

PROBATE COURT  
RECEIVED FOR FILING  
APR 25 2013  
CUYAHOGA COUNTY, O.

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO  
PROBATE DIVISION

ARTHUR P. DUECK )  
1104 Forest Road )  
Lakewood, Ohio 44107 )  
  
TODD GILMORE )  
17829 Lake Road )  
Lakewood, Ohio 44107 )  
  
NANCY BINDER )  
18171 Clifton Road )  
Lakewood, Ohio 44107 )  
  
WILLIAM R. KELLER )  
18173 Clifton Road )  
Lakewood, Ohio 44107 )

Plaintiffs,

vs.

THE CLIFTON CLUB COMPANY )  
c/o Terrence P. McHugh )  
Statutory Agent )  
14650 Detroit Avenue, Suite 450 )  
Lakewood, Ohio 44107 )  
  
CHARLES DRUMM, CURRENT HEAD )  
TRUSTEE, CLIFTON PARK TRUST )  
17895 Lake Road )  
Lakewood, Ohio 44107 )  
  
JOHN S. PYKE, JR., TRUSTEE, CLIFTON )  
PARK TRUST )  
17808 Lake Road )  
Lakewood, Ohio 44107 )  
  
PETER A. KUHN, TRUSTEE, CLIFTON PARK )  
TRUST )  
1132 Forest Road )  
Lakewood, Ohio 44107 )  
  
PHILIP W. HALL, TRUSTEE, CLIFTON PARK )  
TRUST )  
1127 Forest Road )  
Lakewood, Ohio 44107 )

CASE NO. 2012ADV179424  
JUDGE ANTHONY J. RUSSO

**PLAINTIFFS' FIRST AMENDED  
COMPLAINT**

WARREN COLEMAN, TRUSTEE, CLIFTON  
PARK TRUST  
18136 Clifton Road  
Lakewood, Ohio 44107

Defendants,

STEPHANIE D. NEIDER  
17886 Beach  
Lakewood, Ohio 44107

KERALA, LLC  
17891 Captains Cove  
Lakewood, Ohio 44107

JOANNE H. CALKINS, TRUSTEE  
17893 Captains Cove  
Lakewood, Ohio 44107

GORDON D. GEIGER  
17894 Captains Cove  
Lakewood, Ohio 44107

BYRON T. AND MARYANNE CRAMPTON  
17895 Captains Cove  
Lakewood, Ohio 44107

DONALD SHULTZABERGER AND ROBERT  
PARASKA  
17896 Captains Cove  
Lakewood, Ohio 44107

PETER AND LINDA JOY NINTCHEFF  
17897 Captains Cove  
Lakewood, Ohio 44107

GRIFFITH R. DYE  
17846 Clifton Boulevard  
Lakewood, Ohio 44107

LAURENCE AND K. L. HEIDELBERG  
17852 Clifton Boulevard  
Lakewood, Ohio 44107

MARKUS BUCKNER  
17888 Clifton Park Lane  
Lakewood, Ohio 44107

JOHN AND MARY ANN HENDERSON  
17890 Clifton Park Lane  
Lakewood, Ohio 44107

BILLY T. FRAZIER  
17892 Clifton Park Lane  
Lakewood, Ohio 44107

DAVID L. AND STACIE F. DASHIELL  
17894 Clifton Park Lane  
Lakewood, Ohio 44107

KENT WINTERHALTER  
18091 Clifton Road  
Lakewood, Ohio 44107

CHRISTINE R. KRAAY, TRUSTEE  
18093 Clifton Road  
Lakewood, Ohio 44107

ROSALYN McGLYNN  
18096 Clifton Road  
Lakewood, Ohio 44107

RONNIE CHEUNG AND EVA LUM  
18097 Clifton Road  
Lakewood, Ohio 44107

DANIEL P. LAVELLE  
18101 Clifton Road  
Lakewood, Ohio 44107

RAYMOND L. HEINERT  
18102 Clifton Road  
Lakewood, Ohio 44107

DOUGLAS AND CYNTHIA BURRY  
18104 Clifton Road  
Lakewood, Ohio 44107

LAURA NOVOSEL LITTLE, TRUSTEE  
18105 Clifton Road  
Lakewood, Ohio 44107

CHARLES W. DEBELAK  
18106 Clifton Road  
Lakewood, Ohio 44107

ROBERT SMITHLEY AND JOEL TOTH  
18107 Clifton Road  
Lakewood, Ohio 44107

JOANNE S. MILLER  
18109 Clifton Road  
Lakewood, Ohio 44107

PATRICK AND MELISSA METZGER  
18110 Clifton Road  
Lakewood, Ohio 44107

DANIEL AND JENNIFER RAYNOR  
18111 Clifton Road  
Lakewood, Ohio 44107

DENNIS AND MARILYN BUTLER  
18113 Clifton Road  
Lakewood, Ohio 44107

DANIEL L. AND CAROLYN M. KLENKAR  
18115 Clifton Road  
Lakewood, Ohio 44107

CRAIG ANDREWS  
18117 Clifton Road  
Lakewood, Ohio 44107

WILLIAM AHERN AND KATHY  
FRANZINGER  
18119 Clifton Road  
Lakewood, Ohio 44107

JOHN W. FORGETTA  
18121 Clifton Road  
Lakewood, Ohio 44107

RONALD AND CHRISTINE JOHNSON  
18123 Clifton Road  
Lakewood, Ohio 44107

DAVID COTTENDEN  
18135 Clifton Road  
Lakewood, Ohio 44107

RICHARD MORTON AND CATHERINE  
FULLER  
18137 Clifton Road  
Lakewood, Ohio 44107

