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April 27, 2020

Michael J. Taliercio

157 S. Vernon St.

Sunbury, OH 43074

Re: Molly Drayer v Sunbury Real Estate Holdings

Dear Mike:

You have requested me to write a letter on Cellar Lumber Company’s position concerning the allegations of Molly Drayer’s claim of adverse possession in the above suit.

The land she claims is part of a 1.426 acre tract purchased by Cellar Lumber Company from The Connecting Railway Company in 1967. The grantor reserved a 25 foot wide easement for driveway purposes. A survey done at the time shows the easement was over a paved road.

On February 10, 2006, Cellar Lumber Company granted an easement for pedestrian and vehicular access to Judy C. Baker, predecessor in title to Ms. Drayer. The easement is over the paved drive which the attached survey states is being used as Vernon St. as well as a stone drive from the garage at the rear of the property to the paved drive. The Easement recites that the “Grantor is the owner in fee simple of the following described property.” The property described includes all of the property claimed by Ms. Drayer. This Easement was granted at the request of Judy Baker and the document was prepared by her attorney. We respectfully submit that this document precludes any claim that Ms. Drayer’s predecessor in title was claiming Cellar’s land by adverse possession in 2006 and precludes her claim that the use of the driveway by Ms. Drayer or her predecessor’s after the easement was granted was adverse possession.

As you know, the Cellar Lumber Company sold the land in question to you in December 2015. At the time of the sale the fence was on the property sold and Ms. Drayer was using the area described in the driveway easement for access to her garage.

The current officers of Cellar Lumber do not know when the fence was erected. They have no knowledge of any objection made to Ms. Drayer or her predecessors concerning use of the property when it was owned by Cellar

Very truly yours,

Fred J. Milligan