



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed: COMPLAINT
August 12, 2021 14:48

By: DOLORES GARCIA PRIGNITZ 0085644

Confirmation Nbr. 2324761

CHARLES BERNARD, ET AL

CV 21 951490

vs.

THOMAS CHRISTOPHERSON, ET AL

Judge: WILLIAM F. B. VODREY

Pages Filed: 32

COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

**CHARLES BERNARD
& DAVID WILLIAMS**

[REDACTED]
Bratenahl, OH 44108

AND

**BRANIMIR BOSILJEVIC
& VIOLET BOSILJEVIC**

[REDACTED]
Bratenahl, OH 44108

AND

HELEN BROWN

[REDACTED]
Bratenahl, OH 44108

AND

**STEPHEN BUTCHER & NAOMI
BUTCHER**

[REDACTED]
Bratenahl, OH 44108

AND

**BRIAN CANTRALL & JESSICA
CANTRALL**

[REDACTED]
Bratenahl, OH 44108

AND

**ELIZABETH DUCHEZ TURK
& JOHN TURK**

[REDACTED]
Bratenahl, OH 44108

AND

) CASE NO.:

) JUDGE:

) COMPLAINT

MICHAEL GRILL & IRENE GRILL)

[REDACTED])
Bratenahl, OH 44108)

AND)

ADARSH KRISHEN)
& ROBERT TAZUMA)

[REDACTED])
Bratenahl, OH 44108)

AND)

CORNING STREET TRUST,)
AMANDA MARTINSEK, TRUSTEE)

[REDACTED])
Bratenahl, OH 44108)

AND)

CANDICE MILLER)

[REDACTED])
Bratenahl, OH 44108)

AND)

ELAINE J. MINCH TRUST, ELAINE)
J. MINCH, TRUSTEE)

[REDACTED])
Bratenahl, OH 44108)

AND)

THOMAS MURRAY & KATHY)
MURRAY)

[REDACTED])
Bratenahl, OH 44108)

AND)

LARRY PARELLA & NANCY)
PARELLA)

[REDACTED])
Bratenahl, OH 44108)

AND)

RICHARD PEREZ & BARBARA KING

[REDACTED]
Bratenahl, OH 44108

AND

**THE AVA J. PETERSON
REVOCABLE TRUST DATED
MARCH 21, 2001, AVA J.
PETERSON, TRUSTEE**

[REDACTED]
Bratenahl, OH 44108

AND

ROBERT P. SEAY, SR. & SHIRLEY J. SEAY

[REDACTED]
Bratenahl, OH 44108

AND

**IZZET SOZERI
& TERESA J. SOZERI**

[REDACTED]
Bratenahl, OH 44108

AND

**JOHN WILSON
& SUSAN WAYCHOFF**

[REDACTED]
Bratenahl, OH 44108

Plaintiffs,

v.

**THOMAS CHRISTOPHERSON
& LYDIA C. CHRISTOPHERSON**

[REDACTED]
Bratenahl, OH 44108

AND

DEBRA K. GUILFORD

[REDACTED]
Bratenahl, OH 44108

AND

BILL D. HOLSMAN

[REDACTED]
Bratenahl, OH 44108

AND

WARREN T. MCCLURGH AND

[REDACTED]
Bratenahl, Ohio 44108

AND

**KAREN ELIZABETH DUDEVSKY
1984 TRUST, JOHN SHEEHAN
TRUSTEE**

[REDACTED]
Bratenahl, OH 44108

AND

**JAMES E. VOOS & KRISTIN C.
VOOS**

[REDACTED]
Bratenahl, OH 44108

AND

**KRISTIN CALLOW VOOS FAMILY
TRUST**

[REDACTED]
Bratenahl, OH 44108

AND

VILLAGE OF BRATENAHL

411 Bratenahl Road
Bratenahl, OH 44108

Defendants.

The above-named Plaintiffs, for their Complaint against Defendants Thomas and Lydia C. Christopherson (the “Christophersons” or “Christopherson Defendants”), James E. Voos and Kristen C. Voos (the “Vooses”) and the Kristen Callow Voos Family Trust (with James and Kristen Voos, the “Voos Defendants”), the Village of Bratenahl (the “Village”), and the other homeowners on Corning Drive as necessary and indispensable parties (collectively referred to herein as “Defendants”), state and allege as follows:

INTRODUCTION

1. This action arises from a dispute over property rights of certain residents of Corning Drive, Bratenahl, Ohio with respect to a parcel of land on the shore of Lake Erie.

2. Corning Drive is a street that runs north-to-south, ending close to the shores of Lake Erie. When Corning Drive was developed as a residential area, each of the 24 residential lots on Corning Drive were accompanied by an undivided 1/24th interest in a parcel of land along the shoreline beach of Lake Erie (the “Beach”) as well as a strip of land allowing access to that beachfront (the “Access Path”) (collectively “Beach Property”).

3. The Access Path is a ten-foot wide strip running between the two northernmost lots, the Voos Lot and the Christopherson Lot (as defined below in ¶¶ 55 and 59), from the end of Corning Drive to the Beach.

4. As set forth in the grant, the Beach was to be used for park purposes, and it was intended that each residential lot would be conveyed together with its undivided interest in the Beach Property.

5. For over 100 years, all Corning Drive residents enjoyed ownership privileges for the Beach Property. Residents used their rights to access the Beach and use it for park purposes. As a community, the Corning Drive residents maintained the Beach Property so that all neighbors could enjoy it.

6. In 2020, through the Kristin Callow Voos Family Trust, James E. Voos and Kristen C. Voos purchased one of those northernmost lots and homes located at 282 Corning Drive (the “Voos Lot”). The home was previously owned by the Eaton Corporation and is known as the “Eaton House.”