MICHAEL KING  
18138 Clifton Road  
Lakewood, Ohio 44107

MICHAEL DAVIS  
18140 Clifton Road  
Lakewood, Ohio 44107

BRIAN DALISKY  
18141 Clifton Road  
Lakewood, Ohio 44107

JOHN AND MELISSA KAPPUS  
18143 Clifton Road  
Lakewood, Ohio 44107

KEVIN SPELLACY  
18144 Clifton Road  
Lakewood, Ohio 44107

TERRENCE DOBRO  
18147 Clifton Road  
Lakewood, Ohio 44107

DANIEL AND CAROLINE FLANNERY  
18148 Clifton Road  
Lakewood, Ohio 44107

EDMOND AND MARY BLADES, TRUSTEES  
18149 Clifton Road  
Lakewood, Ohio 44107

RICHARD BAKER  
18150 Clifton Road  
Lakewood, Ohio 44107

THOMAS O'MALLEY  
18151 Clifton Road  
Lakewood, Ohio 44107

TERRYL WALKER  
18152 Clifton Road  
Lakewood, Ohio 44107

RICHARD TANNER  
18153 Clifton Road  
Lakewood, Ohio 44107

RON AND BEVERLY RUDIN  
18154 Clifton Road  
Lakewood, Ohio 44107

PATRICK GOWELL  
18155 Clifton Road  
Lakewood, Ohio 44107

MICHAEL AND ANNEMARIE POLITO  
18156 Clifton Road  
Lakewood, Ohio 44107

MICHAEL AND PATRICIA SMITH  
18157 Clifton Road  
Lakewood, Ohio 44107

RAYMOND AND MARGARITA KRNEVIC  
18158 Clifton Road  
Lakewood, Ohio 44107

RHONDA LOJE  
18159 Clifton Road  
Lakewood, Ohio 44107

ROBERT SZABO  
18161 Clifton Road  
Lakewood, Ohio 44107

WILLIAM DAVIS  
18162 Clifton Road  
Lakewood, Ohio 44107

JERRY HOEGNER, TRUSTEE  
18163 Clifton Road  
Lakewood, Ohio 44107

FRANK SCHWELIK  
18164 Clifton Road  
Lakewood, Ohio 44107

DORCAS RUSSO  
18165 Clifton Road  
Lakewood, Ohio 44107

SCOTT KIMES  
18167 Clifton Road  
Lakewood, Ohio 44107

JAMES CUTLER  
18169 Clifton Road  
Lakewood, Ohio 44107

PHILIP JENNINGS  
18175 Clifton Road  
Lakewood, Ohio 44107

FRANK AND KARIN CONWAY  
18176 Clifton Road  
Lakewood, Ohio 44107

THOMAS FRASER  
18177 Clifton Road  
Lakewood, Ohio 44107

PETER AND KATHRYN CORRIGAN  
18179 Clifton Road  
Lakewood, Ohio 44107

BRUCE HARWOOD  
18180 Clifton Road  
Lakewood, Ohio 44107

JOSEPH KERRIGAN  
18181 Clifton Road  
Lakewood, Ohio 44107

KAREN ROSS  
18183 Clifton Road  
Lakewood, Ohio 44107

BRENDAN AND LORI McCARTHY  
18184 Clifton Road  
Lakewood, Ohio 44107

ANTHONY AND ANNE PIETROMICA  
18185 Clifton Road  
Lakewood, Ohio 44107

ROBERT MAZZARELLA  
18186 Clifton Road  
Lakewood, Ohio 44107

MARY CAYE KILBANE  
18187 Clifton Road  
Lakewood, Ohio 44107

SARAH GROTTA  
18188 Clifton Road  
Lakewood, Ohio 44107

NICOLAS YOUNG  
1100 Forest Road  
Lakewood, Ohio 44107

DAWN GRIFFITH LISTON  
1101 Forest Road  
Lakewood, Ohio 44107

THOMAS AND LINDA TURNER  
1102 Forest Road  
Lakewood, Ohio 44107

FRANK ZAK  
1102-1/2 Forest Road  
Lakewood, Ohio 44107

ROBERT AND JOANNE HOUCK  
1105 Forest Road  
Lakewood, Ohio 44107

CYNTHIA DUNN AND DALE  
CUTHBERTSON  
1106 Forest Road  
Lakewood, Ohio 44107

PATRICK AND KAREN LENEHANS  
1107 Forest Road  
Lakewood, Ohio 44107

ANDREW HENDERSON AND JOSELYN  
TYLER  
1109 Forest Road  
Lakewood, Ohio 44107

LAURA McBRIDE  
1115 Forest Road  
Lakewood, Ohio 44107

CLINTON WEDDELL  
1116 Forest Road  
Lakewood, Ohio 44107

JULIANE GILLESPIE  
1117 Forest Road  
Lakewood, Ohio 44107

STEPHEN SCHWIND  
1119 Forest Road  
Lakewood, Ohio 44107

MARK REINHOLD  
1120 Forest Road  
Lakewood, Ohio 44107

EDWARD HILL  
1121 Forest Road  
Lakewood, Ohio 44107

BRADFORD RICHMOND  
1122 Forest Road  
Lakewood, Ohio 44107

RUSSELL BEELER  
1123 Forest Road  
Lakewood, Ohio 44107

CHARLES NORTON AND CHRISTE  
McGRAW  
1124 Forest Road  
Lakewood, Ohio 44107

ANDREW LOGAN  
1125 Forest Road  
Lakewood, Ohio 44107



JAMES AND KATHERINE ROMER  
1126 Forest Road  
Lakewood, Ohio 44107

MARCIA HALL  
1127 Forest Road  
Lakewood, Ohio 44107

KIM AND NORA KATZENBERGER  
1128 Forest Road  
Lakewood, Ohio 44107

NED MOLOVICH  
1129 Forest Road  
Lakewood, Ohio 44107

ALEC PACELLA  
1130 Forest Road  
Lakewood, Ohio 44107

JOHN BLESİ  
1131 Forest Road  
Lakewood, Ohio 44107

CATHRYN KUHN  
1132 Forest Road  
Lakewood, Ohio 44107

CHRISTOPHER AND PATRICIA JAMMAL  
1133 Forest Road  
Lakewood, Ohio 44107

NANCY TANIS  
1082 Lake Point Drive  
Lakewood, Ohio 44107

PAUL AND JEAN BJORN  
1084 Lake Point Drive  
Lakewood, Ohio 44107

GEORGE AND ELIZABETH KHURI  
1088 Lake Point Drive  
Lakewood, Ohio 44107

CHARLES DAHILL  
17801 Lake Road  
Lakewood, Ohio 44107

NANCY McCANN  
17802 Lake Road  
Lakewood, Ohio 44107

MICHAEL AND JENNIFER ROWELL  
17803 Lake Road  
Lakewood, Ohio 44107

THOMAS AND PEGGY ANN DEMITRACK  
17804 Lake Road  
Lakewood, Ohio 44107

GOLDIE MAXIM, SUCCESSOR TRUSTEE  
17805 Lake Road  
Lakewood, Ohio 44107

MATTHEW AND SUSAN BEVERSTOCK  
17806 Lake Road  
Lakewood, Ohio 44107

JOHN AND PAULINE LEWIS  
17807 Lake Road  
Lakewood, Ohio 44107

VINCENT AND JILL O'BRIEN  
17809 Lake Road  
Lakewood, Ohio 44107

EWA PEZACKA  
17810 Lake Road  
Lakewood, Ohio 44107

JOAN MARCONI  
17811 Lake Road  
Lakewood, Ohio 44107

JAMES SEIBERT  
17812 Lake Road  
Lakewood, Ohio 44107

JAMES AND MARY PATRICIA OLIVER  
17814 Lake Road  
Lakewood, Ohio 44107

KEVIN BARRY AND SHERRI WHITAKER  
17817 Lake Road  
Lakewood, Ohio 44107

MARC AND KENT CASTELLUCCIO,  
TRUSTEES  
17818 Lake Road  
Lakewood, Ohio 44107

DONALD AND KAREN STRANG  
17820 Lake Road  
Lakewood, Ohio 44107

LAKE AVENUE LLC  
17822 Lake Road  
Lakewood, Ohio 44107

GREGG AND MELISSA LA SPISA  
17823 Lake Road  
Lakewood, Ohio 44107

SHELLEY MELLINO  
17824 Lake Road  
Lakewood, Ohio 44107

JASON AND HOLLY THERRIEN  
17825 Lake Road  
Lakewood, Ohio 44107

MARK TWOHIG  
17826 Lake Road  
Lakewood, Ohio 44107

DANIEL AND AMY WITZIGREUTER  
17827 Lake Road  
Lakewood, Ohio 44107

MARY POPANDREAS, TRUSTEE  
17828 Lake Road  
Lakewood, Ohio 44107

