

EASEMENT GRANT AND TERMINATION AGREEMENT

This easement grant and termination agreement is entered into this 12th day of August, 2008 by and between Shelly L. Chin, ^{Co-Trustee} and NeeOo Chin, ^{Co-Trustee} ~~husband and wife~~ whose mailing address is 933 Congress Avenue, Cincinnati, Ohio 45236 (hereinafter "Chin" and Shelly Chin & NeeOo Chin), as member of and on behalf of Trelawny Residential, LLC, whose mailing address is 933 Congress Ave, Cincinnati, OH (hereinafter (Trelawny)).
45246

RECITALS:

- 1) OWNERSHIP: On the date hereof, Shelly L. Chin is the owner of the property known as 933 Congress Avenue, Cincinnati OH 45236 (Chin property) which property is more particularly described in Exhibit A, attached hereto and made a part hereof. NeeOo Chin is joining in the execution hereof ~~to consent to this easement grant and termination agreement with respect to his dower interest in the Chin property.~~ ^{as Co-Trustee} On the date hereof, Trelawny Residential LLC is the owner of the property known as 925 Congress Avenue, Cincinnati, Ohio 45236 (Trelawny property) which property is described in Exhibit B, attached hereto and made a part hereof and Shelly Chin and NeeOo Chin as member, is executing this document on behalf of Trelawny.
- 2) ORIGINAL GRANT: Pursuant to a deed from Howard W. Schwartz to Janet W. Matthews recorded in Deed Book 3161, page 197 of the Hamilton County Ohio records, certain easements were created encumbering the Chin property for the benefit of the Trelawny property (original easements). Certain of those easements (garage easement) were previously terminated by document recorded in Book 7127, page 1211 (termination of easement agreement) of the Hamilton County Ohio records, and certain of those easements (driveway easement) were to survive pursuant to the conditions in said termination agreement. The driveway easement referenced in said deed and termination of easement agreement was further referred to in that certain deed between Margaret C. Colloton, Trustee and Shelly L. Chin as confirmation of the appurtenance to the Trelawny property which deed was recorded in OR 9812, page 3909, Hamilton County Ohio records.
- 3) TERMINATION OF ORIGINAL GRANT: The parties hereto now wish to terminate all easements (original easements) between the parties as originally granted above in Deed Book 3161, page 197, Hamilton County Ohio records, and replace the driveway easement which specifically survived by language contained in Book 7127, page 1211 with a new easement which benefits the Trelawny property (new easement for encroachment and greenbelt) and burdens the Chin property.

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HAMILTON COUNTY RECORDERS OFFICE

Rebecca Prem Groppe
Hamilton County Recorders Office
Doc #: 08-0117286 Type: DE
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TRANSFER NOT NECESSARY

DUSTY RHODES
COUNTY AUDITOR

10933 1560

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- 4) **DOCUMENT PURPOSE:** The purpose of this easement grant and termination agreement is to
- a. **CONFIRM FULL TERMINATION** all of the original easements as granted, modified, referenced and confirmed in all documents not only listed herein but also in any other documents in the chains of title of the property referenced in Exhibit A (Chin Property) and Exhibit B (Trelawny Property) and
 - b. **GRANT** a new easement as described and depicted in Exhibits C and D, for the purpose of maintaining a driveway encroachment and greenbelt area from Chin as the owner of the premises described in Exhibit A to Trelawny as the owner of the property described in Exhibit B, and said easement is hereby granted by Shelly L. Chin and NeeOo Chin, their successors and assigns to Trelawny Residential. LLC, and their successors and assigns for the purposes set forth herein, and
 - c. **CONFIRM** that it is the intention of the parties that the new driveway encroachment and greenbelt easement shall remain in full force and effect, subject to the maintenance and repair provisions set forth herein and confirm that said grant is to run with and benefit the land described in Exhibit B and burden the land described in Exhibit A and
 - d. **DEFINE PURPOSE OF GRANT** as maintenance, repair and or replacement an existing concrete driveway which lies within the newly granted easement area as well as maintaining the landscaping and greenbelt area within said easement and
 - e. **DESCRIBE** both pictorially and by legal description the easement area as further set forth in Exhibits C and D and
 - f. To set forth the terms and conditions of this grant of easement
- 5) **CONDITIONS OF GRANT - MAINTENANCE AND REPAIR:** It is a condition of this grant that all maintenance and repair of the entire easement area, including but not limited to maintenance, repair and replacement of the existing concrete driveway which lies within the easement area, as well as all maintenance required of the remaining landscape and greenbelt area shall be the responsibility of the current and any successor owners of the Trelawny property and that no responsibility for maintenance repair or replacement of either the concrete drive or the landscaping shall be borne by the owner or successor owners of the Chin Property, unless the maintenance, repair or replacement of the improvements located within the easement area is a direct result of damages caused by the actions of the owners of the Chin Property.
- 6) **BINDING AGREEMENT:** It is the express intention that the terms and conditions of this agreement shall be binding upon each of them and their respective successors and assigns and shall run with the land.
- 7) **ENTIRE AGREEMENT:** This modification agreement contains the entire agreement of the parties with respect to the subject matter and may be amended only in writing signed by all parties.