7. Thomas Christopherson and Lydia C. Christopherson own the other northernmost lot at 285 Corning Drive (the “Christopherson Lot”), and have owned that home and lot since June 13, 2007.

8. At various points since 2007, the Christophersons intermittently attempted to interfere with Corning Drive residents’ use and enjoyment of the Beach Property, but with limited success.

9. Earlier this year, the Vooses conspired with the Christophersons in an effort to block the other Corning Drive residents from the Beach Property.

10. These efforts have included calling the police on neighbors using the Beach, building an illegal fence blocking the Access Path, and verbally harassing their neighbors.

11. These attempts are an intentional violation of the rights of Plaintiffs to access and use the Beach Property, and an unlawful effort to oust the other Corning Drive neighbors from the shared Beach Property.

12. The intervention of this Court is required to preserve the property and access rights of the Corning Drive neighbors.

PARTIES

13. Charles Bernard and David Williams are individuals who reside at and own [REDACTED] Bratenahl, Ohio 44108.

14. Branimir Bosiljevic and Violet Bosiljevic are individuals who reside at and own [REDACTED] Bratenahl, Ohio 44108.

15. Helen Brown is an individual who resides at and owns [REDACTED] Bratenahl, Ohio 44108.

16. Stephen Butcher and Naomi Butcher are individuals who reside at and own [REDACTED] [REDACTED] Bratenahl, Ohio 44108.

17. Brian Cantrall and Jessica Cantrall are individuals who own [REDACTED] Bratenahl, Ohio 44108.

18. Elizabeth DuChez Turk and John Turk are individuals who reside at and own [REDACTED] [REDACTED] Bratenahl, Ohio 44108.

19. Michael Grill and Irene Grill are individuals who reside at and own [REDACTED] [REDACTED] Bratenahl, Ohio 44108.

20. Adarsh Krishen and Robert Tazuma are individuals who reside at and own [REDACTED] [REDACTED] Bratenahl, Ohio 44108.

21. Corning Street Trust owns the property at [REDACTED] Bratenahl, Ohio 44108. Amanda Martinsek is the trustee of the Trust, and resides at [REDACTED]

22. Candice Miller is an individual who resides at and owns [REDACTED] [REDACTED] Bratenahl, Ohio 44108.

23. Elaine J. Minch Trust owns the property at [REDACTED] Bratenahl, Ohio 44108. Elaine Minch is the trustee of the Trust, and resides at [REDACTED].

24. Thomas Murray and Kathy Murray are individuals who reside at and own [REDACTED] [REDACTED] Bratenahl, Ohio 44108.

25. Larry Parella and Nancy Parella are individuals who reside at and own [REDACTED] [REDACTED] Bratenahl, Ohio 44108.

26. Richard Perez and Barbara King are individuals who reside at and own [REDACTED] [REDACTED] Bratenahl, Ohio 44108.

27. The Ava J. Peterson Revocable Trust Dated March 21, 2001 owns the property at [REDACTED] Bratenahl, Ohio 44108. Ava J. Peterson is the trustee of the Trust, and resides at [REDACTED]

28. Robert P. Seay, Sr. and Shirley J. Seay are individuals who reside at and own [REDACTED] Bratenahl, Ohio 44108.

29. Izzet Sozeri and Teresa J. Sozeri are individuals who reside at and own [REDACTED] Bratenahl, Ohio 44108.

30. John Wilson and Susan Waychoff are individuals who reside at and own [REDACTED] Bratenahl, Ohio 44108.

31. Thomas Christopherson and Lydia C. Christopherson are individuals who own the property at [REDACTED] Bratenahl, Ohio 44108.

32. Debra K. Guilford is an individual who owns [REDACTED] Bratenahl, Ohio 44108.

33. Bill D. Holsman is an individual who resides at and owns [REDACTED] Bratenahl, OH 44108.

34. Warren T. McClurgh and [REDACTED] are individuals who reside at and own [REDACTED] Bratenahl, Ohio 44108.

35. The Karen Elizabeth Dudevsky 1984 Trust owns [REDACTED], Bratenahl, Ohio 44108, and John Sheehan is its trustee.

36. The Kristin Callow Voos Family Trust owns the property at [REDACTED], Bratenahl, Ohio 44108.

37. James E. Voos and Kristin C. Voos are individuals who reside at [REDACTED] Bratenahl, Ohio 44108.

38. The Village of Bratenahl is a municipal corporation located in Cuyahoga County, Ohio, and is organized and existing pursuant to Chapter 7 of the Ohio Revised Code.

JURISDICTION AND VENUE

39. Venue is proper in Cuyahoga County, Ohio under Rule 3(C)(5) of the Ohio Rules of Civil Procedure because the real property subject to this dispute is located in Cuyahoga County.

40. This Court has jurisdiction over the parties and this dispute pursuant to Ohio Revised Code § 2307.382, *et seq.*

FACTUAL BACKGROUND

41. Corning Drive is a residential street in the Village of Bratenahl, Ohio.

42. On information and belief, in or around 1916, the land on Corning Drive was subdivided into 24 lots to be used for single-family residences.

43. The title for each of the lots contained an undivided 1/24th interest in common in a parcel of land on the shore of Lake Erie (the “Beach”) and a ten foot wide strip running from the end of Corning Drive to the Beach (the “Access Path”) (collectively “Beach Property”) to be used by the Corning Drive residents and their guests for park purposes.

44. All of the 1/24th interests in common in the Beach Property were described as “Parcel B” or “Parcel 2” in the original title instruments and recorded.

45. Some of the original deeds contained a restrictive covenant that prohibited separating the interest in Beach Property parcel from the primary residential parcel (“Parcel A”).