JUANITA FRENDEN  
17830 Lake Road  
Lakewood, Ohio 44107

HUGH AND ALANA FAGAN  
17831 Lake Road  
Lakewood, Ohio 44107

SUSAN MINNICH  
17834 Lake Road  
Lakewood, Ohio 44107

RUTH E. BUDZAR, TRUSTEE  
17835 Lake Road  
Lakewood, Ohio 44107

MICHAEL SMITH AND MICHELE MYERS  
17836 Lake Road  
Lakewood, Ohio 44107

DIANA CURRAN  
17837 Lake Road  
Lakewood, Ohio 44107

JAMES AND MARGIE McGOWAN  
17839 Lake Road  
Lakewood, Ohio 44107

ROBERT McCABE  
17840 Lake Road  
Lakewood, Ohio 44107

ANN PARAS  
17841 Lake Road  
Lakewood, Ohio 44107

JEFFREY AND ERICA WILLIAMS  
17843 Lake Road  
Lakewood, Ohio 44107

CESARE MAINARDI  
17844 Lake Road  
Lakewood, Ohio 44107

TIMOTHY JABLONSKI  
17845 Lake Road  
Lakewood, Ohio 44107

BAI, LLC  
17848 Lake Road  
Lakewood, Ohio 44107

JOYCE SENNEY  
17849 Lake Road  
Lakewood, Ohio 44107

JOHN AND EILEEN GALLAGHER  
17850 Lake Road  
Lakewood, Ohio 44107

LOUIS AND CYNTHIA KEPPLER  
17852 Lake Road  
Lakewood, Ohio 44107

THOMAS AND DONNA FESER  
17853 Lake Road  
Lakewood, Ohio 44107

EDWARD SPELLMAN  
17854 Lake Road  
Lakewood, Ohio 44107

BRIAN AND MAUREEN POWERS  
17855 Lake Road  
Lakewood, Ohio 44107

WALDEMAR MECKES  
17856 Lake Road  
Lakewood, Ohio 44107

LAWRENCE CAMPANA AND CYNTHIA  
MIKULA  
17859 Lake Road  
Lakewood, Ohio 44107

LISA MORELLI DANIELS, TRUSTEE  
17860 Lake Road  
Lakewood, Ohio 44107

NATIONAL CITY, TRUSTEE  
17861 Lake Road  
Lakewood, Ohio 44107

SUZANNE BACKUS  
17862 Lake Road  
Lakewood, Ohio 44107

DAVID DILLEN  
17863 Lake Road  
Lakewood, Ohio 44107

PAUL VENIZELOS  
17864 Lake Road  
Lakewood, Ohio 44107

CHARLES AND PATRICIA GEIGER  
17866 Lake Road  
Lakewood, Ohio 44107

FRANK FOTI  
17869 Lake Road  
Lakewood, Ohio 44107

PETER ROSE  
17870 Lake Road  
Lakewood, Ohio 44107

JOSEPH AND REBECCA STARCK  
17873 Lake Road  
Lakewood, Ohio 44107

MARK AND PAMELA MAGNOTTO  
17874 Lake Road  
Lakewood, Ohio 44107

CHAD AND MARY ELLEN ZUMKEHR  
17876 Lake Road  
Lakewood, Ohio 44107

ERNEST AND TRISHA VARGO  
17877 Lake Road  
Lakewood, Ohio 44107

CHARLES TELLIARD  
17878 Lake Road  
Lakewood, Ohio 44107

STEFANIE CHRISTIAN  
17879 Lake Road  
Lakewood, Ohio 44107

ELEANOR TRUETT, TRUSTEE  
17880 Lake Road  
Lakewood, Ohio 44107

THEODORE HAKAKAS  
17881 Lake Road  
Lakewood, Ohio 44107

WILLIAM TODIA  
17882 Lake Road  
Lakewood, Ohio 44107

TIMOTHY AND KATHLEEN McBRIDE  
17883 Lake Road  
Lakewood, Ohio 44107

JANA DRESSING  
17887 Lake Road  
Lakewood, Ohio 44107

MARK GRAVES  
17889 Lake Road  
Lakewood, Ohio 44107

DONNA KOLIS  
17893 Lake Road  
Lakewood, Ohio 44107

KENNETH HABER  
17897 Lake Road  
Lakewood, Ohio 44107

MICHAEL McMAHON  
17889 Lake Road  
Lakewood, Ohio 44107

JUDITH BIZGA  
17900 Lake Road  
Lakewood, Ohio 44107

VICTOR AND ROSE FORGETTA  
17901 Lake Road  
Lakewood, Ohio 44107

ROBERT STALL  
17903 Lake Road  
Lakewood, Ohio 44107

SOLVITA McMILLAN  
17904 Lake Road  
Lakewood, Ohio 44107

CAROL E. HERBERGER, TRUSTEE  
17905 Lake Road  
Lakewood, Ohio 44107

DANIEL AND CLAUDINE OLDFIELD  
17906 Lake Road  
Lakewood, Ohio 44107

ROBERT AND DIANE THOMAS  
17907 Lake Road  
Lakewood, Ohio 44107

KEVIN R. BROWN, TRUSTEE  
17908 Lake Road  
Lakewood, Ohio 44107

DAVID M. AND SUSAN G. LORENZ  
17909 Lake Road  
Lakewood, Ohio 44107

JAMES E. O'BRIEN  
1134 Webb Road  
Lakewood, Ohio 44107

DEBORAH A. BAKER  
1186 West Clifton Boulevard  
Lakewood, Ohio 44107

DARLA L. SEDLACEK  
1192 West Clifton Boulevard  
Lakewood, Ohio 44107

KYLE M. LAWRENCE  
1206 West Clifton Boulevard  
Lakewood, Ohio 44107

JOHN F. AND MARGARET McCaffrey  
18122 West Clifton Road  
Lakewood, Ohio 44107

GREGORY SANKER  
18124 West Clifton Road  
Lakewood, Ohio 44107

ROBERT AND AMY M. FROST  
18126 West Clifton Road  
Lakewood, Ohio 44107

JEFFREY AND CONSTANCE MANSELL  
18127 West Clifton Road  
Lakewood, Ohio 44107

GARY D. ARBEZNIK  
18128 West Clifton Road  
Lakewood, Ohio 44107

JOHN E. RUPERT  
18129 West Clifton Road  
Lakewood, Ohio 44107

GREGORY PACHOLSKI AND TERRI A.  
HOLLIDAY  
18131 West Clifton Road  
Lakewood, Ohio 44107

LESLIE D. COLEMAN, TRUSTEE  
18136 West Clifton Road  
Lakewood, Ohio 44107

LEIGH E. FOX, TRUSTEE  
18139 West Clifton Road  
Lakewood, Ohio 44107

ANTHONY W. DIMACCHIA  
1099 West Forest Road  
Lakewood, Ohio 44107

GRACE A. FRANK, TRUSTEE  
1101 West Forest Road  
Lakewood, Ohio 44107

KIMBERLY M. LANSDOWNE, TRUSTEE  
1103 West Forest Road  
Lakewood, Ohio 44107

MELISSA K. MEANY  
1104 West Forest Road  
Lakewood, Ohio 44107

SARAH COHAN  
1106 West Forest Road  
Lakewood, Ohio 44107



JOHN AND KAREN BALLARD )  
 1107 West Forest Road )  
 Lakewood, Ohio 44107 )  
 RYAN M. AND LISA M. SPICER )  
 1108 West Forest Road )  
 Lakewood, Ohio 44107 )  
 CAROLYN SEELBACH )  
 1109 West Forest Road )  
 Lakewood, Ohio 44107 )  
 JAMES H. McPOLIN )  
 1110 West Forest Road )  
 Lakewood, Ohio 44107 )  
 Interested Party-Defendants. )

Plaintiffs Arthur P. Dueck, Todd Gilmore, Nancy Binder and William R. Keller, for their First Amended Complaint, state as follows:

**PARTIES**

1. Arthur P. Dueck, Todd Gilmore, Nancy Binder and William R. Keller (hereinafter referred to as the “Plaintiffs”) are subplot owners of real property located within the allotment of Clifton Park in the City of Lakewood, County of Cuyahoga, and State of Ohio (“Clifton Park”).

2. Defendant The Clifton Club Company (hereinafter referred to as the “Club”) is an Ohio corporation.

3. Defendants Charles Drumm; John S. Pyke, Jr.; Peter A. Kuhn; Philip W. Hall; and Warren Coleman are Trustees (“Trustees”) of the Clifton Park Trust (the “Trust”).

