

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

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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 Four Dollars (\$4.00), 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:

A perpetual leasehold estate in the following real property:

Situated in the City of Cincinnati, County of Hamilton and State of Ohio, to-wit: Being Lot No. Two (2) of the Subdivision made by the Commissioners in Partition in Case No. 105,839, Hamilton County Common Pleas court, in Section 29, Township 4 and Fractional Range 1, of the Miami Purchase, as per plat recorded in said case; said lot fronting thirty (30) feet on the north side of Lower River Road, now known as River Road, and extending back northwardly between parallel lines, same width in rear as in front, one hundred and ten (110) feet to the south line of Lot No. Seventeen (17) of the same subdivision. Premises now being known, numbered and designated as No. 2534 River Road, Cincinnati, Hamilton County, Ohio.

Prior Instrument recorded in Book 4270, Page 245 of the Hamilton County Deed Records.

Subject to annual ground rent of \$4.00

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 Carl Anthony Axtmann, Jr. for value

FILED
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PROBATE DIVISION
WAYNE F. WILKIE, JUDGE
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That Carl Anthony Axtmann, Jr. is successor-lessee of said premises, and, as such, has 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 Twenty Three Dollars (\$623.00), which sum includes the costs of the proceeding and attorney's fees of Three Hundred fifty Dollars (\$350.00); and that, in the opinion 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
FRANCIS J. FISHER

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 13 day of August, 1997.



Donald A. Schenck
Notary Public

DONALD A. SCHENCK, Attorney at Law
NOTARY PUBLIC - STATE OF OHIO
My Commission has no expiration
Date: August 14, 1997