46. The Beach Property interests in the 24 lots were subsequently conveyed and recorded.

47. Fifteen lots (the “Title Lots”) on Corning Drive have current deeds that describe the 1/24th interests in common to the Beach Property. True and correct copies of two of these deeds are attached as Exhibit 1 and Exhibit 2 as examples.

48. At some point in time between the original conveyances of the Beach Property interests and present, some of the subsequently recorded conveyances of the Corning Drive lots did not describe the Beach Property interest.

49. As a result, the current deeds for the remaining 9 Corning Drive lots (the “Non-Title Lots”) do not describe the 1/24th interests in common to the Beach Property. The current and predecessor owners of the Non-Title Lots have continuously accessed and used the Beach Property consistent with the original ownership interests.

50. The tax bills for all 24 lots on Corning Drive, whether for Title Lots or Non-Title Lots, contain references to the commonly owned Beach Property and tax each property owner according to that 1/24th interest in common.

51. Therefore, all Corning Drive residents continue today to pay property taxes on the commonly owned Beach Property.

52. The Corning Drive residents, including Plaintiffs, purchased their homes on Corning Drive with the understanding that there was a common ownership interest in the Beach Property.

53. The purchase price of each property on Corning Drive included the ownership interest in the Beach Property.

54. Since the Beach Property interests were originally conveyed, the Corning Drive residents have used the Beach as a park without significant incident until this year.

55. In 2007, the Christophersons purchased 285 Corning Drive (the “Christopherson Lot”).

56. The original deed to the Christopherson Lot contains non-expiring rights language as to the Beach interest. Additionally, the current deed to the Christopherson Lot contains language describing non-expiring rights to a 1/24th undivided interest in the Beach Property.

57. The Christopherson Defendants thus were on notice when they bought their property that their neighbors on Corning Drive had a shared ownership interest in, and access to, the Beach Property.

58. Thomas Christopherson previously acknowledged the rights of owners of Title Lots to access the Beach Property.

59. On March 30, 2020, the Vooses, through the Kristin Callow Voos Family Trust, purchased the lot located at 282 Corning Drive (the “Voos Lot”).

60. Defendant Kristen Voos has acknowledged that prior to purchasing her property on Corning Drive, she observed individuals using the Beach Property.

61. The Voos Defendants hired a title company to examine the public records for their lot at 282 Corning Drive.

62. The Voos Defendants’ title company issued a statement acknowledging the rights of the Plaintiffs who own the Title Lots to access the Beach. A true and correct copy of this statement is attached hereto as Exhibit 3.

63. The Voos Defendants had notice prior to the purchase of the Voos Lot that their neighbors regularly accessed the Beach Property consistent with their ownership rights.

64. Recently, the Voos Defendants and Christopherson Defendants, with the aid of the Village of Bratenahl, have attempted to block all other Corning Drive residents—including Plaintiffs—from accessing and using the Beach Property.

65. Initially, the Vooses improperly procured a permit for and installed a tall “privacy” fence adjoining the Beach Property, thus, improperly obscuring the view.

66. The Vooses also planted shrubbery across the Access Path in an effort to block their neighbors’ path to the Beach.

67. Shrubbery and overgrowth now block the Access Path because the Vooses have prevented other Corning Drive neighbors from maintaining the path, which for decades has been a joint and communal effort among Corning Drive neighbors.

68. Most recently, these attempts also include installing yet another fence which serves to block all other residents of Corning Drive from using the Access Path and, thus, from using the Beach for park purposes.

69. The Village of Bratenahl approved the permit applications to build these fences on in contravention of the property rights of the other Corning Drive neighbors. A true and correct copy of the approved applications for a fence permit is attached hereto as Exhibit 4.

70. Thomas and Kathy Murray granted permission to their future son-in-law, who is a racial minority, to access the Beach. In response, Kristen Voos called the police and reported him as trespassing. He was fishing at the time.

71. The following day, Kathy Murray walked to the Beach. Kristen Voos came out of her home and verbally harassed Ms. Murray and accused her of trespassing.

72. Also, in June 2021, Elizabeth DuChez Turk was on the Beach, and Kristen Voos once again came out of her home and verbally harassed Ms. DuChez Turk and accused her of trespassing.

73. On July 23, 2021, the Voos called the police and falsely claimed that someone was attempting to remove one of the illegal fences. The police arrived and observed no one making such an attempt and no evidence of anyone tampering with the fence.

74. In addition, Kristen Voos called the police when a black senior citizen, who has been a resident of Corning Drive for decades, was on the Beach and reported that there was a trespasser on the Voos property.

75. Indeed, the Vooses have repeatedly contacted the Bratenahl Village police in an effort to use public resources to block their neighbors' access to the shared Beach Property.

76. In spite of all the evidence showing that Plaintiffs have a common ownership interest in the Beach Property with the Defendants, Defendants the Vooses and Christophersons improperly claim that Plaintiffs have no such interests in the Beach. The Defendants are wrongfully and unlawfully interfering with Plaintiffs' use and enjoyment of the jointly-owned Beach Property.

FIRST CLAIM FOR RELIEF
Waste in Violation of O.R.C. 5307.21
As Against the Voos and Christopherson Defendants

77. Plaintiffs incorporate by reference each of the Paragraphs above as if fully restated herein.

78. All property owners of Corning Drive, including the Vooses and Christophersons, are joint owners of the Beach Property.

79. Joint owners of property have a mutual duty not to waste the jointly-owned property.

80. Waste is an injury to property by a person rightfully in possession but without full title to the property to the detriment of another person's interest in the same property.

81. Waste can include action or inaction that causes a reduction of the property's value.

82. The Vooses and Christophersons have committed waste by blocking access to the Beach Property and by preventing other Corning Drive neighbors from maintaining the path.

