

DANIEL M. HARRIGAN

2013 JUN 14 PM 2:46

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

SUMMIT COUNTY
CLERK OF COURTS

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| THEODORE R. TenBROECK, JR. |) | CASE NO: CV 2011-11-6606 |
| |) | |
| Plaintiff |) | JUDGE HUNTER |
| |) | |
| vs. |) | |
| |) | <u>JUDGMENT ENTRY</u> |
| DIRCK W. TenBROECK, Trustee, et al. |) | |
| |) | |
| Defendants |) | |
| |) | |
| | *** | |

This matter comes before this Court pursuant to the Motions file by Defendants, Dirck TenBroeck, Individually and in his capacity as Trustee to declare Theodore R. TenBroeck, Jr. a vexatious litigator and for attorney fees, expenses and costs and request for hearing on frivolous conduct, both of which were filed on December 21, 2012.

Said Motions were scheduled for an evidentiary hearing on May 15, 2013. During the course of the hearing, Plaintiff, Theodore R. TenBroeck expressed his desire to settle the claims pending in said Motions. After discussion between the parties and the Court, the parties reached an amicable resolution which was read into the record and which forms the basis of this Court's Entry.

Based upon the agreement of the parties, it is hereby ORDERED, ADJUDGED AND DECREED that Defendants' Motion for Attorney Fees, Expenses and Costs on Frivolous Conduct is hereby granted. It is the further Order of the Court, pursuant to the agreement of the parties, that judgment be and hereby is entered in favor of the

Trust and against Theodore R. TenBroeck, Jr. in the amount of \$43,893.36, together with interest at the statutory rate.

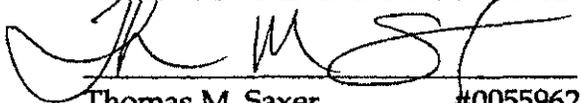
It is further ORDERED, ADJUDGED AND DECREED that Defendants' Motion to Deem Theodore R. TenBroeck, Jr. a Vexatious Litigator in accordance with Ohio Revised Code §2323.52 is granted as to Dirck TenBroeck in his capacity as Trustee of the Elsie M. TenBroeck Revocable Trust; Dirck TenBroeck, individually; the Elsie M. TenBroeck Revocable Trust; Michelle TenBroeck; Dawn Lee Fruit; the attorneys of Amer Cunningham Co., LPA involved in this litigation including, without limitation, Jack Morrison, Jr., Thomas M. Saxer, Thomas R. Houlihan, and Scott E. Mullaney.

It is further ORDERED, ADJUDGED AND DECREED that Dirck TenBroeck, in his capacity as Trustee, shall endeavor to make final distribution to the Trust beneficiaries and close the Trust within 90 days from the date of this Entry; Dirck TenBroeck having represented to this Court that he will endeavor to do so as soon as possible and within 60 days if he is able to do so.

IT IS SO ORDERED.

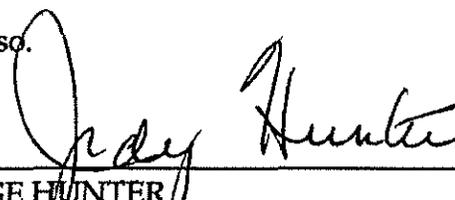
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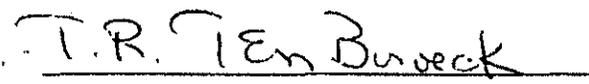
AMER CUNNINGHAM CO. L.P.A.



Thomas M. Saxer #0055962
Attorney for Defendants

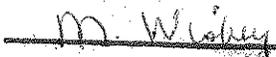
7476-13 judgment entry on motions.doc



JUDGE HUNTER

Theodore R. TenBroeck, Jr.
Plaintiff, Pro Se

I certify this to be a true copy of the original
Daniel M. Horrigan, Clerk of Courts.

 Deputy