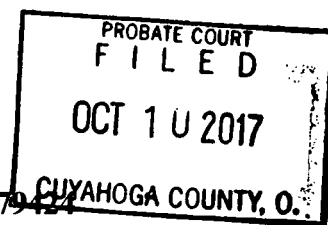


IN THE COURT OF COMMON PLEAS  
PROBATE DIVISION  
CUYAHOGA COUNTY, OHIO



ARTHUR P. DUECK, et al.,

Plaintiffs,

vs.

THE CLIFTON CLUB COMPANY, et al.,

Defendants.

CASE NO. 2012 ADV 179424

JUDGE ANTHONY J. RUSSO

JUDGMENT ENTRY

This matter came on for consideration before the Honorable Judge Anthony J. Russo, Presiding Judge of the Probate Division of the Court of Common Pleas, on August 10, 2017, upon the reversal and remand by the Court of Appeals, Eighth District (Case Nos. 103868 and 103888), Cuyahoga County, Ohio, pursuant to the Judgment Entry and Opinion dated August 10, 2017.

The Court of Appeals, Eighth District, Cuyahoga County, Ohio, held that the lot owners are the sole legal beneficiaries of the Trust. Further, the Court determined that members of the Clifton Club, who are not resident lot owners, are not direct beneficiaries of the Trust and therefore have no legal right to access the Beach under said Trust, but that the nonresident members of the Clifton Club have a permissive right to access. The Court further ordered that the Trustees compensate Plaintiff-appellants for the reasonable costs of Plaintiff-appellants' attorney fees, costs and expenses, as the Trustees breached fiduciary duties owed to the Trust and its beneficiaries. As a result of these findings, the Court of Appeals reversed and remanded this case to the Probate Court to enter judgment for Plaintiff-appellants consistent with the appellate decision and to conduct an evidentiary hearing to determine a reasonable amount of attorney fees, costs, and expenses to be awarded to Plaintiff-appellants.

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Based upon the decision of the Court of Appeals, Eighth District, Cuyahoga County, Ohio, this Court hereby modifies the Judgment Entry released and journalized on November 10, 2015, as hereinafter set forth.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the lot owners are the sole legal beneficiaries of the Trust. The Clifton Club is a lot owner and thus a beneficiary.

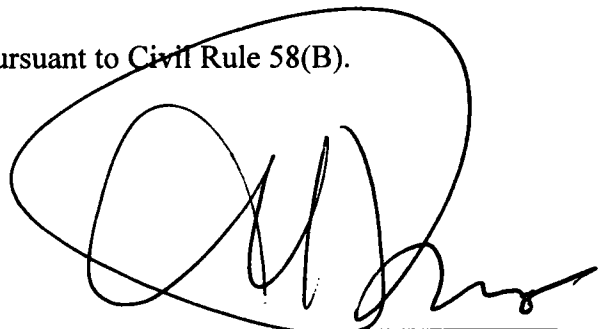
**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that members of the Clifton Club, who are not resident lot owners, are not equal or direct beneficiaries of the Trust and thus have no legal right to access the Beach under the Trust, although they do have a permissive right to access the Beach, as regulated by the Trustees pursuant to the Trust Deed.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Trustees shall compensate the Plaintiff-appellants for reasonable attorney fees, costs, and expenses. An evidentiary hearing shall be set before Senior Magistrate Richard L. Gedeon to determine the reasonable amount of attorney fees, costs and expenses owed by Clifton Park Trustees to Plaintiff-appellants.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff-appellants' shall file their respective Motions for Attorney Fees by December 08, 2017.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Clerk of Court serve upon all parties notice of this Judgment Entry pursuant to Civil Rule 58(B).

**IT IS SO ORDERED.**

A large, stylized handwritten signature in black ink, appearing to read 'Anthony J. Russo', is written over a horizontal line.

**JUDGE ANTHONY J. RUSSO**