83. In breaching their duty to their co-owners, the Vooses and Christophersons have damaged Plaintiffs.

84. Plaintiffs respectfully request that the Court enter an order awarding damages in an amount to be determined at trial.

SECOND CLAIM FOR RELIEF
Tortious Interference with Property Rights
As Against the Voos and Christopherson Defendants

85. Plaintiffs incorporate by reference each of the Paragraphs above as if fully restated herein.

86. Plaintiffs and their predecessors in interest have ownership and access rights to the Beach Property.

87. Plaintiffs and their predecessors in interest have used the Beach Property for decades in accordance with their ownership and access rights.

88. The Voos and Christopherson Defendants have deprived their neighbors of the jointly-owned Beach Property.

89. The Voos and Christopherson Defendants have intentionally interfered with Plaintiff's ownership and access rights to the Beach Property, thereby causing damage to Plaintiffs.

90. Plaintiffs respectfully request that the Court enter an order awarding damages in an amount to be determined at trial.

THIRD CLAIM FOR RELIEF
Injunctive Relief to prevent Tortious Interference with Property Rights
As Against the Voos and Christopherson Defendants

91. Plaintiffs incorporate by reference each of the Paragraphs above as if fully restated herein.

92. Plaintiffs and their predecessors in interest have ownership and access rights to the Beach Property.

93. The Voos and Christopherson Defendants have taken affirmative steps to deprive their neighbors of the jointly-owned Beach Property, including planting shrubbery and building an illegal fence to block the Access Path, and harassing neighbors while they are on the Beach.

94. Plaintiffs respectfully request that the Court enter an order permanently enjoining the Vooses and Christophersons from interfering with Plaintiffs' property rights.

FOURTH CLAIM FOR RELIEF
Violation of Bratenahl, Ohio Codified Ordinances ch. 1171
As Against the Village of Bratenahl

95. Plaintiffs incorporate by reference each of the Paragraphs above as if fully restated herein.

96. Defendant Village of Bratenahl twice failed to follow the requirements for issuing fence permits under Codified Ordinances ch. 1171.

97. These failures have deprived Plaintiffs of their property rights and damaged Plaintiffs.

98. Plaintiffs respectfully request that the Court enter an order awarding damages in an amount to be determined at trial.

FIFTH CLAIM FOR RELIEF
Declaratory Judgment

99. Plaintiffs incorporate by reference each of the paragraphs above as if fully restated herein.

100. A controversy has arisen between Plaintiffs and Defendants as to the rights of Plaintiffs to the Beach Property.

101. Plaintiffs seek a declaration that all 24 lots on Corning Drive have shared ownership and access rights to the Beach Property.

102. Specifically, each lot has a non-expiring 1/24th interest in the Beach for park purposes and in the Access Path running between the Voos Lot and Christopherson Lot.

103. Such a declaration will conclusively establish the rights and legal relations of the parties and is proper pursuant to Ohio R.C. §§ 2721.03 and 2721.06.

WHEREFORE, Plaintiffs demand judgment against Defendants as follows:


- (1) On the First Claim for Relief, an award of damages in an amount to be determined at trial;
- (2) On the Second Claim for Relief, an award of damages in an amount to be determined at trial;
- (3) On the Third Claim for Relief, an order permanently enjoining the Vooses and Christophersons from interfering with Plaintiffs' property rights;
- (4) On the Fourth Claim for Relief, an award of damages in an amount to be determined at trial;
- (5) On the Fifth Claim for Relief, a declaration that each lot on Corning Drive has a non-expiring 1/24th interest in the Beach Property;
- (6) For their attorney fees and costs;
- (7) For prejudgment and post-judgment interest; and
- (8) For such further relief as the Court may deem just and proper.

Respectfully submitted,

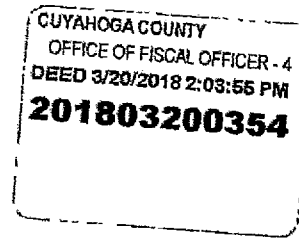
/s/ Dolores P. Garcia Prignitz
Dolores P. Garcia Prignitz (0085644)
Lauren K. Garretson (0100315)
ULMER & BERNE LLP
1660 W. 2nd Street, Suite 1100
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(216) 583-7000 (phone)
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dgarciaprignitz@ulmer.com
lgarretson@ulmer.com
Attorneys for Plaintiffs

EXHIBIT 1

CUYAHOGA COUNTY FISCAL OFFICER
 631-05-015 *Dph* 3/20/2018 1:57:00 PM
 E-03202018-11
BUTCHER STEPHEN & NAOMI Tax Dist. 2020
 Survivorship Deed LUC: 6100 EX:
 Sale Amt: \$ 295,000.00 LAND: 86,600
 Conv. Fee: \$ 1,180.00 BLDG: 279,700
 1ST MERIDIAN TOTAL: 346,300



* 8 5 7 8 3 9 *



WARRANTY DEED - No. 102A

Know all Men by these Presents, That, JANET L. DUDEK, single, the Grantor, who claims title by or through instrument, recorded in Instrument #201701230454, Cuyahoga County Recorder's Office for the consideration of Ten -----00/100 Dollars (\$10.00) received to the full satisfaction of STEPHEN K. BUTCHER & NAOMI BUTCHER, Grantees, for their joint lives, remainder to the survivor of them, whose TAX MAILING ADDRESS will be 329 Corning Drive, Bratenahl, Ohio 44108, does Give, Grant, Bargain, Sell and Convey unto the said Grantees, their heirs and assigns, the following described premises:

See Exhibit "A"

To have and to hold the above granted and bargained premises, with the appurtenances thereof, unto the said Grantees, their heirs and assigns forever.

