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DATE 8-13-79

PAGE 10-00-008-H

BY T. McRae

IN THE COURT OF COMMON PLEAS

LORAIN COUNTY, OHIO

651
P. 1:59

CHESTNUT RIDGE DEVELOPMENT CO.)

Plaintiff)

JULIAN A. PIJOR,
Lorain County Auditor, et al)

Defendants)

CASE NO. 84421-79

JUDGE: Floyd D. Harris

JUDGMENT ENTRY

This cause came on to be heard by the Court on Motion of Plaintiff for Summary Judgment. The cause came on for hearing on August 13, 1979, 27 days after service of the Motion fixing the time for hearing. The Court considered the pleadings, and Affidavit filed with Plaintiff's Motion in this action.

Upon due consideration thereof, the Court finds that there is no genuine issue as to any material fact, and that the judgment sought will terminate the uncertainty and controversy giving rise to this proceeding. The Court finds as a matter of law that the deed from Joseph Duehorst, also known as Joseph Dewhurst, and Mary Duehorst, also known as Mary Dewhurst, to The Cleveland, Brooklyn and Elyria Railway Company dated July 12, 1906, filed for record October 3, 1906, and recorded in Deed Volume 103, Page 450 of Lorain County Records is void and did not convey any interest in real estate in Lorain County, Ohio from the grantors to the grantee because the legal description of the property to be conveyed by said deed is insufficient to permit the identification or location of any real estate. The Court further finds that Permanent Parcel No. 10-00-005-107-057 as listed on the Lorain County Auditor's tax duplicate and upon the tax maps of Lorain County, Ohio under the control of Defendant McGlinchy is based solely upon said void deed; that the listing by Defendant Pijor of said Permanent Parcel No. 10-00-005-107-057 upon the Auditor's tax duplicate and the placement by Defendant McGlinchy of said permanent parcel upon his tax maps as being within the boundaries of Plaintiff's lands described in the Complaint

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I hereby certify this to be a true and certified copy of the original on file in this office.

Natalie B. Neeson, Clerk

By James Pack Deputy

NO TRANSFER NECESSARY

JULIAN A. PIJOR

LORAIN COUNTY AUDITOR

Boyd T. ... 8/15/79

constitutes a cloud on Plaintiff's title.

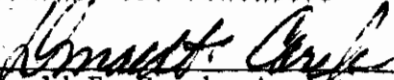
Therefore, the Court orders that summary judgment be entered for Plaintiff declaring that Permanent Parcel No. 10-00-005-107-057 does not exist as a matter of law, and that Defendant Pijor is ordered to delete the listing of said parcel from his tax duplicate, and Defendant McGlinchy is ordered to delete said parcel from his tax maps, and that Plaintiff pay the costs of this action.

10/ FLOYD D. HARRIS
Judge

Approved:



Kenneth C. Hamister
Attorney for Plaintiff


Donald F. Carek, Assistant County
Prosecuting Attorney
Attorney for Defendants