

721 W Penny

The purpose of this Affidavit is to correct a scrivener's error on a Perpetual Easement from James Tonjes, to Larry and Rebecca Hilvers dated January 15, 2009 recorded in the Official Records of the Recorder of Henry County, Ohio (See Attached Appendix 1")

The easement is for a piece of land located in the City of Napoleon, County of Henry State of Ohio, being part of a vacated alley located in Lot No. 2 (now Lot Numbers 1 & 2) in Block No. 1 of Phillips Addition to the Town (now City) of Napoleon, Henry County, Ohio;

Also known as Part of Lot No. 2 in Block No. 1 in the First Addition to the Town (now City) of Napoleon, Henry County, Ohio,

AFFIDAVIT

200900072880  
Filed for Record in  
HENRY COUNTY OHIO  
SARA L MYLES  
02-20-2009 At 09:08 am.  
AFFIDAVIT 52.00  
OR Volume 240 Page 1667 - 1671  
CITY OF NAPOLEON  
Pickup

State of Minnesota  
County of Hennepin

SS:

I, Susan E. Boyington, state that I am a Notary Public, commissioned in the State of Minnesota, as was also a Notary Public on January 15, 2009; moreover, that I both witnessed the signature and took the acknowledgment of Sonja Tonjes on a certain instrument (deed) attached hereto as Appendix 1 where Sonja Tonjes released her dower rights. The instrument should have had the blanks filled in on the below paragraphs as follows:

"IN WITNESS WHEREOF: Sonja Tonjes has executed this Perpetual Easement this 15<sup>th</sup> day of January, 2009 releasing any dower rights she may have in the land that is the subject of this Easement; release being made exclusively for the purpose of granting this Easement. "

Further;

" Before me a Notary Public in and for said County, personally appeared the above named, Sonja Tonjes, spouse of the Grantor, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed. "

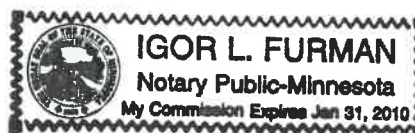
Susan E Boyington  
Susan E. Boyington

Sworn to and subscribed in my presence by Susan E. Boyington this 3 day of February 2009.

(Seal)

[Signature]  
Notary Public

Instrument Prepared by:  
David M. Grahn  
Napoleon City Law Director  
255 W. Riverview Ave.  
Napoleon, Ohio 43545



Appendix "1"

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## PERPETUAL EASEMENT

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**Know All Men By These Presents:** That, James Tonjes, a married man over the age of 21, whose tax mailing address is PO Box 1113, Minneapolis, MN, 55440, the Grantor, in and for consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid by Larry and Rebecca Hilvers, husband and wife, collectively the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby **GRANT, BARGAIN, SELL, CONVEY and RELEASE** to the Grantee, their heirs, successors and assigns forever, a non exclusive perpetual alienable Easement for the purpose of ingress to and egress from Lot No. 9 found in Block 1 of Phillips Addition to the Town (now City) of Napoleon, Henry County, Ohio, situated in the City of Napoleon, County of Henry and State of Ohio and more particularly described as follows:

Being part of a vacated alley located in Lot No. 2 (now Lot Numbers 1 & 2) in Block No. 1 of Phillips Addition to the Town (now City) of Napoleon, Henry County, Ohio;

Also known as Part of Lot No. 2 in Block No. 1 in the First Addition to the Town (now City) of Napoleon, Henry County, Ohio, and more particularly described as follows;

Commencing at a Star Drill Mark found at the northerly corner of Lot No. 1 (now Lot Number 3) of Phillips Addition to the Town (now City) of Napoleon;

Thence S 25°59'44" E on the northeasterly line of Lot No. 1 (now Lot Numbers 3, 4, 5, 6, 7, 8, 9, & 10) of Phillips Addition to the Town (now City) of Napoleon a distance of 165.41' to the easterly corner of Lot No. 1 (now Lot Number 10) of Phillips Addition to the Town (now City) of Napoleon;

Thence S 62°54'37" W on the southeasterly line of Lot No. 1 & Lot No. 2 (now Lot Number 10) of Phillips Addition to the Town (now City) of Napoleon a distance of 75.46' to the southeasterly corner of Lot No. 2 (now the southerly line of Lot Number 10) of Phillips Addition to the Town (now City) of Napoleon to the TRUE POINT OF BEGINNING;

Thence S 62°54'37" W on the southeasterly line of Lot No. 2 (now a vacated alley) of Phillips Addition to the Town (now City) of Napoleon a distance of 10.00' (now the easterly corner of Lot Number 1 of Phillips Addition to the Town (now City) of Napoleon);