And JANET L. DUDEK, the said Grantor, does for herself and her heirs, executors and administrators, covenants with the said Grantees, their heirs and assigns, that at and until the ensembling of these presents, she 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 the manner and form as above written, and that the same are free from all encumbrances whatsoever, except taxes and assessments both general and special for the second half of the year 2017 and thereafter, easements and restrictions of record, and zoning ordinances, if any, and that she will Warrant and Defend said premises, with the appurtenances thereunto belonging, to the said Grantees, their heirs and assigns, against all lawful claims and demands whatsoever.

In Witness Whereof JANET L. DUDEK, single, has set her hand, the 20th day of March, in the year 2018.


JANET L. DUDEK

State of Ohio)
) SS.
County of Cuyahoga

Before me, a NOTARY PUBLIC in and for said County and State, personally appeared the above named JANET L. DUDEK, single, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at Willoughby, Ohio, this 20th day of MARCH, A.D. 2018.


NOTARY PUBLIC

This instrument prepared by:
ZACHARY F. ZELE
Attorney at Law
38160 Third Street
Willoughby, Ohio 44094
(440) 602-5120



MARK R MADDEN
Notary Public
State of Ohio
Recorded in Cuyahoga County
My Commission Expires
October 3, 2021

Exhibit "A"

Situated in the Village of Bratenahl, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot Numbers 355 and 356 and bounded and described as follows:

Parcel A

Beginning on the center line of Corning Drive, 60 feet wide, as shown by the dedication plat recorded in Volume 129 of Maps, Page 11 of Cuyahoga County Records, at a point distant North 09° 03' 10" West 385.73 feet, measured along the center line of Corning Drive, from its intersection with the center line of Lake Shore Boulevard, 80 feet wide; said place of beginning being also the Southwesterly corner of Parcel "A" conveyed to Edward M. Rebol by Deed dated October 5, 1953 and recorded in Volume 7882, Page 548 of Cuyahoga County Records; thence South 09° 03' 10" East along the center line of Corning drive, 100 feet; thence North 80° 56' 50" East 427.25 feet; thence North 35° 19' 30" East To the Westerly line of the Second Parcel of land conveyed to The Village of Bratenahl by deed dated January 2nd, 1947 and recorded in Volume 6250, Page 572 of Cuyahoga County records; thence Northerly along the Westerly line of the second parcel of land so conveyed, to its intersection with the Southerly prolongation of the easterly line of Parcel "A" conveyed to Edward M. Rebol, as aforesaid; thence North 06° 45' 30" West along said Southerly prolongation, to the Southeasterly corner of Parcel "A" conveyed to Edward M. Rebol, as aforesaid; thence South 80° 56' 50" West along the Southerly line of land so conveyed, 489.03 feet to the place of beginning and being further known as part of Sub Lot No. 14 in the Standard Land Company Proposed subdivision, be the same more or less, but subject to all legal highways.

Parcel B

Also an undivided one-twenty-fourth (1/24) interest in common with the Grantor and the owner of the other lots in said proposed subdivision, in a parcel of land 80 feet long by 40 feet wide, situated upon the shore of Lake Erie, together with a strip of land 10 feet in width leading from the northerly termination of Corning Place to said parcel, said strip and parcel to be used for park purposes, and the same being more particularly described as follows:

Situated in the Village of Bratenahl, County of Cuyahoga and State of Ohio, known as being that part of Original Cleveland Township One Hundred Acre Lot Number 355, which is bounded and described as follows:

The Beginning Point is the center line of Corning Place (60 feet wide) distant North 09° 03' 10" West along said center line, 1329.07 feet from its intersection with the center line of Lake Shore Boulevard (80 feet wide). Said intersection being distant East along said center line of Lake Shore Boulevard, 298.92 feet from its intersection with the Westerly line of a 76.392 acre parcel of land described in Deed from James and Elizabeth S. Fitch, et al, to Dan P. Eelis and W.H. Harris, Trustees, recorded in Volume 37, Page 393, Cuyahoga County Records. Said intersection being also distant West along said center line of Lake Shore Boulevard 315.58 feet from a stone at an angle in said center line.

Course 1. Thence North 80° 56' 50" East 5 feet

Course 2. Thence North $09^{\circ} 03' 10''$ West on a line which is parallel with and distant Northeasterly at right angles, 5 feet from a line which is the northerly prolongation of the center line of said Corning Place, 598.60 feet.

Course 3. Thence North $52^{\circ} 23' 20''$ East 34.31 feet.

Course 4. Thence North $09^{\circ} 03' 10''$ West 40 feet to the shore line of Lake Erie.

Course 5. Thence South $52^{\circ} 23' 20''$ west along said shore line, 80 feet.

Course 6. Thence South $09^{\circ} 03' 10''$ East 40 feet.

Course 7. Thence North $52^{\circ} 23' 20''$ East 34.31 feet to a point which is distant southwesterly at right angles, 5 feet from said northerly prolongation of the center line of said Corning Place.

Course 8. Thence South $09^{\circ} 03' 10''$ East on a line which is parallel with and distant Southwesterly at right angles, 5 feet from said northerly prolongation of Corning Place, 593.16 feet to a point which is distant South $80^{\circ} 56' 50''$ West, 5 feet from the place of beginning.

Course 9. Thence North $80^{\circ} 56' 50''$ East 5 feet to the place of beginning.

PERMANET PARCEL NO: 631-05-015

PROPERTY ADDRESS: 329 Corning Drive, Bratenahl, Ohio 44108

PRIOR DEED REFERENCE: 201701230454

This legal Description Complies with
The Cuyahoga County Transfer and
Conveyance Standards and is approved
for transfer.