4. Interested Party-Defendants Stephanie D. Neider; Kerala, LLC; Joanne H. Calkins, Trustee; Gordon D. Geiger; Byron T. and Maryanne Crampton; Donald Shultzaberger and Robert Paraska; Peter and Linda Joy Nintcheff; Griffith R. Dye; Laurence and K. L. Heidelberg; Markus Buckner; John and Mary Ann Henderson; Billy T. Frazier; David L. and Stacie F. Dashiell; Kent Winterhalter; Christine R. Kraay, Trustee; Rosalyn McGlynn; Ronnie Cheung and Eva Lum; Daniel P. Lavelle; Raymond L. Heinert; Douglas and Cynthia Burry;

Laura Novosel Little, Trustee; Charles W. Debelak; Robert Smithley and Joel Toth; Joanne S. Miller; Patrick and Melissa Metzger; Daniel and Jennifer Raynor; Dennis and Marilyn Butler; Daniel L. and Carolyn M. Klenkar; Craig Andrews; William Ahern and Kathy Franzinger; John W. Forgetta; Ronald and Christine Johnson; David Cottenden; Richard Morton and Catherine Fuller; Michael King; Michael Davis; Brian Dalisky; John and Melissa Kappus; Kevin Spellacy; Terrence Dobro; Daniel and Caroline Flannery; Edmond and Mary Blades, Trustees; Richard Baker; Thomas O'Malley; Terryl Walker; Richard Tanner; Ron and Beverly Rudin; Patrick Gowell; Michael and Annemarie Polito; Michael and Patricia Smith; Raymond and Margarita Krncevic; Rhonda Loje; Robert Szabo; William Davis; Jerry Hoegner, Trustee; Frank Schwelik; Dorcas Russo; Scott Kimes; James Cutler; Philip Jennings; Frank and Karin Conway; Thomas Fraser; Peter and Kathryn Corrigan; Bruce Harwood; Joseph Kerrigan; Karen Ross; Brendan and Lori McCarthy; Anthony and Anne Pietromica; Robert Mazzarella; Mary Caye Kilbane; Sarah Grotta; Nicolas Young; Dawn Griffith Liston; Thomas and Linda Turner; Frank Zak; Robert and Joanne Houck; Cynthia Dunn and Dale Cuthbertson; Patrick and Karen Lenehans; Andrew Henderson and Joselyn Tyler; Laura McBride; Clinton Weddell; Juliane Gillespie; Stephen Schwind; Mark Reinhold; Edward Hill; Bradford Richmond; Russell Beeler; Charles Norton and Christe McGraw; Andrew Logan; James and Katherine Romer; Marcia Hall; Kim and Nora Katzenberger; Ned Molovich; Alec Pacella; John Blesi; Cathryn Kuhn; Christopher and Patricia Jammal; Nancy Tanis; Paul and Jean Bjorn; George and Elizabeth Khuri; Charles Dahill; Nancy McCann; Michael and Jennifer Rowell; Thomas and Peggy Ann Demitrack; Goldie Maxim, Successor Trustee; Matthew and Susan Beverstock; John and Pauline Lewis; Vincent and Jill O'Brien; Ewa Pezacka; Joan Marconi; James Seibert; James and Mary Patricia Oliver; Kevin Barry and Sherri Whitaker; Marc and Kent Castelluccio, Trustees; Donald and Karen Strang;

Lake Avenue LLC; Gregg and Melissa La Spisa; Shelley Mellino; Jason and Holly Therrien; Mark Twohig; Daniel and Amy Witzigreuter; Mary Popandreas, Trustee; Juanita Frenden; Hugh and Alana Fagan; Susan Minnich; Ruth E. Budzar, Trustee; Michael Smith and Michele Myers; Diana Curran; James and Margie McGowan; Robert McCabe; Ann Paras; Jeffrey and Erica Williams; Cesare Mainardi; Timothy Jablonski; BAI, LLC; Joyce Senney; John and Eileen Gallagher; Louis and Cynthia Keppler; Thomas and Donna Feser; Edward Spellman; Brian and Maureen Powers; Waldemar Meckes; Lawrence Campana and Cynthia Mikula; Lisa Morelli Daniels, Trustee; National City, Trustee; Suzanne Backus; David Dillen; Paul Venizelos; Charles and Patricia Geiger; Frank Foti; Peter Rose; Joseph and Rebecca Starck; Mark and Pamela Magnotto; Chad and Mary Ellen Zumkehr; Ernest and Trisha Vargo; Charles Telliard; Stefanie Christian; Eleanor Truett, Trustee; Theodore Harakas; William Todia; Timothy and Kathleen McBride; Jana Dressing; Mark Graves; Donna Kolis; Kenneth Haber; Michael McMahon; Judith Bizga; Victor and Rose Forgetta; Robert Stall; Solvita McMillan; Carol E. Herberger, Trustee; Daniel and Claudine Oldfield; Robert and Diane Thomas; Kevin R. Brown, Trustee; David M. and Susan G. Lorenz; James E. O'Brien; Deborah A. Baker; Darla L. Sedlacek; Kyle M. Lawrence; John F. and Margaret McCaffrey; Gregory Sanker; Robert and Amy M. Frost; Jeffrey and Constance Mansell; Gary D. Arbezniak; John E. Rupert; Gregory Pacholski and Terri A. Holliday; Leslie D. Coleman, Trustee; Leigh E. Fox, Trustee; Anthony W. Dimacchia; Grace A. Frank, Trustee; Kimberly M. Lansdowne, Trustee; Melissa K. Meany; Sarah Cohan; John and Karen Ballard; Ryan M. and Lisa M. Spicer; Carolyn Seelbach; and James H. McPolin, who are lot owners in Clifton Park, are interested parties as beneficiaries of the Trust (collectively the "other subplot owners" or "subplot owners") who have been added as necessary parties by order of the Court.

5. The Plaintiffs and other subplot owners who also own residences in Clifton Park are beneficiaries in common pursuant to a certain Deed of Trust dated March 25, 1912, as recorded on March 27, 1912 in the Cuyahoga County Records, Cleveland, Ohio, at Volume 1382, Pages 277-280 (the "Deed of Trust"). A copy of the Deed of Trust is attached hereto and marked as Exhibit "A."

6. Sublot owners, including each Plaintiff, are restricted to use such subplot for a residence occupied by one family in Clifton Park, as recorded in Cuyahoga County Maps Records, Volume 29, Page 11.

7. The Club was incorporated in 1902 to operate as a social club.

8. In a deed dated July, 1, 1912, as recorded on July 9, 2012 in the Cuyahoga County Records, Cleveland, Ohio at Volume 1399, Pages 374-376, The Clifton Park Land and Improvement Co. conveyed four sublots in Clifton Park to the Club. A copy of the deed to the Club (the "Clifton Club Deed") is attached hereto and marked as Exhibit "B."

9. The Clifton Club Deed contained the same covenants and restrictions as the other sublots, including provisions not to use said premises for any business purpose whatsoever or for any other purpose other than a private residence for one family or social club.

#### **JURISDICTION AND VENUE**

10. This Court has jurisdiction to hear disputes arising from the administration of a trust and to render decisions clarifying the intent and purpose of a trust pursuant to R.C. §2101.24 and R.C. §2721.05.

11. Venue is proper in Cuyahoga County because the corpus of the Trust is real property located in Cuyahoga County, and all interested parties reside in Cuyahoga County, Ohio.

## THE DEED OF TRUST

12. The Deed of Trust conveyed to five trustees real property located in Clifton Park, including a beach property in the northwest corner of the Clifton Park Allotment at the entrance to the Rocky River from Lake Erie (hereinafter referred to as the “Beach”) to hold “for the sole use and benefit of all the owners of sublots, or parts of lots, in the Clifton Park allotment . . . .” See Exhibit A.

13. The Deed of Trust provides that the “trustees shall hold title to and preserve all the land deeded to them for the common use of all the lot owners in the Clifton Park allotment and their successors in title, and *members of their households.*” See Exhibit A (emphasis added).

14. The Deed of Trust provides that the “trustees shall be five in number, all of whom shall at all times be owners of land and *residents in the Clifton Park allotment.*” If the position of any trustee becomes vacant, the remaining trustees are given the authority to appoint the replacement. See Exhibit A (emphasis added). The trustees are referred to as the “Clifton Park Trustees.”

15. The Deed of Trust provides that no part of the lands held for the benefit of persons owning sublots “shall be sold, conveyed or dedicated to the public use without the unanimous consent of all the lot owners in said allotment.” No such consent has ever been given.

16. The Club obtained said property subject to the power of the Trustees of the Trust “to hold said property for the use and benefit of *persons*” owning lots in said allotment. See Exhibit “B” (emphasis added).

### THE DISPUTE

17. A dispute has arisen between the Plaintiffs and the Club as to the rights, if any, of the approximately 230 members of the Club, who are not persons owning sublots or single-family residences in Clifton Park, to use the Beach.