Thence N 26°59'05" W on the southwesterly line of what is now a vacated alley a distance of 42.05';

Thence N 62°54'37" E a distance of 5.00' to what is now the westerly corner of Lot Number 9 of Phillips Addition to the Town (now City) of Napoleon;

Thence S 26°59'05" E on the southwesterly line of what is now Lot Number 9 of Phillips Addition to the Town (now City) of Napoleon a distance of 20.03' to the southwesterly corner of what is now Lot No. 9 of Phillips Addition to the Town (now City) of Napoleon;

Thence N 62°54'37" E on the southerly line of what is now Lot No. 9 of Phillips Addition to the Town (now City) of Napoleon a distance of 5.00';

Thence S 26°59'05" E parallel to the southwesterly line of what is now Lot Number 10 of Phillips Addition to the Town (now City) of Napoleon a distance of 22.03' to the southeasterly corner of Lot No. 2 (now the southerly line of Lot Number 10) of Phillips Addition to the Town (now City) of Napoleon and the TRUE POINT OF BEGINNING, containing 320.350 square feet, more or less.

(See attached Exhibit "A" for reference purposes only)

(All bearings stated in the Exhibit are assumed for the purpose of this description.)

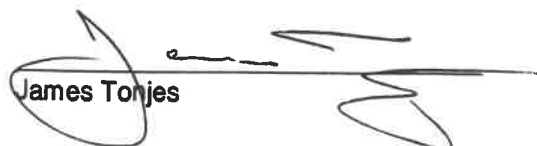
The Grantor claims title to the above described property by virtue of an alley vacation ordinance recorded in Official Record Volume 236 at Page 1127 of the records of the Henry County, Ohio Recorder.

The consideration recited herein shall constitute full and final payment for said easement and all damages sustained and/or claimed by the Grantor, his heirs, executors, administrators, successors, and assigns, including but not limited to all damages to the remainder of the Grantor's real estate. The Easement hereby granted includes the perpetual right to cut, trim, and/or otherwise control any trees and/or brush which may endanger the safety of or interfere with the Grantees rights under this Easement; moreover, this Easement grants ingress and egress rights for both pedestrian and vehicular travel by the Grantee and their personal and business invitees. This Easement is subordinate to any existing utility easement reserved in the vacation ordinance as recorded in said Volume 236 at Page 1127 of the Official Records of the Henry County, Ohio, Recorder.

**To Have And To Hold** said Easement, together with all rights and privileges belonging thereto unto the Grantee and their heirs, successors and assigns forever. This Easement together with all agreements, covenants, and other provisions recited herein, shall constitute a covenant running with the land for the benefit and use of the Grantee, their heirs, successors and assigns forever. The provisions of this Easement will inure to the benefit of and bind the heirs and/or successors and assigns of the respective parties to it.

The Grantor hereby covenants that it is the true and lawful Owner of the above described real estate and has full power and authority to convey the same and that the same is free and clear from all liens and encumbrances whatsoever and that the Grantor will warrant and defend the title to the said easement against all lawful claims.

IN WITNESS WHEREOF: James Tonjes has executed this Perpetual Easement this 15<sup>th</sup> day of JANUARY, 2009.

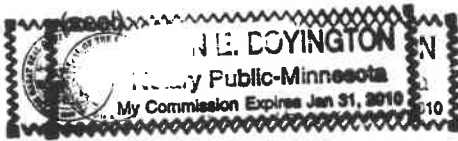
  
James Tonjes

STATE OF Minnesota  
COUNTY OF Hennepin

ss:

Before me a Notary Public in and for said County, personally appeared the above named, James Tonjes, the Grantor, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 15 day of JANUARY 2009.



Susan E. Boyington  
Notary Public

IN WITNESS WHEREOF: \_\_\_\_\_ has executed this Perpetual Easement this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ releasing any dower rights she may have in the land that is the subject of this Easement; release being made exclusively for the purpose of granting this Easement.

[Signature]  
\_\_\_\_\_  
Sonja Tonjes

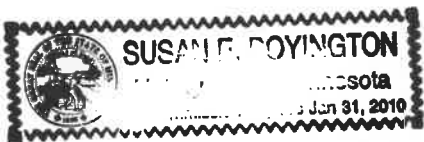
STATE OF Minnesota  
COUNTY OF Hennepin

ss:

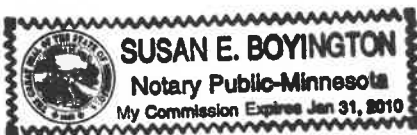
Before me a Notary Public in and for said County, personally appeared the above named, \_\_\_\_\_ Tonjes, spouse of the Grantor, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 15 day of JANUARY 2009.

