

**COURT OF COMMON PLEAS
PROBATE DIVISION
HAMILTON COUNTY, OHIO**

FILED
COURT COMMON PLEAS
PROBATE DIVISION
WAYNE F. WILKE, JUDGE
96 JUN -4 AM 8:16

IN THE MATTER OF THE ESTATE : No. 176
OF : APPLICATION FOR AUTHORITY
ETHAN STONE, DECEASED : TO SELL AND RELEASE RIGHT
: TO GROUND RENT AND ALLOW
LEGAL FEE

Now comes The Fifth Third Bank, Successor Trustee under the Will of Ethan Stone, Deceased, and respectfully represents to the Court that since the date of its appointment as such Trustee it is and has been successor-lessor of the premises hereinafter described, and is entitled to receive an annual rent of Six Dollars (\$6.00), reserved under certain perpetual leases from said Ethan Stone, said leased premises being described as follows:

A perpetual leasehold estate in the following real property:

Situate in the State of Ohio, County of Hamilton and in the City of Cincinnati and more particularly described as follows:

Situate in Section 29, Storrs Township, in the City of Cincinnati, Hamilton County, Ohio, and being the west part of a certain lot of land fronting twenty-six (26) feet on the west side of the Price Hill Road, now Maryland Avenue, and running back two hundred ten (210) feet along the north line of a certain alley seventy-five (75) feet north of the Lower River Road, now known as west Sixth Street, the west part of said lot is described as follows, to-wit:

Commencing at a point in the north line of said alley, one hundred ten (110) feet west of Maryland Avenue; thence westwardly along the north line of said alley, one hundred (100) feet to a forty (40) foot street; thence northerly along the east line of said street twenty (20) feet; thence easterly and parallel with said alley ninety-four (94) feet to a stake; thence southerly twenty-two and thirty-six one hundredths (22.36) feet to the place of beginning; being the western part of the south half of the same premises perpetually leased to George Lamoth by Ethan Stone by lease recorded in Deed Book 128, Page 567, Hamilton County, Ohio, Records, and also being part of the real estate described in Deed Book 4294, Page 1663, of the Hamilton County, Ohio Records.

Subject to annual ground rent of \$6.00.

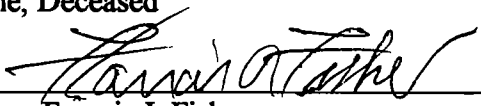
That The Fifth Third Bank proposes to release its right to receive ground rent as reserved in said perpetual leases by quit claim deed delivered to Laura C. Buchanan for value;

That Laura C. Buchanan is successor-lessee of said premises, and, as such, have made a bona fide offer to said Trustee to purchase all of Trustee's right, title and interest in said premises for the sum of Six Hundred Thirty Four Dollars (\$634.00), which sum includes the costs of the proceeding and attorney's fees of Three Hundred Fifty Dollars (\$350.00); and that, in the option of the Trustee, it is in the best interests of the Trust Estate to accept such offer, to release such interest in said premises by proper quit claim deed to the purchaser, and to reinvest the proceeds thereof according to law;

That it is necessary to hire an attorney to effect said sale.

WHEREFORE, the Fifth Third Bank, as Trustee as aforesaid, prays the direction of the Court in the premises and for an order authorizing and directing said Trustee to accept said offer and execute its deed of quit claim to the aforesaid real estate, and allowing payment of an attorney's fee.

The Fifth Third Bank, Successor
Trustee under the Will of Ethan
Stone, Deceased

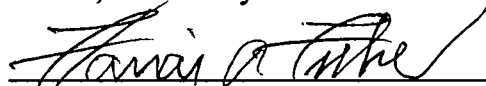
By: 
Francis J. Fisher
Senior Trust Officer

STATE OF OHIO

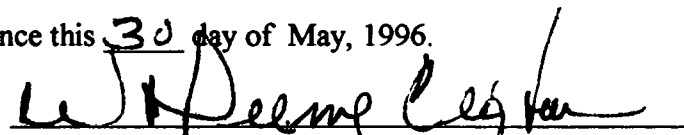
SS:

COUNTY OF HAMILTON

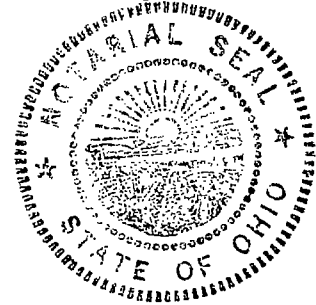
Francis J. Fisher, being first duly sworn, says that he is a Senior Trust Officer of The Fifth Third Bank, Successor Trustee under the Last Will and Testament of Ethan Stone, Deceased and that the facts stated in the foregoing Application are true, as he verily believes.


Francis J. Fisher

Sworn to and subscribed in my presence this 30 day of May, 1996.


