

JUN 10 2013

COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
PROBATE DIVISION

RECEIVED FOR FILING

ARTHUR P. DUECK, et al.)	CASE NUMBER: 2012ADV179424
)	
Plaintiffs)	
)	JUDGE ANTHONY J. RUSSO
v.)	
)	
THE CLIFTON CLUB COMPANY, et al.)	
)	<u>JOINT ANSWER OF THE TRUSTEES OF</u>
Defendants)	<u>THE CLIFTON PARK TRUST</u>
)	
)	

For their Joint Answer as Trustees of The Clifton Park Trust, Defendants Charles Drumm, John S. Pyke, Jr., Peter A. Kuhn, Philip W. Hall, and Warren Coleman (hereinafter “the Trustees”), set forth the following:

FIRST DEFENSE

1. The Trustees admit the allegations in Paragraphs 1, 2 and 3 in Plaintiffs’ Amended Complaint.
2. The Trustees deny for want of knowledge the allegations in Paragraph 4 in Plaintiffs’ Amended Complaint.
3. The Trustees admit that Plaintiffs and other subplot owners are beneficiaries in common pursuant to the Deed of Trust dated March 25, 1912, and that a copy of the Deed of Trust is attached to the Amended Complaint, but the Trustees deny the remaining allegations in Paragraph 5 in Plaintiffs’ Amended Complaint.

4. The Trustees deny the allegations in Paragraph 6 in Plaintiffs' Amended Complaint.

5. The Trustees admit the allegations in Paragraphs 7 and 8 in Plaintiffs' Amended Complaint.

6. The Trustees deny the allegations in Paragraph 9 in Plaintiffs' Amended Complaint.

7. The Trustees admit the allegations in Paragraphs 10, 11, 12, 13 and 14 in Plaintiffs' Amended Complaint.

8. The Trustees deny the allegations in Paragraph 15 in Plaintiffs' Amended Complaint.

9. The Trustees admit the allegations in Paragraph 16 in Plaintiffs' Amended Complaint.

10. The Trustees admit that a dispute has arisen, but the Trustees deny for want of knowledge the remaining allegations in Paragraph 17 in Plaintiffs' Amended Complaint.

11. The Trustees deny the allegations in Paragraph 18 in Plaintiffs' Amended Complaint.

12. The Trustees deny for want of knowledge the allegations in Paragraph 19 in Plaintiffs' Amended Complaint.

13. The Trustees incorporate their above admissions and denials in response to Paragraph 20 in Plaintiffs' Amended Complaint.

14. The Trustees deny the allegations in Paragraph 21 in Plaintiffs' Amended Complaint.

15. The Trustees admit the allegations in Paragraph 22 in Plaintiffs' Amended Complaint.

16. The Trustees deny the allegations in Paragraph 23 in Plaintiffs' Amended Complaint.

17. The Trustees admit that Exhibit B attached to the Amended Complaint is a copy of a Deed, but the Trustees deny for want of knowledge the allegations in Paragraph 24 in Plaintiffs' Amended Complaint.

18. The Trustees deny the allegations in Paragraphs 25 and 26 in Plaintiffs' Amended Complaint.

19. The Trustees deny for want of knowledge the allegations in Paragraph 27 in Plaintiffs' Amended Complaint.

20. The Trustees admit the allegations in Paragraph 28 in Plaintiffs' Amended Complaint.

21. The Trustees deny the allegations in Paragraph 29 in Plaintiffs' Amended Complaint.

SECOND DEFENSE

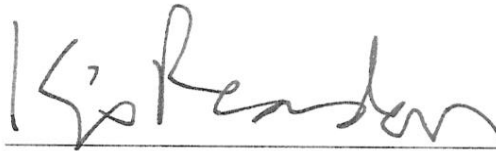
1. Plaintiffs' First Amended Complaint fails to state any claim upon which relief can be granted.

THIRD DEFENSE

1. To the knowledge and belief of the Trustees, the lot owners in Clifton Park and members of the Clifton Club, also a lot owner, have enjoyed access to and the use of the beach for approximately 100 years. As a result, the claims asserted in Plaintiffs' First Amended

Complaint are barred by laches, estoppel, consent, ratification, and/or the applicable statute of limitations.

WHEREFORE, the Trustees demand that Plaintiffs' First Amended Complaint be dismissed with prejudice at Plaintiffs' costs.



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CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2013, copies of the foregoing Joint Answer of the Trustees of The Clifton Park Trust were mailed by regular U.S. Mail to:

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All "Interested Party-Defendants" Listed
in the caption of Plaintiffs' First Amended Complaint



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