

IN THE COURT OF COMMON PLEAS

GEAUGA COUNTY, OHIO  
IN COMMON PLEAS COURT

OCT 29 AM 11 15

OHIO INNS, INCORPORATED,

Plaintiff,

-vs-

STATE OF OHIO, et al.,

Defendants.

BETTY MONTAGUE Case No. 80 M 335

CLERK OF COURTS

GEAUGA COUNTY

CONSENT JUDGMENT

A previous consent judgment having been entered herein on April 13, 1981:

And the State of Ohio, Department of Natural Resources ("ODNR") and Ohio Inns, Inc. each having filed charges in contempt of court against the other;

And said parties, in order to resolve the matters in dispute now pending before this Court, having consented to the entry of this Consent Judgment;

NOW, THEREFORE, before the, taking of any testimony and upon the pleadings, it is Ordered, Adjudged, and Decreed as follows:

I.

The provisions of this consent judgment shall apply to and be binding upon the parties to this action, their officers, directors, agents, servants, employees, successors, and assigns. In addition, the provisions of this consent judgment shall apply to all persons, corporations, and other entities having notice of this consent judgment who are or will be acting in concert and privity with the parties to this action or their officers, directors, agents, servants, employees, and assigns.

CERTIFIED  
COPY

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Clerk of Courts  
Geauga County

II.

At the time this Consent Judgment is executed by the parties, Ohio Inns shall execute the attached "Assignment-in-part of Contract to Operate Certain Public Service Facilities at Punderson State Park" (hereinafter "Assignment" ). Ohio Inns understands and agrees that the name of the assignee shall be inserted subsequent to its signature on the Assignment.

III.

At the time this Consent Judgment is executed by the parties, Ohio Inns shall present to ODNR a signed withdrawal slip authorizing the withdrawal by ODNR of Thirty-five Thousand Dollars (\$35,000.00) from account number 230206 from the Molitor Loan and Building Company, 633 Anderson Ferry Road, Cincinnati, Ohio, 45238 ("Molitor"). ODNR agrees that it shall hold said money in trust until it shall thereafter deposit same into the "Maintenance, Repair and Replacement Fund" to be established pursuant to the Assignment.

IV.

The first paragraph of Section VIII, the last sentence of paragraph B and all of paragraph C of Section XII of the April 13, 1981 Consent Judgment are hereby rescinded. Notwithstanding the preceding sentence, Ohio Inns shall complete all maintenance, repairs, and restoration described in Attachment A to the April 13, 1981 Consent Judgment for which withdrawals from the Maintenance, Repair and Replacement Fund have been approved by ODNR.

V.

At the time this Consent Judgment is executed by the parties, Ohio Inns shall provide ODNR with a current statement prepared by Molitor that account number 230205 (which was established pursuant to Section XIII of the April 13, 1981 Consent Judgment and remains for the purpose of securing certain advance deposits at Salt Fork) has a balance of not less than Eighty-seven Thousand Three Hundred Three Dollars and Eighty-five Cents (\$87,303.85).

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BETTY J. MONTAGUE  
Clerk of Courts  
Georgia County

Ohio Inns may not, without the written consent of ODNR, make withdrawals from said account such that the balance is less than the aforesaid amount. Ohio Inns may, without the consent of ODNR, make withdrawals from said account provided that the balance is not less than Eighty-seven Thousand Three Hundred Three Dollars and Eighty-five Cents (\$87,303.85). By its signature hereon, Ohio Inns instructs Molitor to restrict the account as described above.

VI.

The parties agree that the obligation of Ohio Inns to comply with Section XVIII of the April 13, 1981 Consent Judgment remains valid and enforceable in this Court. ODNR agrees, however, to defer enforcement of said obligation until Count I of Ohio Inns' counterclaim against the State of Ohio in Case No. C-82-CV-08-4484, currently pending before the Franklin County Court of Common Pleas, has been resolved by final court order or agreement of the parties.

With the exception of the foregoing paragraph, the parties hereby waive all of their claims of violations by all other parties of the April 13, 1981 Consent Judgment and all charges and countercharges in contempt presently pending before the Court are dismissed with prejudice.

*S. H. J. Anderson Jr* 10-28-82  
JUDGE

AGREED TO BY:

OHIO INNS INCORPORATED

STATE OF OHIO, DEPARTMENT OF  
NATURAL RESOURCES

*Douglas C. Ruth*  
DOUGLAS C. RUTH  
PRESIDENT

*Robert W. Teater*  
ROBERT W. TEATER, DIRECTOR

*Donald G. Olson*  
DONALD G. OLSON, CHIEF  
DIVISION OF PARKS AND RECREATION

APPROVED BY:

GAROFOLI, KRAUS, HILL, ROTH  
& BARTUNEK

WILLIAM J. BROWN  
ATTORNEY GENERAL OF OHIO

*Anthony J. Garofoli*  
ANTHONY J. GAROFOLI  
COUNSEL FOR OHIO INNS, INC.

*Stephen P. Samuels*  
STEPHEN P. SAMUELS  
ASSISTANT ATTORNEY GENERAL

RECORDED  
NOV 1 1982  
SEAL & SIGNATURE  
Court of Common Pleas  
Franklin County

# CERTIFICATE TO COPY

The State of Ohio, Geauga County

COMMON PLEAS COURT

I, the undersigned Clerk of the Common Pleas Court within and for said County, and in whose custody the Files, Journals and Records of said Court are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original now on file in said Court, that said foregoing has been compared by me with the original document and that it is a true and correct copy thereof.

IN TESTIMONY WHEREOF, I hereunto subscribe my name officially,  
and affix the seal of said Court at the Courthouse in Chardon, Ohio, in  
said County this 1st day of November A.D. 19 82

BETTY J. MONTAGUE

Clerk of said Common Pleas Court

*Karen L. Coulter*

Deputy