10933 1561

8) This document shall be construed pursuant to the laws of the State of Ohio

IN WITNESS WHEREOF, the parties have executed this easement grant and termination agreement on the day and year first written above.

Shelly L. Chin
Shelly L. Chin, Co-Trustee

NeeOo Chin
NeeOo Chin, Co-Trustee

Trelawny Residential, LLC
Trelawny Residential, LLC

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this 12th day of August, 2008 by Shelly L. Chin and NeeOo Chin, Co-Trustee.



Andrea R Papke
Notary Public

ANDREA R. PAPKE
Notary Public
State of Ohio
My Commission Expires August 08, 2011

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this 12th day of August, 2008 by Shelly L. Chin & NeeOo Chin as member of Trelawny Residential, LLC.



Andrea R Papke
Notary Public

ANDREA R. PAPKE
Notary Public
State of Ohio
My Commission Expires August 08, 2011

This instrument prepared by: Margaret C. Colloton, Esq.
594 Abilene Trail
Cincinnati, Ohio 45215 10933 1562

EXHIBIT A

~~SM-1819-1854~~



793 Compton Road
 Cincinnati, Ohio 45231
 513-521-4760
 Telecopier 513-521-2439

June 3, 1996

Description: Parcel "B" - 1.497 Acres, Chin Property

Situated in Section 11, Town 3, Entire Range 1, Springfield Township, Village of Glendale, Hamilton County, Ohio and being part of lot 227 of Crawford and Clarks Subdivision, as recorded in Plat Book 1, Page 246 of the Hamilton County Recorder's Office and being more particularly described as follows:

Beginning at a point in the west line of Congress Avenue, said point being North 0° 36' 00" East, 291.97 feet from the intersection of the said west line of Congress Avenue and the south line of lot 226 of the Crawford and Clarks Subdivision; thence departing the said point of beginning, North 86° 56' 00" West, 249.58 feet; thence South 00° 36' 00" West, 55.00 feet; thence North 86° 56' 00" West, 246.19 feet; thence North 7° 20' 00" West, 91.42 feet; thence North 86° 56' 00" West, 66.49 feet; thence North 7° 20' 00" West, 76.18 feet to a point in the north line of said lot 227; thence with the north line of lot 227, South 86° 56' 00" East, 389.58 feet; thence South 3° 07' 30" East, 50.25 feet; thence South 86° 56' 00" East, 192.57 feet to a point in the west line of Congress Avenue; thence with the west line of Congress Avenue, South 00° 36' 00" West, 60.00 feet to the point of beginning.

The above described parcel contains 1.497 Acres of land and is subject to all easements and restrictions of record.

Being part of the same premises conveyed to the Grantor by deed recorded in Deed Book 6689, Page 75 of the Hamilton County Recorder's Office.

