

STATE OF OHIO  
COUNTY OF HAMILTON

**AFFIDAVIT**

Before me, the undersigned authority in and for said state and county, personally appeared Lauren J. Hill and Steven R. Hellmann, known to me, who, being by me first duly sworn, on oath, depose and say, respectively, as follows:

My name is Lauren J. Hill; I am over the age of nineteen (19) years, and I am a Senior Vice President of The Provident Bank, an Ohio banking corporation located at One East Fourth Street, Cincinnati, Ohio 45202. I am familiar with the matters contained in this affidavit and as a Senior Vice President, have the authority to make the same.

My name is Steven R. Hellmann; I am over the age of nineteen (19) years, and I am an Assistant Vice President of The Provident Bank, an Ohio banking corporation located at One East Fourth Street, Cincinnati, Ohio 45202. I am familiar with the matters contained in this affidavit and as an Assistant Vice President, have the authority to make the same.

1. Glenda G. Roper conveyed the following described real property to Richard Digiocomo (Digiocomo) by Warranty Deed dated November 6, 1998 and recorded in Instrument No. 1998-44915 of the Shelby County Probate records;

Begin at the NE corner of the South 1/2 of the SW 1/4 of Section 7, Township 21 South, Range 2 East; thence run West along the North line thereof 871.42 feet to the point of beginning; thence continue along the last described course 61.49 feet; thence 90 degrees 18 minutes 28 seconds left run 660.90 feet; thence 89 degrees 49 minutes 14 seconds left run 649.10 feet; thence 89 degrees 49 minutes 14 seconds left run 649.10 feet; thence 89 degrees 57 minutes 18 seconds left run Northerly 660.38 feet to the point of beginning.

Together with and subject to the following described 50 foot ingress and egress easement, the centerline of which is more particularly described as follows: Commence at the NE corner of the South 1/2 of the SW 1/4 of

Section 7, Township 21 South, Range 2 East; thence run South along the East line thereof 578.70 feet; thence 94 degrees 15 minutes 24 seconds right run 606.80 feet to the point of beginning of the centerline of said 50 foot easement, said point being the center of a 50 foot radius bulb being part of said easement; thence 04 degrees 08 minutes 35 seconds left run 1620.96 feet to the Easterly right of way of Hebb Road and at the point of ending of said easement.

("Original Legal Description")

2. Said deed from Glenda G Roper to Richard Digiocomo was corrected and re-recorded by Instrument No. 1999-06599 on February 16, 1999 in order to correct the legal description as follows:

Commence at the NE corner of the S 1/2 of the SW 1/4 of Section 7, Township 21 South, Range 2 East, thence run West along the North line thereof 959.42 feet to the point of beginning; thence continue along the last described course 363.49 feet; thence 90 degrees 13 minutes 28 seconds left run 660.90 feet; thence 89 degrees 49 minutes 14 seconds left run 361.10 feet; thence 89 degrees 57 minutes 18 seconds left run Northerly 660.61 feet to the point of beginning.

Also a 50' ingress and egress easement, the centerline of which being more particularly described as follows: Commence at the NE corner of the S 1/2 of the SW 1/4 Section 7, Township 21 South, Range 2 East; thence run South along the East line thereof 678.70 feet; thence 94 degrees 15 minutes 24 seconds right run 606.80 feet to the point of beginning of the centerline of said 50' easement; said point being the center of a 50' radius bulb being part of said easement; thence 4 degrees 08 minutes 35 seconds left run 1620.98 feet to the Easterly r/w of Hebb Road and the point of ending of said easement.

("Corrected Legal Description")

3. Richard Digiocomo, joined by his wife Lori K. Digiocomo, executed a mortgage to The Provident Bank on August 26, 1999 recorded in Instrument No. 1999-39389 of said Probate Court records using the "Original Legal Description".
4. Digiocomo subsequently defaulted in payment of said mortgage and The Provident Bank sold the property described therein at foreclosure on April 27, 2001 pursuant to its mortgage,

with The Provident Bank as purchaser, as evidenced by Auctioneer's Deed recorded in Instrument No. 2001-19598 using the "Original Legal Description" contained in the mortgage.

5. The "Original Legal Description" contained in the mortgage recorded in Instrument No. 1999-39389 of said Probate Court records and in the Auctioneer's Deed recorded in Instrument No. 2001-19598 of said Probate Court records are incorrect and said instruments failed to utilize the "Corrected Legal Description" contained in the Correction Deed recorded in Instrument No. 1999-06599 of said Probate Court records.

6. The following is the correct legal description of the property which is the subject of said Mortgage and Auctioneer's Deed; and The Provident Bank disclaims any interest in any other property contained in the "Original Legal Description" and not contained herein:

Commence at the NE corner of the S 1/2 of the SW 1/4 of Section 7, Township 21 South, Range 2 East, thence run West along the North line thereof 959.42 feet to the point of beginning; thence continue along the last described course 363.49 feet; thence 90 degrees 13 minutes 28 seconds left run 660.90 feet; thence 89 degrees 49 minutes 14 seconds left run 361.10 feet; thence 89 degrees 57 minutes 18 seconds left run Northerly 660.61 feet to the point of beginning.

Also a 50' ingress and egress easement, the centerline of which being more particularly described as follows: Commence at the NE corner of the S 1/2 of Section 7, Township 21 South, Range 2 East; thence run South along the East line thereof 678.70 feet; thence 94 degrees 15 minutes 24 seconds right run 606.80 feet to the point of beginning of the centerline of said 50' easement; said point be the center of a 50' radius bulb being part of said easement; thence 4 degrees 08 minutes 35 seconds left run 1620.98 feet to the Easterly r/w of Hebb Road and the point of ending of said easement.

("Corrected Legal Description")

7. James L. Coe and Vicki J. Coe ("Coe") have entered into a sales contract with The Provident Bank to purchase the real property described in the "Corrected Legal Description" subject to rights of redemption arising from said foreclosure sale.

8. Lawyers Title Insurance Corporation has agreed to insure the sale to Coe upon execution and recording of this affidavit which is made and given for such purpose.

Dated this 14<sup>th</sup> day of March, 2002.

THE PROVIDENT BANK  
an Ohio banking corporation

By: Lauren J. Hill  
Lauren J. Hill, Senior Vice President

By: Steven R. Hellmann  
Steven R. Hellmann, Asst. Vice President

Sworn to and subscribed before me on this

14<sup>th</sup> day of March, 2002.

Patricia M. Rouse  
Notary Public, Hamilton County, Ohio

My Commission Expires: 10-31-06

This instrument prepared by:

Beth McFadden Rouse  
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