MAR 20 2018



Agent

EXHIBIT 2

CUYAHOGA COUNTY FISCAL OFFICER

631-05-003 *Mark Chamberlain* 3/11/2021 1
E-03112021-15

MURRAY, THOMAS & KATHR Tax Dist. 2020

Survivorship Deed LUC: 5100 EX:

Sale Amt: \$ 597,000.00 LAND: 103,100

Conv. Fee: \$ 2,388.00 BLDG: 608,900

Ohio Real Title TOTAL: 712,000



* 1 0 1 5 6 1 2 *

CUYAHOGA COUNTY

OFFICE OF FISCAL OFFICERS - 4

DEED 3/11/2021 1:54:17 PM

202103110616

FIDUCIARY DEED

ROY L. GORIN and DANIEL PINCHAK, CO-TRUSTEES OF THE 298 R&D REVOCABLE TRUST, DATED JULY 16, 2020, for good and valuable consideration paid, grants, with fiduciary covenants, to, **THOMAS MURRAY and KATHREN MURRAY**, for their joint lives, remainder to the survivor of them, the following real property:

PARCEL NO. 1:

Situated in the Village of Bratenahl, County of Cuyahoga and State of Ohio:

And known as being part of original One Hundred Acre Lot No. 355 and bounded and described as follows:

Beginning on the center line of Corning Drive (60 feet wide), at a point distant North 9 degrees 03' 10" West, measured along said center line, 995.73 feet from its intersection with the center line of the Lake Shore Boulevard, as originally established (80 feet wide), said intersection being distant East along said center line of Lake Shore Boulevard, 298.92 feet from its intersection with the Westerly line of land described in the deed to Dan P. Eells and W. H. Harris, Trustees, recorded in Volume 371, Page 393 of Cuyahoga County Records; Thence South 80 degrees 56' 50" West, 290.7 feet to a point on the Westerly line of land conveyed, as aforesaid; Thence North 9 degrees 03' 10" West along said Westerly line, 125 feet to a point; Thence North 80 degrees 56' 50" East, 25 feet; Thence North 65 degrees 21' 50" East 180.57 feet; Thence North 37 degrees 45' 10" East 84.73 feet, to a point on the Westerly line of said Corning Drive; Thence North 37 degrees 45' 10" East, 41.15 feet to a point on said center line of Corning Drive; Thence South 9 degrees 03' 10" East along the center line of Corning Drive, 259.66 feet to the place of beginning, and being further known as Sub Lot No. 2 in the Standard Land Co's Proposed Subdivision, according to the survey of Elmer B. Wright, Civil Engineer, be the same more or less, but subject to all legal highways.

EXCEPTING THEREFROM that part lying within the bounds of Corning Drive (60 feet wide).

PARCEL NO. 2:

An undivided 1/24th interest in common with the grantors and the owners of the other lots in said Proposed Subdivision in parcel of land 80 feet long by 40 feet wide, situated upon the Shore of Lake Erie, together with the strip of land, 10 feet in width, leading from the Northerly termination of Corning Drive to said parcel, said strip and parcel to be used for park purposes and the same then being more particularly described as follows:

Situated in the Village of Bratenahí, County of Cuyahoga and State of Ohio, known as being that part of original Cleveland Township One Hundred Acre Lot No. 355, which is bounded and described as follows:

The beginning point is in the center line of Corning Drive, (50 feet wide), distant North 09 degrees 03' 10" West along said center line, 1380.39 feet from its intersection with the center line of Lake Shore Boulevard, (80 feet wide). Said intersection being distant East along said center line of Lake Shore Boulevard, 298.92 feet from its intersection with the Westerly line of a 76.392 acre parcel of land described in deed from James and Elizabeth S. Fitch and others, to Dan P. Eells and W.H. Harris, Trustees, recorded in Volume 371, Page 393, Cuyahoga County Records, said intersection being also distant West along said center line of Lake Shore Boulevard, 315.58 feet from a stone at an angle in said center line.

COURSE 1: Thence North 80 degrees 56' 50" East, Five (5) feet;

COURSE 2: Thence North 09 degrees 03' 10" West on a line which is parallel with and distant Northeasterly at right angles from a line which is the Northerly prolongation of the center line of said Corning Drive, 547.38 feet;

COURSE 3: Thence North 52 degrees 23' 20" East, 34.04 feet;

COURSE 4: Thence North 09 degrees 03' 10" West 40 feet to the shore line of Lake Erie;

COURSE 5: Thence South 52 degrees 23' 20" West along said shore line, 80 feet;

COURSE 6: Thence South 09 degrees 03' 10" East 40 feet;

COURSE 7: Thence North 52 degrees 23' 20" East, 34.04 feet to a point which is distant Southwesterly at right angles, 5 feet from said Northerly prolongation of the center line of said Corning Drive;

COURSE 8: Thence South 09 degrees 03' 10" East on a line which is parallel with and distant Southwesterly at right angles, 5 feet from said Northerly prolongation of Corning Drive, 541.84 feet to a point which is distant south 80 degrees 56' 53" West, 5 feet from the place of beginning.

COURSE 9: Thence North 80 degrees 56' 53" East, 5 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Tax Mailing Address: 298 Corning Dr. Bratenahl, OH 44108

Except a) any mortgage assumed by Grantee, b) such restrictions, conditions, easements (however created) and encroachments, as do not materially adversely affect the use or value of the property, c) zoning ordinances, if any, and d) taxes and assessments, both general and special, not yet due and payable.

Permanent Parcel Number: 631-05-003

Prior Instrument Number: 202007270784

Property Address: 298 Corning Drive, Bratenahl, OH 44108

Executed by **ROY L. GORIN and DANIEL PINCHAK, CO-TRUSTEES OF THE 298 R&D REVOCABLE TRUST, DATED JULY 16, 2020**, this 17th day of Feb. 2021.