7134rc1854

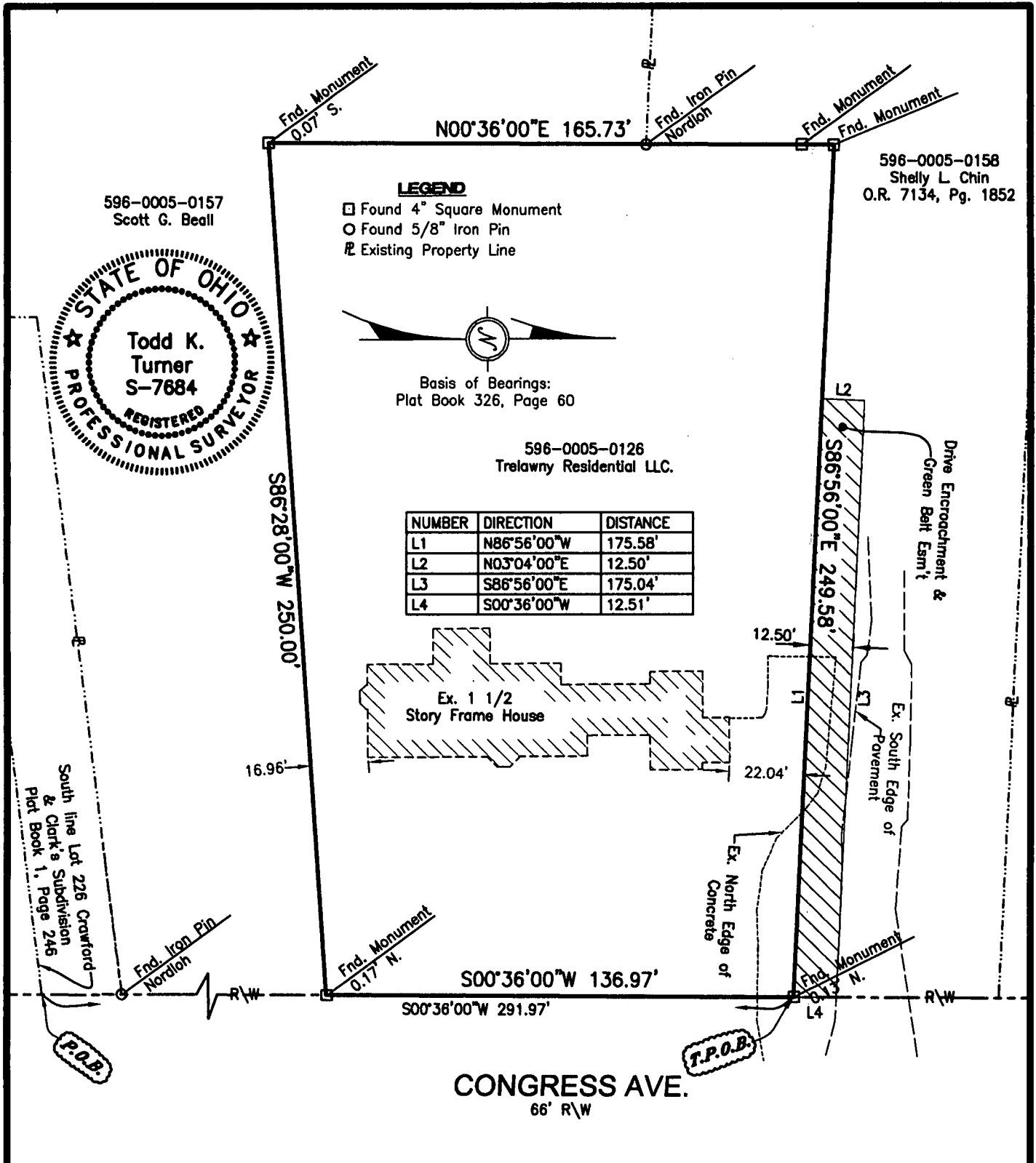
10933. 1563

B
EXHIBIT "B"

Situated, lying and being in Section 11, T-3, E.R. 1, Springfield Township, Village of Glendale, Hamilton County, Ohio, and being part of Outlot 226 and 227 of Crawford and Clark's Subdivision recorded in Plat Book 1, Page 246, Hamilton County, Ohio Records, and described as follows:

From an old stone in the West line of Congress Avenue (66 feet wide) at the southeast corner of said Outlot 226, measure North 0 degrees 36 minutes East along the West line of Congress Avenue, 155 feet to the southeast corner of the Grantor's property for the place of beginning; thence South 86 degrees 28 minutes West along the south line of said grantor's property, 250 feet to the southwest corner of said grantor's property; thence North 0 degrees 36 minutes East along the westerly line of said grantor's property and a prolongation northwardly thereof, 165.73 feet; thence South 86 degrees 56 minutes East 249.58 feet to the West line of Congress Avenue, said point being 110 feet south of the northeast corner of said Outlot 227; thence South 0 degrees 36 minutes West along the West line of Congress Avenue 136.97 feet to the place of beginning.

EXHIBIT C



Drawing: 08C040-000 SV
 Scale: 1"=40'
 Drawn by: B.R.J.
 Checked By: T.K.T., P.S.
 Issue Date: 7-24-08

CHIN PROPERTY
 PART LOT #227
 CRAWFORD AND CLARK'S SUBDIVISION
 SECTION 11, TOWN 3, RANGE 1
 SPRINGFIELD TOWNSHIP
 VILLAGE OF GLENDALE
 HAMILTON COUNTY, OHIO

EASEMENT EXHIBIT

bayer becker

6900 Tylersville Road, Suite A
 Mason, OH 45040 - 513.336.6600



6900 Tylersville Road, Suite A
Mason, Ohio 45040
P 513.336.6600
F 513.336.9365
www.bayerbecker.com

July 24, 2008

DESCRIPTION

Drive Encroachment &
Green Belt Easement

LOCATION

Village of Glendale

Situated in Section 11, Town 3, Range 1, Springfield Township, Village of Glendale, Hamilton County, Ohio and in part of Lot #227 of Crawford and Clarks Subdivision as recorded in Plat Book 1, Page 246 of the Hamilton County Ohio records and being a twelve and one half foot (12.5 feet) Drive Encroachment and Green Belt Easement in part of the lands of Shelly L. Chin as recorded in Official Record 7134, Page 1852 of the Hamilton County Ohio records and being further described as follows:

Beginning at a point found by measuring along the westerly right-of-way line of Congress Avenue, said point being North 0°36'00" East, 291.97 feet from the intersection of the said westerly right-of-way line of Congress Avenue and the south line of Lot 226 of said Crawford and Clarks Subdivision to a point on the boundary of the aforementioned lands of Shelly L. Chin;

thence leaving said westerly right-of-way line, along said boundary, North 86°56'00" West, 175.58 feet;

thence leaving said boundary, North 03°04'00" East, 12.50 feet;

thence South 86°56'00" East, 175.04 feet to a point in the aforementioned westerly right-of-way line of Congress Avenue;

thence along said westerly right-of-way line, South 00°36'00" West, 12.51 feet to the point of beginning containing 2,191.38 square feet or 0.050 acres of land.