

ENCROACHMENT EASEMENT

Robert M. Bower and Marlene Mae Bower, husband and wife, for valuable consideration paid, grants to Mervin M. Yoder and Mary Ann Yoder, husband and wife, the following:

RECITALS

- i. Robert M. Bower and Marlene Mae Bower (hereinafter collectively referred to as Grantor") are the fee simple owners of certain real property known as Parcel Numbers 20-0000040.000 and 20-0000041.000 that abuts the property owned by Grantee and is fully described in the attached Exhibit "A";
- ii. Mervin M. Yoder and Mary Ann Yoder, (hereinafter collectively referred to as "Grantee"), are the fee simple owners of certain real property known as Parcel Number 20-0000358.000 as fully described in the attached Exhibit "B";
- iii. During the preliminary review of the title, Grantee learned that a portion of Grantee's barn encroached upon Grantor's land; and
- iv. The parties having discussed the same have reached the following Encroachment Easement:

AGREEMENT

1. GRANT OF EASEMENT

Grantor grants to Grantee, its heirs, successors or assigns, an easement to maintain and continue the existing encroachment of Grantee's barn onto the portion of Grantor's real property, together with the right to make all lawful uses of the encroaching barn. This Easement shall automatically terminate when the encroachment no longer continues to exist for any reason, including, but not limited to, the demolition or destruction of the encroaching barn by fire or otherwise. The current location of the encroachment is shown on the Plat of Survey prepared by R.J. Swearingen on June 12, 2025, attached hereto and incorporated herein as Exhibit "C".

2. MAINTENANCE

Grantee agrees to maintain, at its own expense, the existing barn which encroaches on Grantor's real property.

3. NO PAYMENT

The privilege granted by this Agreement is without any financial consideration and is merely an accommodation to Grantee by Grantor.

4. **INDEMNIFICATION**

In consideration of the privilege granted by this Agreement, Grantee shall not claim any damages from Grantor in connection with or on account of injuries or damages arising in or on the above-described encroaching barn while being used by Grantee or Grantee's guests or invitees, and Grantee further agrees to indemnify and hold harmless Grantor from any and all claims or damages in connection with the use of the above-described encroaching barn by Grantee and Grantee's guests or invitees.

5. **TERM**

This Agreement shall expire and terminate upon the total destruction of said encroaching barn at which time the Grantee, its successors or assigns shall relocate any newly constructed barn wholly upon Grantee's real property.

Prior Instrument Referenced: Volume 183, Page 691 of the Deed Records of Harrison County, Ohio and Volume 182, Page 426 of the Official Records of Harrison County, Ohio.

Executed this 4TH day of August, 2025.

Robert M. Bower
ROBERT M. BOWER
GRANTOR

Marlene Mae Bower
MARLENE MAE BOWER
GRANTOR

Mervin M. Yoder Jr.
MERVIN M. YODER
GRANTEE

Mary Ann Yoder
MARY ANN YODER
GRANTEE

STATE OF OHIO
COUNTY OF HARRISON SS:

Be it Remembered, that on the 4TH day of August, 2025 before me, the subscriber, a Notary Public in and for said County and State, personally came Robert M. Bower and Marlene Mae Bower, Grantors in the above instrument, and acknowledged the signing thereof to be their voluntary act and deed.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Janeen M. Scott
Notary Public

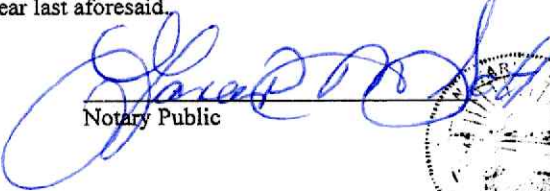


JANEEN M SCOTT
Notary Public, State of Ohio
My Commission Expires:
NOVEMBER 25, 2028

STATE OF OHIO
COUNTY OF Harrison, SS:

Do It Remembered, that on the 4th day of August, 2006
before me, the subscriber, a Notary Public in and for said County and State,
personally came Mervin M. Yoder and Mary Ann Yoder, Grantees in the above
instrument, and acknowledged the signing thereof to be their voluntary act and deed.

In Testimony Whereof, I have hereunto subscribed my name and affixed my
official seal on the day and year last aforesaid.


Notary Public



JANEEN M SCOTT
Notary Public, State of Ohio
My Commission Expires:
NOVEMBER 25, 2028

This instrument was prepared by Shawn P. Lindsay, Attorney at Law, Dover, Ohio.

EXHIBIT "A"

Beginning in the northeast corner of North, County of Harrison and State of Ohio. Being a part of the Southeast Quarter of Section 33 and a part of the Southwest Quarter of Section 27, Township 12, Range 5 in the Old Seven Ranges and also being a part of a 55.349 acre tract and a part of a 32.50 acre as conveyed to Alvin E. (deceased) and Hazel A. McCue by deed recorded in Volume 101, page 417 of the Harrison County Deed Records; and all of a 1.10 acre tract as conveyed to Alvin E. (deceased) and Hazel A. McCue by deed recorded in Volume 131, Page 164 of the Harrison County Deed Records.