18. As set forth in the Trust, the grantor of the Trust, the Clifton Park Land & Improvement Company, specifically allocated the Beach to the Trust to be maintained for the sole use and benefit of all the owners of the sublots in the Clifton Park Allotment and their household members, and no one else.

19. Upon information and belief, the Club has taken the position that the rights of Club members who are not Clifton Park subplot owners to use the Beach are equal to the rights of the Plaintiffs and other subplot owners.

### COUNT I (DECLARATORY JUDGMENT)

20. The allegations contained in paragraphs 1 through 19 above are incorporated herein as if fully rewritten.

21. The Trust document (Exhibit "A") executed on March 25, 1912 conveyed the Beach to an irrevocable trust for the exclusive use and benefit of the Clifton Park Allotment owners who must maintain a one-family residence thereon.

22. The Plaintiffs and the other subplot owners in the Clifton Park Allotment received or purchased their subplot or property "together with the right to use in common with other owners of land in said allotment all portions of said allotment which have been devoted to the purpose of parks or park spaces (which includes the Beach) for the exclusive use and benefit of said lot owners . . ." (parenthesis added). See Exhibit "A."

23. Because the Trust document of March 25, 1912 gave the exclusive use and benefit of the Beach in total to the residential subplot owners, any subsequent conveyance in contradiction to said provisions is null and void.

24. The subsequent conveyance of four sublots to the Club on July 8, 1912 (Exhibit "B") purported to allow the Club to use the Beach in an undefined way in common with other owners of residence in the said allotment aforementioned.

25. No other person other than a subplot owner has any "right to use" of any "portions of said allotment . . . devoted" to the Beach. See Exhibit "A."

26. To the extent that the Clifton Club Deed purports to grant the Club, through its four lots, any access to the Beach that is greater than the access of any owner of a single subplot, the Deed is null and void.

27. Upon information and belief, the Club believes that the rights of Club Members who are not Clifton Park subplot owners to use the Beach are equal to the rights of the Plaintiffs and other subplot owners.

28. The Plaintiffs allege that the Club members' use of the Beach cannot violate the terms of the Deed of Trust.

29. This dispute amongst the parties constitutes an actual case and justiciable controversy in which the Court may declare the rights of the parties.

WHEREFORE, the Plaintiffs pray for judgment in their favor:

- (1) Declaring that:
  - a) The Members of the Clifton Club who are not subplot owners are not beneficiaries under the Deed of Trust;
  - b) the Members of the Clifton Club who are not subplot owners have no legal right to use Trust property (including the Beach); and

- c) that the provision of the Clifton Club Deed dated July, 1, 1912 allowing use of Trust property by the Members of the Clifton Club who are not subplot owners (including the Beach) in contradiction to the then-existing Deed of Trust is null and void.

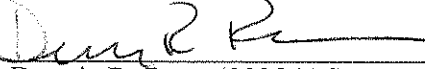
Or, if this Honorable Court does not grant the requested relief, Plaintiffs request that the Court enter an order defining the rights of and relationship between the Plaintiffs and the Club members as to the use of the Trust property, including the Beach.

- (2) Awarding the costs of this action; and  
(3) Awarding such additional relief as the Court deems just and equitable.

OF COUNSEL:

HAHN LOESER + PARKS LLP

Respectfully submitted,



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Dennis R. Rose (0039416)  
drrose@hahnlaw.com  
Arthur E. Gibbs III (0066819)  
aegibbs@hahnlaw.com  
200 Public Square, Suite 2800  
Cleveland, Ohio 44114-2316  
Phone: 216.621.0150  
Fax: 216.241.2824

Attorneys for Plaintiffs



**JURY DEMAND**

Plaintiffs hereby demand trial by jury on all counts so triable.

OF COUNSEL:

HAHN LOESER + PARKS LLP

Respectfully submitted,



---

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drrose@hahnlaw.com

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200 Public Square, Suite 2800

Cleveland, Ohio 44114-2316

Phone: 216.621.0150

Fax: 216.241.2824

Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Plaintiffs' First Amended Complaint was served by regular U.S. mail on this 25<sup>th</sup> day of April, 2013, upon the following counsel of record:

Thomas W. Baker, Esq.  
Susan L. Racey, Esq.  
Tucker Ellis LLP  
925 Euclid Avenue, Suite 1150  
Cleveland, Ohio 44115-1414

Attorneys for Defendant  
The Clifton Club Company

Joseph P. Gibbons, Esq.  
Schneider, Smeltz, Ranney & LaFond PLL  
1111 Superior Avenue, Suite 1000  
Cleveland, Ohio 44114-2568

Attorneys for Defendant  
The Clifton Club Company



\_\_\_\_\_  
One of the Attorneys for Plaintiffs

hands and seal the twenty fifth (25<sup>th</sup>) day of March in the year of our Lord one thousand nine hundred and twelve (1912).

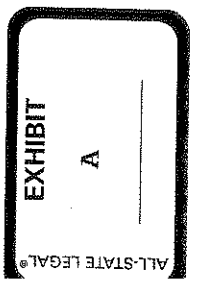
Signed, Sealed, Acknowledged and Delivered) John W. Tyler (Seal)  
in presence of ) Mary E. Tyler (Seal)  
Marie S. Tyler Augustus Zehring )

The State of Ohio, ) Before me, a Notary Public in and for said County, personally appear-  
Cuyahoga County, ss. ) ed the above named John W. Tyler and Mary E. Tyler, who acknowledged  
that they did sign and seal the foregoing instrument and that the same is their free act and  
deed. In testimony whereof, I have hereunto set my hand and official seal at Cleveland, O. this  
twenty fifth (25<sup>th</sup>) day of March A.D. 1912.

Transf'd Mar. 26, 1912. ) Augustus Zehring (Notarial Seal)  
Rec'd Mar. 26, 1912, at 2:39 P.M.) Notary Public. (Cuyahoga County)  
Recorded Mar. 27, 1912. ) (Ohio)  
Fee for record \$1.00. ) Paul Schreiner, Recorder.

599375. The Clifton Park Land & Imp. Co. To F. C. Case et al, Trs.  
Know all men by these presents, That The Clifton Park Land & Improvement Company, the grantor,  
for divers good causes and considerations thereunto moving, and especially in consideration of  
the covenants and agreements entered into by said company with the several owners of lots and  
lands in its allotment herein described, and further for the sum of One Dollar (\$1.00) receiv-  
ed to its full satisfaction of F. C. Case, Lucien B. Hall, P. A. Glidden, E.E.Adams, and F.B.  
Anderson, Trustees, has given, granted, remised, released and forever quit claimed, and does  
by these presents absolutely give, grant, remise, release and forever quit claim unto said  
grantees, and their successors in trust or assigns, and the survivors or survivor of them,  
and the heirs of such survivor, forever, all such right and title as the said grantor has or  
ought to have in the following described pieces and parcels of land, situated in the City of  
Lakewood, County of Cuyahoga and State of Ohio, and being the parts and parcels of land in  
the grantor's said allotment, or lying adjacent thereto, which have been reserved for the use  
and benefit of the owners of land in said allotment, and described as follows, viz: 1) The  
three triangular parcels designated as "Reserved M", "Reserved N", and "Reserved O", on the  
map of the allotment of Clifton Park as the same is recorded in the Map Records of Cuyahoga  
County, volume 29, Page 11; reserving, however to the grantor the right at any time within  
one year from this date to remove from said parcel marked "Reserved O" the earth and other  
material piled thereon to a level not lower than the street curb line bounding said parcel.  
Also the Shelter House standing in Clifton Road at the entrance to the Park. 2) All that part  
of Blocks A and B in said Clifton Park Allotment above referred to, lying westerly from the 10  
foot strip of land through said Block B, which was designated as a right of way connected with  
the overhead crossing over the tracks of The New York, Chicago & St. Louis Rml road, and ded-  
icated by said The Clifton Park Land & Improvement Company in a map and dedication of Sloan  
Subway and other lands, as shown by the plat of said dedication upon the Map Records of Cuy-  
ahoga County Volume 30, page 7; excepting from said Block A all that portion heretofore convey-  
ed by The Clifton Park Land & Improvement Company to The American Construction Company by a  
deed recorded in Cuyahoga County Records Volume 1158, Page 598, subject to the right of way  
for Sloan Subway, as designated on said subway map in volume 30, page 7, above referred to.  
3) The strip of land 8 feet in width extending from Clifton Road to Forest Road between sub  
lots 116 and 117 and 94 and 95, and between Forest Road and Lake Road between sub lots 75 and  
76 and 59 and 60, designated as "Shady Lane--private right of way," on the map of said Clifton  
Park Allotment. 4) A right of way or footpath from Lake Road westerly to the land described  
herein as Parcel 7, in common with the owners of sub lots 32 and 33, over and across said  
sub lots as set forth in the grant of said right of way to The Clifton Park Land & Improvement  
Company, et al., from Fannie W. Baker and Olive G. W. Wigmore which is recorded in Cuyahoga

