Please know, they have little, if any, legal merit or bearing on the lawsuit.

It is worth remembering three key facts:

1. Six individual plaintiffs, not the Clifton Club or the Clifton Park Trust, filed this lawsuit. We did not initiate the lawsuit; we did not want this lawsuit, and we cannot end it. The plaintiffs wanted it. They filed it. Only they, or the courts, can end it.
2. The lawsuit asks the Court to declare that Club Members "have no legal right to use the Trust Property" (including the beach) and the legal complaint requests that the Court order the July 1912 Property Deed of the Clifton Club to be "null and void" after a century of practice. Those are the plaintiffs' words... "*no legal right*" and "*null and void*". The specific language of the Club's Deed conveys to the Club:

"...the right to use in common with other owners of the land in said allotment, all portions of said allotment which shall by the Grantor be devoted to the purposes of parks or park spaces for the exclusive use and benefit of such lot owners..." (Emphasis added)

The Club's Deed, unlike the other property Deeds in Clifton Park, also unequivocally recognizes that the land conveyed to the Clifton Club may be used as a social club: It states

"...or for any other purpose than that of a private residence or social club..."

3. Contrary to the unsupported claims by the plaintiffs, neither the Club nor the Trustees have delayed this matter in any respect.

The Club has repeatedly sought a non-court ordered resolution to this issue. Moreover, prior to and since the plaintiffs filed the lawsuit we have repeatedly asked the plaintiffs and their legal counsel to mediate a resolution of the dispute. However, all our requests have either been ignored or answered with one precondition: that prior to any mediation, the Club must agree that the Club members' 100 years of beach access is not a legal right guaranteed by the property deed. This is one point we will not relinquish. Nor should we. We have been granted these rights through our Deed. We have exercised these rights for over 100 years. During this long history we have always worked with the Trust through issues as friends and neighbors without the need for litigation.

We wish the plaintiffs and other individuals would not have chosen to litigate. We also are disheartened that they have now chosen to fight this battle publicly with frequent and misleading correspondence. We will continue to communicate via our legal team to the other legal representation associated with the case. We will update you, our members, when appropriate.

We remain steadfast in our belief that the legal merits of our position are strong, that we will prevail and the Probate Court will affirm the rights granted to the Clifton Club under the deed.

Respectfully,

Clifton Club Board of Directors

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