

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

ENTER

MAR 11 2013
CHARLES J. KUBICKI, Judge

SCOTT ROSENTHAL,	:	Case No. A1200117
Plaintiff,	:	Judge Charles J. Kubicki
v.	:	
JOHN R. SCHEPER, et al.	:	<u>AGREED JUDGMENT</u>
Defendant.	:	<u>ENTRY</u>

By agreement of the parties and their counsel, and upon consideration, the Court approves and hereby grants the following:

Defendant John R. Scheper immediately accepts immediate ownership, maintenance and liability of the entire wall currently located on or near the easterly edge of his property. Defendant Margaret Scheper immediately accepts ownership, maintenance and liability of 50ft wall which is currently located at or near the easterly boundary of her property. Plaintiff Scott Rosenthal shall deed to John Scheper a 50ft strip of land behind his carriage house on the westerly border of his property to a depth to be determined, at least 20" away from the foundation of his Carriage House. It is understood that this area of conveyance should be around 12" by 50ft, which will later be determined by a surveyor, to ensure Plaintiff stays in compliance with the setback variance granted in 1993. Plaintiff shall also grant by deed to Margaret Scheper a strip of land in the northwest corner of his property along the westerly border, a strip of land 30" deep by 50ft in length.

Defendants have 30 days to fully remove to grade a tree in 24" in diameter located on or near the easterly border of their property. Defendants shall completely deconstruct and reconstruct the wall that is located at or near the border of Defendant John Scheper's & Plaintiff's property. The reconstruction of the wall shall be placed entirely on the property owned by Defendant John Scheper. Defendants have until July 11, 2013 to complete the deconstruction and reconstruction of the wall, in full compliance with all city and county codes and regulations.

Plaintiff is to provide access to the Defendant's contractor to complete the wall deconstruction and reconstruction. Defendants shall provide robust temporary fencing so that needed access by Defendants shall be served, where the fence is sufficient to prevent the Plaintiff's dog from leaving the yard. Defendants' contractor shall be bonded and insured for no less than \$60,000 on this project, and proof of bonding and insurance to be provided to plaintiff prior to start of any related work.

All costs for surveys, deed preparation and all other costs necessary in order to record these conveyances are to be paid by Defendants. Court costs to be paid by Plaintiff.

Judge Kubicki



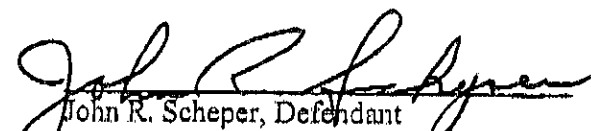
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Scott Rosenthal, Plaintiff



John R. Scheper, Defendant



Margaret Scheper, Defendant