*See Bill*  
Vol 1178  
15275/231  
49-318  
49-319  
For Office  
File  
1246-415  
See Bill  
Vol 293-41  
See Bill  
Vol 782-33



County Records, Volume 1198, Page 279. 5. All of sublots 13 and 14 in said Clifton Park allotment, having a frontage of 200 feet on Lake Road, and extending back northerly to Lake Erie, as shown by the recorded plat of said allotment in Volume 29 of Maps, Page 11, Cuyahoga County Records. 6. Part of Section Number 23 in the Township of Rockport, bounded as follows: Beginning at an iron pipe set in the northerly line of land conveyed to Franc C. Stowe by deed recorded in Volume 807 of Deeds, page 127 Cuyahoga County Records, at the intersection thereof, with the westerly curved line of Beach Road, a private road 25 feet in width; thence north 69° 36' 30" east along the extension easterly of said northerly line of lands so deeded to Franc C. Stowe, 25.22 feet to a point in the westerly line of sub lot number 37 in The Clifton Park Land & Improvement Company's allotment, recorded in Volume 29 of Maps, Page 11, Cuyahoga County Records; thence southerly 91.90 feet along a curved line deflecting to the left and having a radius of 432.45 feet and being the westerly line of sub lots numbers 37 and 38 in said allotment, to a stone monument; thence southeasterly along a curved line deflecting to the left and having a radius of 283.37 feet and being the southwesterly line of sub lots numbers 38 and 39 in said allotment, to the intersection of said curved line with the westerly line of "Reserved Parcel M" in said allotment; thence southwesterly along the westerly line of said "Reserved Parcel M" to the most northerly corner of sub lot number 42 in said allotment; thence northerly parallel with and 25 feet distant from the southwesterly line of sub lots numbers 39, 38 and 37, to the place of beginning. 7. Known as being part of Section number 23 in the township of Rockport, bounded as follows: Beginning at a point in the westerly line of sub lot number 37 in The Clifton Park Land & Improvement Company's allotment recorded in Volume 29 of maps, page 11, Cuyahoga County Records, where said line is intersected by the extension easterly of the northerly line of land conveyed to Franc C. Stowe, by deed recorded in Volume 807, Page 127, Cuyahoga County Records of Deeds; thence northerly along the westerly line of sub lots numbers 37 and 36 in said allotment, 177.16 feet, (being a curved line deflecting to the right and having a radius of 432.45 feet, and a chord which bears north 0° 50' west 175.95 feet) to an iron pipe at a point of reverse curvature; thence northerly along the westerly line of sub lots numbers 36, 34, 33 and 32 in said allotment 465.10 feet (being a curved line deflecting to the left and having a radius of 825.11 feet and a chord which bears north 5° 19' 55" west 458.88 feet) to an iron pipe at the northwesterly corner of said sub lot number 32; thence northerly along the westerly line of sub lot number 31 in said allotment 60.17 feet (being a curved line deflecting to the left and having a radius of 155.72 feet, and a chord which bears north 32° 20' 30" west 59.79 feet) to a gas pipe at an angle in the line of said sub lot Number 31; thence north 16° 18' east along the westerly line of said subplot 74.85 feet to a stone monument; thence north 69° 32' east along the line of said sub lot 20 feet to the southwesterly corner of a parcel of land deeded by The Clifton Park Land & Improvement Company to Anna Y. Morgan by deed recorded in Volume.. of Deeds, page.. Cuyahoga County Records; thence north 4° 8' east along the westerly line of lands so deeded to Anna Y. Morgan to the water's edge on the shore of Lake Erie; thence westerly along the water's edge on the southerly shore of Lake Erie to the water's edge on the easterly shore of Rocky River; thence southerly along the water's edge on the easterly side of Rocky River to the northerly line of land deeded to Franc C. Stowe as aforesaid from which point a stone monument in the northerly line of said Franc C. Stowe's land bears north 69° 36' 30" east 23.09 feet; thence north 69° 36' 30" east along the northerly line of lands so deeded to Franc C. Stowe 173.09 feet to a stone monument; thence continuing said course along the northerly line of lands so deeded to Franc C. Stowe 100.84 feet to a stone monument; thence continuing said course along the northerly line of lands so deeded to Franc C. Stowe 109.18 feet to an iron pipe at the intersection of said northerly line of lands so deeded to Franc C. Stowe with the westerly curved line of Beach Road, a private road; thence continuing said course in an extension easterly of the northerly line of lands so deeded to Franc C. Stowe 25.22 feet to the beginning. But excepting from the above described land a parcel of land described as follows: Beginning at a stone monument which shall be called the prin-

See map  
Vol. 979  
96/449

See map  
Vol. 979  
10781  
693  
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697  
699

cipal place of beginning and which principal place of beginning is found by running the following course: beginning at a stone monument set in the northerly line of land deeded to Franc C. Stowe as aforesaid at a point distant south 69° 36' 30" west 109.18 feet from a gas pipe in the northerly line of land so deeded to Franc C. Stowe at its intersection with the westerly curved line of Beach Road, a private road 25 feet in width; thence north 12° 57' 30" west 209.92 feet to said principal place of beginning; thence south 77° 02' 30" west 12.50 feet to a point; thence southerly and westerly 265.12 feet along a curved line deflecting to the right and having a radius of 155 feet and a chord which bears south 36° 02' 30" west 233.96 feet; thence northwesterly 86.14 feet along a curved line deflecting to the right, having a radius of 97.905 feet and a chord which bears north 69° 45' 7 1/2" west 83.39 feet; thence north 44° 32' 45" west 415 feet to a point; thence south 45° 27' 15" west 71.61 feet to the water's edge on the easterly side of Rocky River; thence north 47° 08' west along the water's edge on the easterly side of Rocky River 111.82 feet; thence north 56° 22' west along the water's edge on the easterly side of Rocky River 112.49 feet; thence north 45° 27' 15" east 252.75 feet to a point from which a stone monument set in the ground bears south 77° 02' 30" west 91.64 feet; thence north 77° 02' 30" east 462.14 feet to a stone monument; thence south 37° 24' 10" east 181.25 feet to a point; thence south 8° 52' 30" east 350.87 feet to a point; thence south 77° 02' 30" west 50 feet to the principal place of beginning. The above described land known as "Reserved M" and parcels 3 and 7 herein described, are made subject to such rights as have heretofore been granted to The East Ohio Gas Company to extend and maintain its gas supply pipes under a portion thereof; and also subject to the rights given by the grantor herein to The Lakewood Yacht Club Company by an Article of Agreement dated June 1, 1903. Also subject to the rights of owners of lots fronting on the lagoon in the land described as "excepted" from said parcel 7, for themselves and their guests, licensees and employes, to pass over and along the private roads, paths, stairways and common grounds, to reach said lagoon from the dedicated roads and avenues in said Clifton Park Allotment. Also subject to right of way for owners of land fronting on the private road known as Beach Road. To have and to hold the premises aforesaid, with the appurtenances thereto belonging, unto the said grantees and their successors in trust and assigns, and the survivors or survivor thereof, and the heirs of such survivor, so that neither said grantor, nor its successors, nor any other person claiming title through or under it, shall or will hereafter claim or demand any right or title to the premises, or any part thereof, but they and every one of them shall be by these presents excluded and forever barred; in trust, nevertheless, for the sole use and benefit of all the owners of sub lots, or parts of lots, in the Clifton Park Allotment, as the same is recorded in Cuyahoga County Map Records volume 28, page 11, and the heirs, representatives, successors or assigns, of such owners; subject to the terms, conditions and regulations herein contained, that is to say:-

APPOINTMENT AND TERM OF TRUSTEES.