Notary Public

W. DEEMS CLIFTON, Attorney at Law
NOTARY PUBLIC - STATE OF OHIO
My Commission has no expiration
date. Section 147.03 O.R.C.



FILED
COURT COMMON PLEAS
PROBATE DIVISION
WAYNE F. WILKE, JUDGE
96 JUN -4 AM 8:15

**COURT OF COMMON PLEAS
PROBATE DIVISION
HAMILTON COUNTY, OHIO**

ENTERED

JUN 4 1996

IMAGE No. 7

IN THE MATTER OF THE ESTATE : No. 176
OF :
ETHAN STONE, DECEASED : ORDER AUTHORIZING TRUSTEE
TO SELL AND RELEASE RIGHT
TO GROUND RENT AT PRIVATE
SALE AND TO EXECUTE DEED,
AND ALLOWING ATTORNEY FEE

This cause coming on to be heard upon the Application of The Fifth Third Bank, Successor Trustee under the Will of Ethan Stone, Deceased, for an Order authorizing said Trustee to accept the offer of Laura C. Buchanan to purchase the interest of the Trust Estate in the real estate described as follows:

A perpetual leasehold estate in the following real property.

Situate in the State of Ohio, County of Hamilton and in the City of Cincinnati and more particularly described as follows:

Situate in Section 29, Storrs Township, in the City of Cincinnati, Hamilton County, Ohio, and being the west part of a certain lot of land fronting twenty-six (26) feet on the west side of the Price Hill Road, now Maryland Avenue, and running back two hundred ten (210) feet along the north line of a certain alley seventy-five (75) feet north of the Lower River Road, now known as west Sixth Street, the west part of said lot is described as follows, to-wit:

Commencing at a point in the north line of said alley, one hundred ten (110) feet west of Maryland Avenue; thence westwardly along the north line of said alley, one hundred (100) feet to a forty (40) foot street; thence northerly along the east line of said street twenty (20) feet; thence easterly and parallel with said alley ninety-four (94) feet to a stake' thence southerly twenty-two and thirty-six one hundredths (22.36) feet to the place of beginning; being the western part of the south half of the same premises perpetually leased to George Lamoth by Ethan Stone by lease recorded in Deed Book 128, Page 567, Hamilton County, Ohio, Records, and also being part of the real estate described in Deed Book 4294, Page 1663, of the Hamilton County, Ohio Records.

ENTERED
Civil Rule 53(E)(5)

Wayne F. Wilke

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Subject to an annual ground rent of \$6.00.

And upon the affidavits of three disinterested persons resident in Hamilton County, Ohio, and the evidence; on consideration whereof, the Court finds that said Trustee is the owner in fee simple of said real estate subject to a perpetual lease for which it is entitled to receive ground rent in the sum of Six Dollars (\$6.00) per annum, that the leasehold estate is vested in Laura C. Buchanan; that the offer of said to purchase the interest of the Trust Estate in said real estate for the net sum of Six Hundred Thirty Four Dollars (\$634.00), which sum includes the costs of probate Court proceedings, and attorneys' fees, is the full value thereof and the best price obtainable; and that it is in the best interests of the Trust Estate and of all persons having an interest in said Trust under the Will of Ethan Stone, Deceased, that the Trustee's right, title and interest in and to the foregoing real estate be sold at private sale to Laura C. Buchanan, the owners of said leasehold estate.

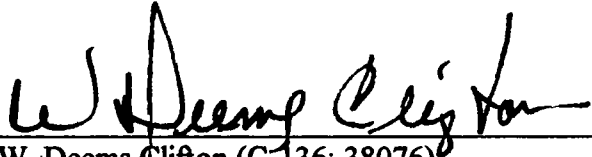
IT IS THEREFORE ORDERED that The Fifth Third Bank, Trustee as aforesaid, be and hereby is authorized and directed to accept such offer to purchase the interest of the Trust Estate in the real estate hereinabove described, for the sum of Six Hundred thirty Four Dollars (\$634.00) , which sum includes the costs of Probate Court proceedings and attorney's fees, and upon payment of such sum, or securing the same to be paid, to execute and deliver proper quite claim deed, conveying all of the right, title and interest of the Trustee in and to said real estate from all obligation to the Estate of Ethan Stone, Deceased, for the payment of aid ground rent reserved, and that said

ENTERED

Civil Rule 53(E) (5)

Wayne F. Wilke

Trustee is allowed a sum of Three Hundred fifty Dollars (\$350.00) out of the proceeds of sale for attorney's fees.



W. Deems Clifton (C-136; 38076)
Attorney for The Fifth Third
Bank, Successor Trustee of
the Estate of Ethan Stone, Deceased.

Judge


Magistrate

ENTERED

Civil Rule 53(E) (5)

