



NOTICE AND AFFIDAVIT OF TITLE
(pursuant to Section 5301.51 et seq. and 5301.252(B) (2)
O.R.C.)

STATE OF OHIO, COUNTY OF MONTGOMERY, ss:

KNOW ALL MEN BY THESE PRESENTS, that LOIS L. MAZZONE and DOMINIC J. MAZZONE of 5595 Paddington Road, Dayton, Ohio 45459, being first duly cautioned and sworn, say that RALPH W. SCHERBAUER, who resides at 1418 John Glenn Road, Dayton, Ohio 45410, is the owner of the following described real estate:

Situated in the Township of Franklin, County of Mercer and State of Ohio, being Lot No. Nine (9) of Lees Subdivision of Lee's Landing as the same appears upon the recorded plat thereof, of record in Plat Book "6", page 12, Mercer County, Ohio Records of Plat. Located at 5395 Club Island Road, Celina, Ohio.

That said Ralph N. Scherbauer claims title by reason of Deed recorded in Volume 220 Page 365, Deed Records of Mercer County, Ohio.

This Affidavit is made for the purpose of stating facts relating to possession of the following described real property owned by Affiants:

Situated in the Township of Franklin, County of Mercer, and State of Ohio, and bounded and described as follows:

Four (4) acres of land, more or less, out of the northwest quarter of the northwest quarter of Section Twenty-three (23), Town Six (6) South, Range Three (3) East, more particularly described as all of the land that lies in said Quarter above the waste Heier Line of the Mercer County Reservoir as established by I.E. Raudabaugh in 1889 and North of the line fixed by the decree of the Common Pleas Court of Mercer County, Ohio, in what is known as the Lambert Case recorded on the 11th day of June, 1889. This conveyance carries with it all riparian rights to the Grant Reservoir as joins the land herein conveyed and containing in all 4.29 acres of land, more or less, subject to all legal highways.

EXCEPTING THEREFROM, lots numbered ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8), NINE (9), TEN (10), ELEVEN (11), TWELVE (12), THIRTEEN (13), and FOURTEEN (14) of Lee's Subdivision as recorded in Plat Book "6", Page 12, Mercer County, Ohio Records of Plats.

That Affiants claim title by reason of Deed recorded in Volume 249, Page 549, Deed Records of Mercer County, Ohio.

Affiants say that they are the owners of said acreage and that they have occupied and maintained said property continuously since acquiring title, and that by reason of its location, it is convenient for Ralph N. Scherbauer to go upon and over a certain part of said Affiant's real property to enjoy the Channel of water abutting Affiant's property.

Affiants say that notice has been given to Ralph W. Scherbauer of the ownership rights of Affiants and the said use is by way of license and does not create any rights by way of prescription or necessity or adverse possession.

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IN WITNESS WHEREOF, the Affiants have hereunto set their hands this 25th day of May, 1989.

Edna S. Phillips Lois L. Mazzone
LOIS L. MAZZONE
Shirley A. Maccek Dominic J. Mazzone
DOMINIC J. MAZZONE

STATE OF OHIO, COUNTY OF MONTGOMERY, SS:

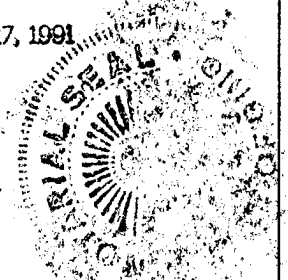
The foregoing instrument was acknowledged before me, a Notary Public in and for said county and state, by the said LOIS L. MAZZONE and DOMINIC J. MAZZONE on the 25th day of May, 1989.

Edna S. Phillips
Notary Public

This instrument prepared by:
Charles F. Allbery, III
Attorney at Law
18 W. First Street
P.O. Box 1283 Mid City Station
Dayton, Ohio 45402-9783

See Enr.

EDNA S. PHILLIPS, Notary Public
In and for the State of Ohio
My Commission Expires Jan. 27, 1991



21640

PRESENTED FOR RECORD
On the 31 day of May, 1989
at 11:29 o'clock A.M.
recorded June 1, 1989
in Mercer Co., Ohio, Record of Deeds

Patricia E. Grotz
RECORDER - MERCER, CO., OHIO

Fee 10⁰⁰
Vol. 310 pg. 148-9

ALLBERY, CROSS & TURNER
ATTORNEYS AT LAW
18 WEST FIRST STREET
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MID-CITY STATION
DAYTON, OHIO 45402