The trustees shall be five in number, all of whom shall at all times be owners of land and residents in the Clifton Park Allotment. If at any time any trustee shall cease to be an owner of land or resident in the Clifton Park allotment, his position as trustee shall at once become vacant, and a successor shall be chosen as herein provided. When the position of any trustee is vacated by resignation, disability or death, the remaining trustees shall at once choose a successor. The fact of such vacancy and choice of successor shall be reduced to writing, signed and acknowledged by a majority of the remaining trustees, and recorded in the office of the County Recorder; whereupon the new trustee shall succeed to all the title and right of his predecessor.

DUTIES OF TRUSTEES.

- (1) The Trustees shall hold title to and preserve all the land deeded to them for the common use of all the lot owners in the Clifton Park allotment, and their successors in title, and members of their households. (2) No part of said land shall be sold, conveyed or dedicated to

public use without the unanimous consent of all the lot owners in said allotment. (3) The trustees shall collect money from the persons interested as hereinafter provided, and from the sums so collected, and from any other moneys coming to their hands, shall pay taxes and assessments on said lands as they become payable; shall keep the weeds and grass cut, and trees, shrubbery and flower beds on said lands in good condition; shall provide for removal of snow and ice when necessary; shall keep the bathing pavilion, stairways, private roadways and sidewalks in repair; shall establish regulations for the use of, and provide for proper policing of private roads, lanes, parks and bathing pavilion; and generally maintain all of said property in good order and condition for the use of lot owners in said allotment, as the same is now maintained. (4) If at any time the owners of one-fourth of the lots in said allotment wish for more improvement or embellishment of said common land, or any part of it, than said trustees by the terms of these regulations are bound to make, such lot owners may call a meeting to be held at some convenient place within the boundaries of Clifton Park, of which meeting all lot owners shall have at least ten days notice by mail or public advertisement. Should a majority of the lot owners present at such meeting decide in favor of any extraordinary improvement of such land for the common benefit, the trustees, upon receiving or being guaranteed the money necessary for that purpose, may proceed to make such improvement, which shall then be a part of the common property, and shall be cared for as herein provided. (5) The trustees shall serve without compensation, but may charge to and collect from the lot owners all their necessary expenses as hereinafter provided.

MAKING AND COLLECTION OF ASSESSMENTS.

The cost of all ordinary care of the lands and buildings in the hands of the trustees, and their necessary expenses in carrying out their duties, shall be divided among the several lot owners and collected from them by an annual assessments as follows:-Each sub lot, or part of sub lot, in the allotment shall be charged with such proportion of the total annual expense as its value for taxation, exclusive of buildings, is of the total tax value of all the sub lots in said allotment, exclusive of buildings. The owner of such sub lot, or part of sub lot shall be bound to pay the sum so assessed to the trustees upon their written notice and demand; and the lien upon the several sub lots reserved to the Company in the deeds of conveyance for the same to secure the payment of such assessments, is transferred to the said trustees, and may be enforced by them. Any extraordinary expenses for improvement of the property shall be met by voluntary subscription. In witness whereof, the said grantor has caused its seal to be affixed hereto, and these presents to be signed by its Vice President and Secretary duly authorized by resolution of its Board of Directors, this 25th day of March A.D. 1912.

Signed and acknowledged ) The Clifton Park Land & Improvement Co.  
 in presence of ) L. A. Reed, Vice Pres. (The Clifton Park Land & Im-  
 J. M. Shallenberger T. H. Wilson) J. J. Crooks, Secty. (provement Company. Seal.)  
 (Cleveland, O. Incorporated  
 July, 1899.)

State of Ohio, ) Before me, a Notary Public in and for said County, personally appear  
 Cuyahoga County, ss. ) ed the above named L. A. Reed as Vice President, and J.J. Crooks as  
 Secretary of The Clifton Park Land & Improvement Company, who acknowledged that they executed  
 the foregoing instrument on behalf of said The Clifton Park Land & Improvement Company as such  
 officers, and that the same is their free act and deed as such officers. and the free act  
 and deed of said corporation. In testimony whereof, I hereunto set my hand and official seal  
 at Cleveland, Ohio, this 25th day of March A.D. 1912.

Transf'd Mar. 26, 1912. ) J. M. Shallenberger (Notarial Seal)  
 Rec'd Mar. 26, 1912, at 7:41 A.M. ) Notary Public. (Cuyahoga County)  
 Recorded Mar. 27, 1912. ) (Ohio)  
 Fee for record \$3.50. ) Paul Schreiner, Recorder.

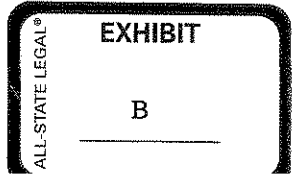
part his heirs, administrators and assigns agree to the following restrictions and limitations the same to be a covenant to run with land. All lots or parcels of land to be used for residence purposes only. No apartments, terraces or double houses allowed. The porch line of said residence when built will be fifty feet from the Clifton Boulevard sidewalk. That the residence when built, will cost at least three thousand dollars (\$3000.00) That no intoxicating, malt or spirituous liquors shall ever be sold upon said premises. To have and to hold the above granted and bargained premises, with the appurtenances thereof, unto the said grantee, his heirs and assigns forever. And I the said grantor, do for myself and my heirs, executors and administrators, covenant with the said grantee, his heirs and assigns, that at and until the enrolling of these presents, I am well seized of the above described premises, as a good and indefeasible estate in fee simple, and have good right to bargain and sell the same in manner and form as above written, and that the same are free from all incumbrances whatsoever except taxes and special assessments due and payable December 1911 and thereafter, which the grantee assumes and agrees to pay and that I will warrant and defend said premises, with the appurtenances thereunto belonging, to the said grantee, his heirs and assigns, against all lawful claims and demands whatsoever except said taxes and special assessments heretofore levied. In witness whereof, I have hereunto set my hand the 4th day of October in the year of our Lord one thousand nine hundred and eleven,

Signed and acknowledged in the presence of ) Luther L. Bosworth  
 E.M. Fisher E.T. Fisher )

State of Ohio, SE ) Before me, a Notary Public in and for said county and state, personally  
 Cuyahoga County ) ally appeared the above named Luther L. Bosworth who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed, in testimony whereof, I have hereunto set my hand and official seal at Cleveland, Ohio, this 4th day of October A.D. 1911.

Trans'd Oct 16, 1912 ) E.M. Fisher (Notarial seal)  
 Rec'd Oct 16, 1912, at 2:34 P.M. ) Notary Public (Cuyahoga County Ohio)  
 Recorded Oct 17, 1912 in Vol. 1368 pg. 57-8 )  
 Rec'd and rec. July 8, 1912, at 10:42 A.M. )  
 Recorded July 9, 1912 )  
 Fee for record \$.80 ) Paul Schreiner, Recorder.

