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COPY

June 16, 1999

Roger Benien
247 Yeager Street
Napoleon OH 43545

Re: Your File No. 99-367-1820

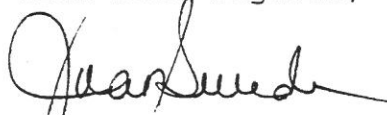
Dear Mr. Benien,

This letter wishes to respond further to your legal matter, which concerns a shared driveway with your neighbor. It is my understanding that you have received notice that your neighbor intends to erect a fence, thus blocking access to your driveway.

Common law and Ohio law recognize an Easement by Implication, which is what appears to exist in this case. The driveway is predominantly on your property; however, it would appear that an Easement by Implication was created when the driveway was constructed as the only ingress/egress onto each respective property. Accordingly, your neighbor would be barred from constructing any fence or barrier which would impair your only access to ingress/egress your property.

Should an attempt be made to place the fence to bar your access, please contact this office, so that further legal action can be taken on your behalf, including but not limited to an injunction against your neighbor. I will keep your file open for an additional week, pending additional questions you might have.

With best regards,



Joan M. Sweda
Attorney at Law

cc: City Engineer