(seal)



Susan E. Boyington  
Notary Public

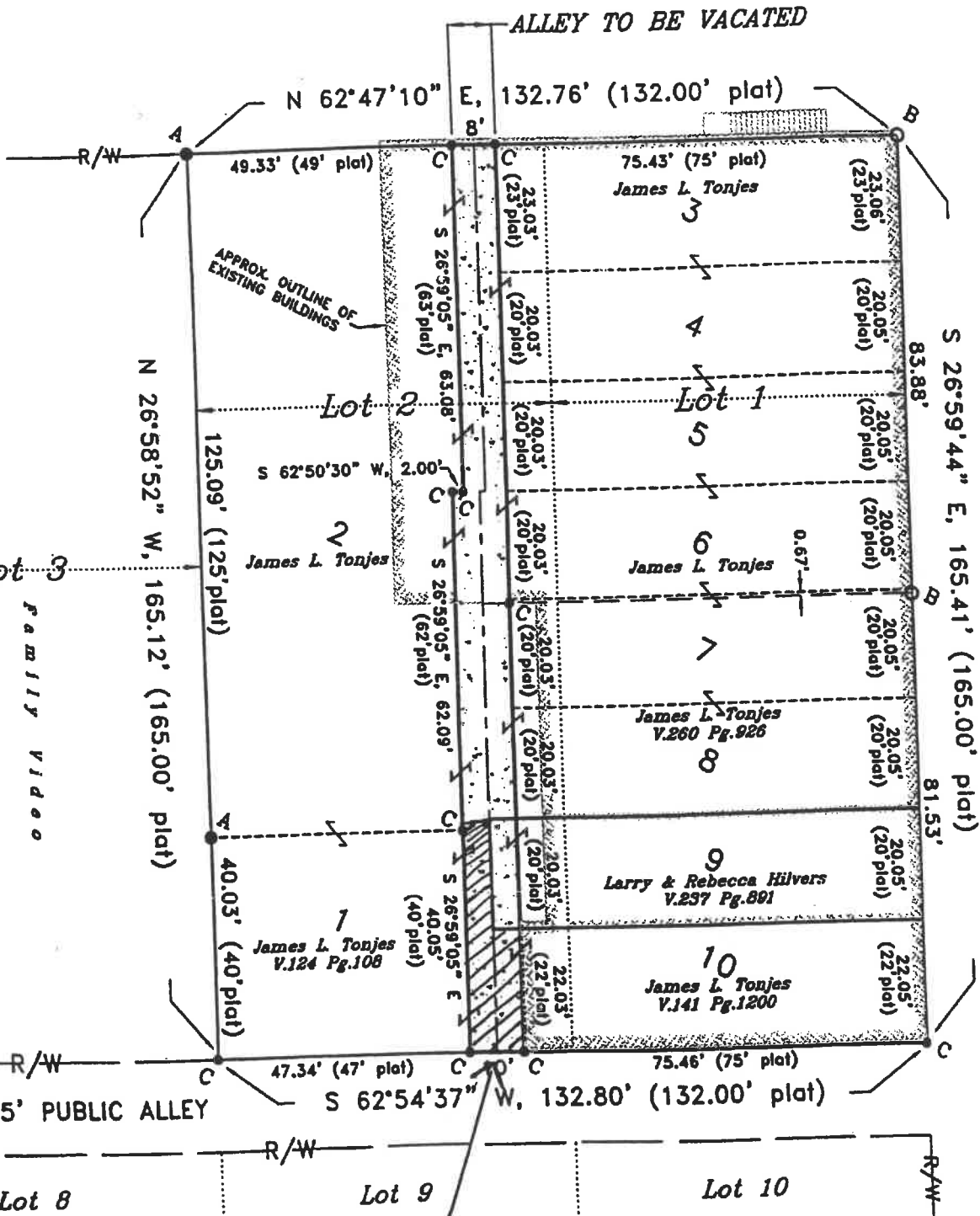


Prepared by David M. Grah  
Napoleon City Law Director  
255 W. Riverview Ave.  
Napoleon, Ohio 43545

Exhibit "A"

W. CLINTON ST. ~ 82.50' R/W

N. PERRY ST. ~ 82.50' R/W



Location of ingress and egress easement

2009000072880 OR  
 240 167L  
 2009000072880 OR  
 240 167L