Roy L. Gorin

ROY L. GORIN, CO-TRUSTEE OF THE 298 R&D REVOCABLE TRUST, DATED JULY 16, 2020

Daniel Pinchak

DANIEL PINCHAK, CO-TRUSTEE OF THE 298 R&D REVOCABLE TRUST, DATED JULY 16, 2020

State of Florida
County of Collier

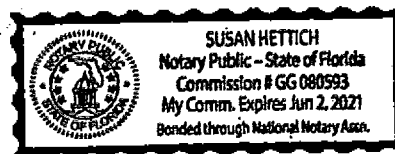
This is an acknowledgment clause. No oath or affirmation was administered to the signer.

The foregoing instrument was acknowledged before me this 17th day of Feb., 2021 by **ROY L. GORIN and DANIEL PINCHAK, CO-TRUSTEES OF THE 298 R&D REVOCABLE TRUST, DATED JULY 16, 2020.**

Susan Hettich

NOTARY PUBLIC

This document was prepared by:
Leonard A. Cuilli
Sandhu Law Group, LLC
1213 Prospect Ave., STE 300
Cleveland, OH 44115
(216) 373-1001
2021-02-0225-146566



OHIO REAL TITLE
146566

EXHIBIT 3



**SIGNATURE TITLE AGENCY
OF NORTHERN OHIO, L.P.**

September 24, 2020

Village of Bratenahl,
Mayor's Court
411 Bratenahl Road
Bratenahl, OH 44108
Attn: Mayor John Licastro

Re: 282 Corning Drive, Bratenahl, OH 44108

Mayor Licastro,

We have conducted an examination of public records for 282 Corning Drive, Bratenahl, OH 44108. Records indicate that The Standard Land Company's proposed subdivision set forth access to lake front property granting right to use in common with the owners of the other lots in said Subdivision which was filed for record June 14, 1917 and described as follows:

A strip of land ten (10) feet in width, extending back in a northerly direction from the termination of Corning Place to the shore of Lake Erie, as shown upon said plat; said strip to be used only as a walk or passageway to afford access to the parcel of land on the shore of Lake Erie hereinafter mentioned.

The use of said walk or passageway shall be limited and restricted to the owners of lots and members of their respective families and guests who may accompany them.

The use thereof is also restricted to persons on foot, no vehicles of any description being permitted thereon.

The right to use said ten (10) foot strip shall continue only until the first day of May, 1952, at which time all such right and any easement in said strip therein granted shall cease and terminate. Further examination of the 24 lots located in this development show that only fourteen (14) deeds dated and filed for record after May of 1952 transferred an undivided 1/24th ownership interest in common with the grantors and owners of other lots in said proposed subdivision granting access to the ten (10) foot strip. Thus, these are the only property owners that are legally permitted to access the ten (10) foot strip.

The current names, addresses, and permanent parcel numbers (PPNs) of the fourteen (14) properties with the only legal rights of access are listed below:



**SIGNATURE TITLE AGENCY
OF NORTHERN OHIO, L.P.**

Property Address	PPN	Owner Name(s)
291 Corning Drive	631-05-025	John Wilson & Susan Waychoff
298 Corning Drive	631-05-003	Roy Gorin & Daniel Pinchak
307 Corning Drive	631-05-020	John Sheehan
312 Corning Drive	631-05-006	Andrew Belavic
313 Corning Drive	631-05-019	Bill Holsman
317 Corning Drive	631-05-018	Helen Brown
320 Corning Drive	631-05-008	Candice Miller
321 Corning Drive	631-05-017	John Turk & Elizabeth Duchez
325 Corning Drive	631-05-016	The Ava J. Peterson Revocable Trust
328 Corning Drive	631-05-010	Charles Bernard & David Williams
329 Corning Drive	631-05-015	Stephen & Naomi Butcher
332 Corning Drive	631-05-011	Robert Seay, Sr.
333 Corning Drive	631-05-014	Irene & Michael Grill, Jr.
335 Corning Drive	631-05-013	Larry & Nancy Parella

In addition, while the Subdivision in 1917 described a parcel of land 80 x 40 feet wide along the shore of Lake Erie, that parcel was located more than 541 feet from the north end of Corning Drive, and now is completely submerged under Lake Erie due to erosion. Accordingly, no parcels, including the fourteen (14) listed above, have any right to access any area outside the ten (10) foot wide path.

No parcels have any right to access or occupy any portion of 282 Corning Drive.

Do not hesitate to contact me if you have any questions or require further clarification

Sincerely,

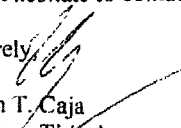

Martin T. Caja
Signature Title Agency of Northern Ohio
6480 Lakeside Woods S. #285
Independence, OH 44131
216-525-5558 (office)

EXHIBIT 4

Village of Bratenahl Building Department

411 Bratenahl Rd. Bratenahl, Ohio 44108-1027

Phone 216-681-3706 Fax 216-681-3079

Scott Packard, Building Inspector

APPLICATION FOR A FENCE PERMIT

Contractor: New Vista Enterprises
Address: 11009 Woodland Ave
City/State/Zip: Cleveland, OH 44104
Phone: 216 291-1100 Fax: _____ Cell/Pager: 216 244-0599
Location of Work Site: 281 Cornina
Owner's Name: Thomas Christopherson Phone #: 216 215-2783

COST OF PERMIT	
Base Fee	\$ 25.00
\$5.00 per 100 lineal feet or fraction thereof	\$ 5.00
Inspection Fee 2@ \$35 (post hole and final)	\$ 70.00
TOTAL	\$ 100.00