613742 The Clifton Park Land & Improvement Co. To Clifton Club Co.  
 Know all men by these presents that The Clifton Park Land and Improvement Company a corporation organized under and by virtue of the laws of the State of Ohio, the grantor, in consideration of Ten dollars (\$10.00) received to its full satisfaction of The Clifton Club Co. the grantee has bargained and sold and does hereby give, grant, bargain, sell and convey unto the said grantee, its successors and assigns, the following described premises situated in the City of Lakewood County of Cuyahoga and State of Ohio, being a part of section number twenty three (23) formerly in the Township of Rookport, and known as being all of sublots number 36-39-40-41 in the allotment of The Clifton Park Land and Improvement Company, known as "Clifton Park" a plat of which allotment is recorded in Volume 29, page 11, of said Cuyahoga County Records. Said sublots having a total frontage of 557.07 feet, on the easterly and northerly line of a private right of way know as "Beach Road" and 103.89 ft. on the westerly line of Lake Ave. and 337.26 ft, along the rear or northerly line, which line is the southerly line of subplot 37 be the same more or less, together with 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; but such use of the parks and of any pavilion or bath or boat houses as may be erected thereon by the said company for the benefit of owners of property in said allotment, shall be subject to such rules and regulations as may be established by said



Company to provide for the taxes and expenses of the maintenance and preservation of the same, and the proportionate part of such taxes and expenses shall be chargeable to the lot here in conveyed and shall be a lien upon said lot to secure its payment. To have and to hold the above granted and bargained premises, with the appurtenances thereunto belonging, subject to the covenants, reservations and restrictions herein, unto the said grantee, its successors and assigns forever. And The Clifton Park Land and Improvement Company, the said grantor, does for itself and its successors and assigns, covenant with the grantee, its successors and assigns, that at and until the enfeoffing of these presents it is well seized of the above described premises as a good and indefeasible estate in fee simple, and has good right to bargain and sell the same in manner and form as above written; that the same are clear from all incumbrances whatsoever, except as below and that it will warrant and defend said premises, with the appurtenances thereunto belonging, to the said grantee, its successors and assigns forever, against all lawful claims and demands whatsoever, excepting taxes and special assessments now due and to hereafter become due. In accepting this conveyance and as a part of the consideration therefor, the grantee for itself its successors and assigns, covenants with the grantor that the said grantee, its successors and assigns, will not sell or allow to be sold on said premises any liquor, whether spirituous, vinous or fermented, or use said premises or cause or permit the same to be used for any business purposes whatsoever, or for any other purpose than that of a private residence or social club or erect thereon any apartment house tenement or other building to be occupied by more than one family, or erect, maintain or use or permit upon said premises, a carriage house, stable or other out building without the written consent of the grantor, nor in any case nearer than sixty (60) feet to the street or avenue on which said lot fronts, nor (except by agreement with the owner of the adjoining lot) nearer than ten (10) feet to either of the side lines of said lot; that no house shall be erected on either of said lots which shall cost less than five thousand dollars (\$5000.00) or any line of which shall be located nearer than sixty (60) feet to the street or avenue on which the same fronts or nearer than ten (10) feet to either of the side lines of said lot. The grantor further covenants with the grantee that all sales or leases of lots in said allotment, similarly located, shall be made subject to like restrictions as to the use of the same. The said several covenants, agreements and provisions herein contained shall run with the land hereby conveyed and be binding upon the said grantee, its successors and assigns for the period of fifty (50) years from the date hereof. The said grantor further covenants with the said grantee that it will, before the period of its corporate existence or any renewal or renewals thereof expires, convey the fee in the land reserved for park purposes in the allotment of The Clifton Park Land and Improvement Company, as shown by plat thereof made and on file in the office of the Secretary of the Company, to a Board of Trustees of not less than three members who shall be property owners in said allotment, with power to perpetuate said Board of Trustees, and with power to hold said property for the use and benefit of persons owning lots in said allotment, subject to such rules and regulations in regard to the use thereof as hereinbefore provided, and for that purpose the said Trustees shall succeed to all the rights, powers and duties of the Company as to use, maintenance, repairs, improvements, and for all purposes whatsoever. In witness whereof, said corporation, by its President and its Secretary hereunto duly authorized by resolution of its Board of Directors hereunto sets its hand and corporate seal this first day of July in the year of our Lord one thousand nine hundred and twelve.

Signed and acknowledged in presence of )  
J.M.Shallenberger Hazel R.Meehan )

The Clifton Park Land and Improvement Company  
By Russell E. Burdick President  
J.J. Crooks Secretary

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(The Clifton Park Land & Improvement )  
Cleveland O. seal )  
( Company incorporated July 1899 )  
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The State of Ohio ) Before me, a Notary Public, in and for said County, personally appeared  
Cuyahoga County SS ) the above named The Clifton Park Land and Improvement Company by  
Russell E. Burdick its President, and J. J. Crooks its Secretary, who acknowledged that they did  
sign the foregoing instrument, and that the same is the free act and deed of said corporation  
and the free act and deed of each of them personally and as such officers. In testimony where  
of, I have hereunto set my hand and official seal, at Cleveland, Ohio, this 1st day of July  
A.D. 1912.

Trans'd July 8, 1912 ) J.M. Shallenbeger (Notarial seal )  
Rec'd July 8, 1912; at 10:50 A.M. ) Notary Public (Cuyahoga County Ohio )  
Recorded July 9, 1912 )  
Fee for record \$1.50 ) Paul Schreiner, Recorder.

613743 The South End Realty Co. To Josef Vondrak et al

Know all men by these presents that The South End Realty Company a corporation, the grantor.  
for the consideration of Ten and 00/100 dollars (\$10.00) received to its full satisfaction  
of Josef Vondrak and Mary Vondrak his wife, the grantees, does give, grant, bargain, sell and  
convey unto the said grantees, their heirs and assigns, the following described premises, sit-  
uated in the Village of Newburgh Heights, County of Cuyahoga and State of Ohio, and known as  
being subplot No. 251 in The South End Realty Co's Washington Park Boulevard allotment of a  
part of original one hundred acre lot number 290 as shown by the recorded plat in Volume 37  
of Maps page 13 of Cuyahoga County Records. Said subplot No. 251 being 39 feet front on the  
northerly side of McGregor St 125 feet deep on the east line 125 feet deep on the west line 39  
feet in the rear. To have and to hold the above granted and bargained premises, with the ap-  
purtenances thereunto belonging, unto the said grantees, their heirs and assigns forever. And To  
South End Realty Co. the said grantor, does for itself and its successors and assigns, covenant  
with the said grantees, their heirs and assigns, that at and until the enfeoffing of these  
presents, it is well seized of the above described premises, as a good and indefeasible es-  
tate in fee simple, and has good right to bargain and sell the same in manner and form as above  
written, and that the same are free and clear from all incumbrances whatsoever except the  
last half of 1912 which the grantees assume and agree to pay and that it will warrant and  
defend said premises, with the appurtenances thereunto belonging, to the said grantees,  
their heirs and assigns forever, against all lawful claims and demands whatsoever except as  
above. In witness whereof, said corporation hereunto sets its hand and corporate seal by its  
President and Secretary this 1st day of July in the year of our Lord one thousand nine hun-  
dred and twelve (1912)

Signed and acknowledged in presence of ) The South End Realty Company  
Chas J. Hodous Emil Raus ) C.G. Barkwill President  
Jos. J. Sacha Secretary  
(The South End Realty Company )  
( seal Cleveland, O. )

The State of Ohio ) Before me, a Notary Public in and for said County and State, personally  
Cuyahoga County SS ) appeared the above named The South End Realty Co. by C.G. Barkwill its  
President and Jos. J. Sacha its Secretary who acknowledged that they did sign the foregoing  
instrument, and that the same is the free act and deed of said corporation, and the free  
act and deed of each of them personally and as such officers. In testimony whereof I have  
hereunto set my hand and official seal, at Cleveland this 1st day of July A.D. 1912.

Trans'd July 8, 1912, ) Chas J. Hodous (Notarial seal )  
Rec'd July 8, 1912, at 10:51 A.M. ) Notary Public (Cuyahoga County Ohio )  
Recorded July 9, 1912 )  
Fee for record \$.90 ) Paul Schreiner, Recorder.