

Rv

IN THE COURT OF COMMON PLEAS OF HAMILTON COUNTY, OHIO
PROBATE DIVISION

ENTERED

SEP 10 2018

In re: Testamentary Trust of Ethan Stone : Case Number: 1900000176
:
: Judge Ralph Winkler

IMAGE NO. 152

ORDER GRANTING MOTION TO TERMINATE TRUST AND
DISTRIBUTE ASSETS

This cause came before the Court upon the Motion to Terminate Trust and Distribute Assets filed by Fifth Third Bank in its capacity as Successor Trustee ("Trustee") of the testamentary trust created under paragraph 11 of the Last Will and Testament of Ethan Stone (the "Trust").

The Court finds that Trustee and the current Trust beneficiaries, Maple Knoll Communities, Inc. and The Convalescent Hospital for Children and Orphan Asylum, have executed a Consent and Release Agreement.

As set forth in the Consent and Release Agreement, the Court further finds that the Trustee and Trust beneficiaries have agreed to terminate the Trust and issue quitclaim deeds to the owners of the properties currently held in trust, releasing said real estate from all obligation to the Trust for the payment of ground rents reserved under perpetual leases described in paragraph 11 of the Last Will and Testament of Ethan Stone and transferring the Trust's interests in and to said real estate to those grantees.

The Court further finds that under this agreement, no distributions have been made directly to the Trust beneficiaries, as the remaining perpetual leases under the Trust have no value.

FILED
2018 SEP 10 PM 12:15

2018 SEP 10 PM 12:15

ENTERED

Civil Rule 53

Ralph Winkler

RR

4

154.77

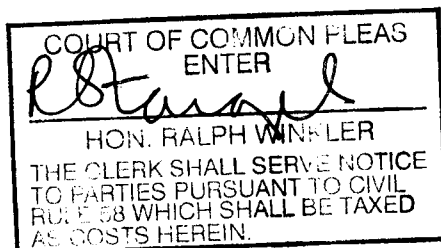
The Court further finds that it has authority pursuant to Ohio Revised Code § 2109.62 to terminate the Trust and approve the Consent and Release Agreement of Trustee and the Trust beneficiaries on the basis that 1) no further purpose of the Trust remains to be achieved; 2) it has become uneconomical and impracticable for the Trust to continue; 3) the beneficiaries to the Trust consent to its termination; and 4) the distribution of trust assets is consistent with Mr. Stone's charitable purposes.

For good cause shown, the Court therefore finds that the Trust should be terminated and its assets distributed pursuant to the Consent and Release Agreement filed with this Court.

Accordingly, the Court therefore GRANTS the relief requested by Trustee in its Motion to Terminate Trust and Distribute Assets and hereby ORDERS as follows:

1. The Consent and Release Agreement executed by and between Trustee and the Trust beneficiaries is approved;
2. The testamentary trust created under paragraph 11 of the Last Will and Testament of Ethan Stone shall be terminated and its assets distributed pursuant to the terms of the Consent and Release Agreement;
3. Trustee shall be released of all and further liability with respect to the Trust upon the complete distribution of the trust assets pursuant to the Consent and Release Agreement; and
4. Trustee shall be allowed its costs, expenses, and reasonable attorneys' fees incurred in connection with this proceeding to be paid from the Trust prior to its termination and distribution.

IT IS SO ORDERED.



Ralph Winkler
Judge
R. Winkler
Magistrate

A COPY OF THIS ENTRY WAS MAILED TO THE
FOLLOWING PARTIES NOT IN DEFAULT ON 9/10/2019
Prepared for entry by:



Lee M. Stautberg (0062086)

D. Renee Brunett (0095728)

DINSMORE & SHOHL, LLP

255 East Fifth Street, Suite 1900

Cincinnati, Ohio 45202

(513) 977-8200 (phone)

(513) 977-8141 (fax)

Attorneys for Plaintiff, Fifth Third Bank

MIKE DEWINE, ATTORNEY GENERAL

JULIA B. MEISTER

MAPLE KNOLL COMMUNITIES, INC.

ENTERED

Civil Rule 53

Ralph Winkler

RR

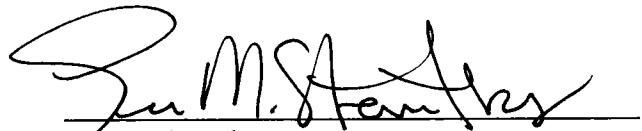
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing proposed Order was served upon the following via regular U.S. Mail, postage prepaid, this 9th day of July, 2018:

Mike DeWine
Ohio Attorney General
Charitable Law Section
150 East Gay Street, 23rd Floor
Columbus, OH 43215

Julia B. Meister
Taft Stettinius & Hollister LLP
425 Walnut Street, Suite 1800
Cincinnati, OH 45202
Attorney for The Convalescent Hospital for Children and Orphan Asylum

Maple Knoll Communities, Inc.
c/o GH&R Business Services, Inc., Statutory Agent
312 Walnut Street, Suite 1800
Cincinnati, OH 45202



Lee M. Stautberg

ENTERED
Civil Rule 53

Ralph Winkler

RR