PLEASE SUBMIT THE FOLLOWING WITH YOUR APPLICATION:

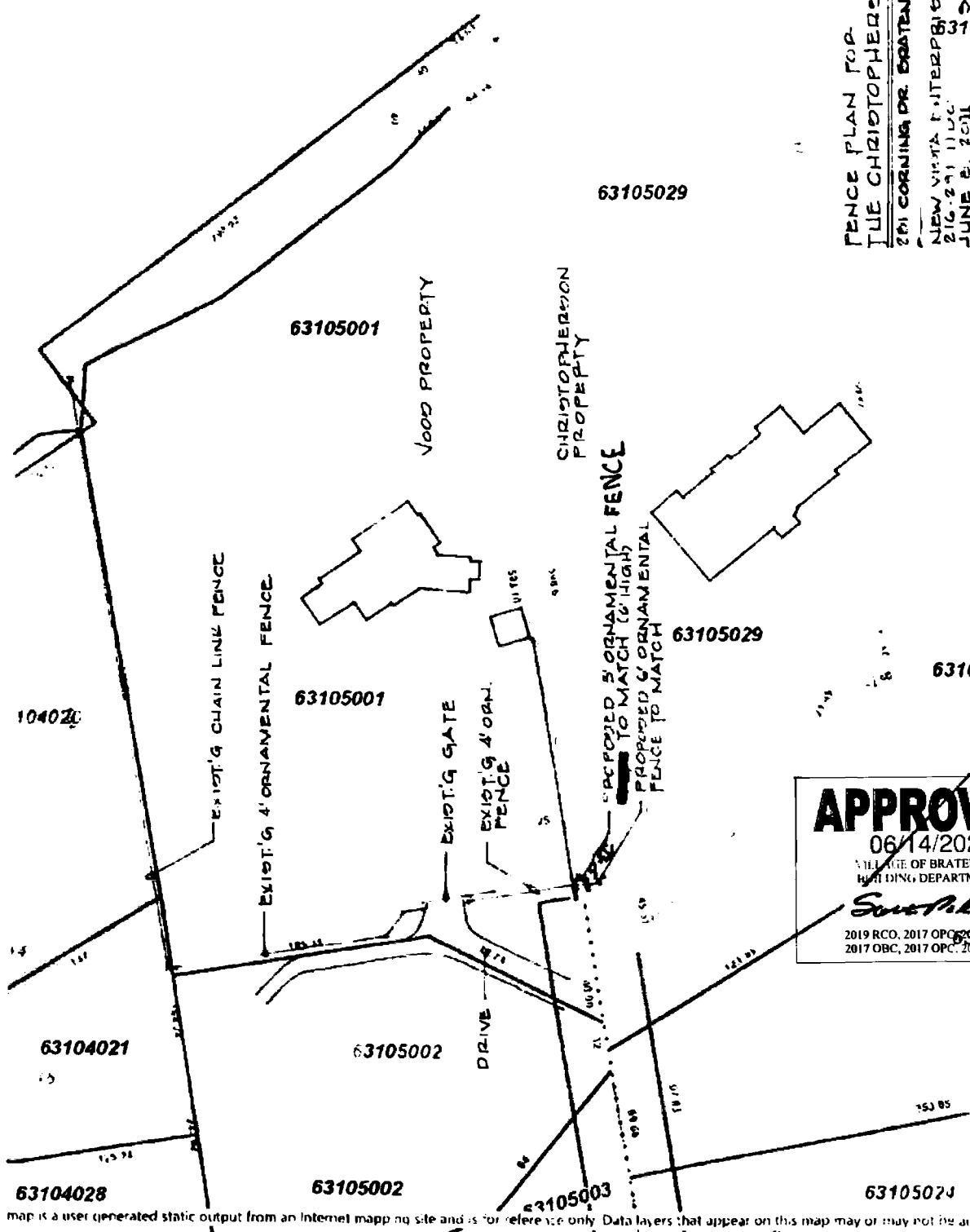
- A site plan showing the following:
 - Location of the proposed fence
 - Any existing fences
 - Lot lines
 - All structures currently on the property
 - Location of structures on adjacent lots
- A drawing and/or picture of the proposed fence showing the following:
 - Style of the proposed fence
 - Materials of the proposed fence
 - Size of the proposed fence
 - Color of the proposed fence
- Photos of the site and the area of construction, preferably in color.
- Evidence that the necessary property owners have been given the required notice. Applicant is to notify all adjacent lot owners and owners directly across the street
- Post-hole inspection (38" depth) required or engineered data.



PLEASE NOTE: If the proposal needs to go before the architectural review board, an additional four sets of everything described above will need to be submitted. (All drawings are to have a scale of 1/4" = 1'). There is a 10 day waiting period, commencing after all owners have been notified, which will determine if the project is to be reviewed by the ARB. The ARB meets the second Tuesday of each month; please contact the Building Department for specific dates and times. All plans are to be submitted two weeks prior to the meeting date.

Signed: Thomas Christopherson Estimated Cost of Construction: \$ 1,650.00
Dated: 6-9-21

thomaschristopherson@yahoo.com APPROVED



FENCE PLAN FOR
 TUE CHRISTOPHERSON RES
 281 CORNING DR. BRATENAHL, OHIO
 NEW VISTA ENTERPRISES, INC.
 216-291-1100
 JUNE 8, 2011 SCALE 1" = 60.0'

APPROVED
 06/14/2021
 VILLAGE OF BRATENAHL
 BUILDING DEPARTMENT
Scott Hill
 2019 RCO, 2017 OPC, 2017 NEC
 2017 OBC, 2017 OPC, 2017 NEC

map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be at