Beginning at the Southeast corner of Section 33; thence with the South line of said section N. 87° 00' W. 1204.50 feet to a railroad spike in the center of County Road No. 47; thence with the centerline of County Road No. 47, the following six (6) bearings and distances: (1) N. 3° 37' W. 100.00 ft. to a railroad spike; (2) N. 0° 53' E. 100.00 feet to a railroad spike; (3) N. 4° 32' E. 100.00 feet to a railroad spike; (4) N. 15° 20' E. 100.00 feet to a railroad spike; (5) N. 34° 17' E. 100.00 feet to a railroad spike; (6) N. 48° 13' E. 109.25 feet to a railroad spike at the southwest corner of a 1.351 acre tract as conveyed to Robert H. and Doris L. Bowers by deed recorded in Vol. 171, page 200 of the Harrison County Deed Records; thence with the south line of said 1.351 acre tract the following three (3) bearings and distances: (1) N. 59° 39' E. 100.00 feet to a railroad spike in the center of County Road No. 47; (2) N. 69° 41' E. 100.00 feet to a railroad spike in the center of County Road No. 47; (3) N. 86° 18' E. 117.59 feet to a railroad spike in the center of County Road No. 47, said point being the southeast corner of said 1.351 acre tract; thence S. 86° 31' E. 243.13 feet to a P-K nail in the center of County Road No. 47; thence N. 89° 02' E. 105.63 feet to a P-K nail in the center of County Road No. 47, said point being the true place of beginning for the tract herein being conveyed; thence N. 82° 23' E. 220.18 feet to a P-K nail in the center of County Road No. 47; thence N. 78° 40' E. 176.69 feet to a point on the line between Section 33 and Section 27 (the Southwest corner of Section 27 bears South 761.23 feet from said point in County Road No. 47); thence with the center of County Road No. 47 the following four (4) bearings and distances: (1) N. 78° 40' E. 123.85 feet to a P-K nail; (2) N. 74° 54' E. 265.36 feet to a P-K nail; (3) N. 77° 29' E. 271.35 feet to a P-K nail; (4) N. 74° 11' E. 64.72 feet to the southwest corner of a 1.10 acre tract as conveyed to Kathryn and Richard Dunfee by deed recorded in Volume 131, Page 165 of the Harrison County Deed Records; thence with the west line of said 1.10 acre tract N. 1° 17' E. 396.00 feet to a corner post; thence N. 71° 18' W. 753.45 feet to a point on the line between Section 33 and Section 27 (the Southwest corner of Section 27 bears South 1568.58 feet from said point); thence N. 71° 18' W. 413.30 feet to an iron pipe; thence South 873.76 feet to an iron pin; thence South 30.00 feet to the place of beginning, containing 17.99 acres, more or less, of which 9.82 acres is from the aforementioned 32.50 acre tract (located in Section 27), 7.07 acres is from the aforementioned 55.349 acre tract (located in Section 33), and 1.10 acres is from the aforementioned 1.10 acre tract (located in Section 33); but subject to all legal highways.

Parcel Numbers 20-0000040.000 & 20-0000041.000

DEED CHECKED FOR TRACT
DESCRIPTION CLOSURE ONLY
APPROVED X REJECTED
DATE 6/16/25 BY SL
HARRISON COUNTY ENGINEER

Exhibit "B"

R.J. SWEARINGEN P.S.
OHIO PROFESSIONAL LAND SURVEYOR

269 OLD STEUBENVILLE PIKE CADIZ, OHIO 43907
PHONE ~ 740-381-3244 E-Mail ~ rjsweARINGEN@hotmail.com

Property Description
1.066 Acre Parcel

Situated in the Township of North, County of Harrison and State of Ohio:

Being a part of the Southwest Quarter of Section (27), Township (12), Range (5) of the Old Seven Ranges and all of a 1.100 acre parcel of land (situated in Parcel # 60-0000330.000) conveyed to MYRTIN M & MARY ANN YODER as recorded in Official Record Volume (182), Page (426) of the Harrison County Deed Records, said tract of land being more particularly bounded and described as follows:

Commencing for reference at a stone found at the Northwest corner of the Southwest Quarter of Section (27) at the Northwest corner of a 22.670 acre tract of land conveyed to Robert M & Marlene M Bower, Thence South 29°28'29" East crossing said 22.670 acre Bower tract a distance of 1580.00 feet to an iron pin set said iron pin set being the Northeast corner and True Place of Beginning of the herein described parcel of land;

Thence South 01°15'06" West along the Westerly line of a 1.376 acre tract conveyed to Doug Scheaffer (Vol 274, Page 5809) and the Westerly line of a 0.630 acre tract conveyed to Dawn M Christy & Donna K Runt (Vol 277, Page 5035) (passing a 1" iron pipe found at 304.00 feet) a total distance of 329.00 feet to a point;

Thence South 76°09'04" West along the Northerly line of a 23.828 acre tract conveyed to Charles W Denham a distance of 132.40 feet to a point;

Thence North 01°10'36" East along the Easterly line of 9.820 acre tract conveyed to Robert M & Marlene Bower (passing an iron pin set at 65.00 feet) a total distance of 396.00 feet to an iron pin set;

Thence South 74°32'07" East along the Southerly line of said 22.670 acre Bower tract a distance of 132.40 feet to the Place of Beginning;

Containing an area of 1.066 acres, more or less.

Subject to all legal highways and any easements, restrictions, or reservations of record.

The basis of bearings contained herein was established from an orientation to Grid North of the Ohio State Plane Coordinate System North Zone 3401 ~ NAD 83 (2011) (Epoch: 2010) as determined by GPS observations.

All iron pins set are 5/8" x 30" reinforcing rod with identification cap stamped R.J.S. # 7162.

The above description prepared from a survey performed by R. J. Swearingen, Ohio Registered Surveyor # 7162, in June, 2025.

R.J. Swearingen P.S. ~ 12 June 2025



OHIO REGISTERED SURVEYOR # 7162

Exhibit "C"

BASIS OF BEARING

GRID NORTH LINE OF THE OHIO STATE PLANE
COORDINATE SYSTEM - OHIO NORTH ZONE 1401
NAD 83 (2011).

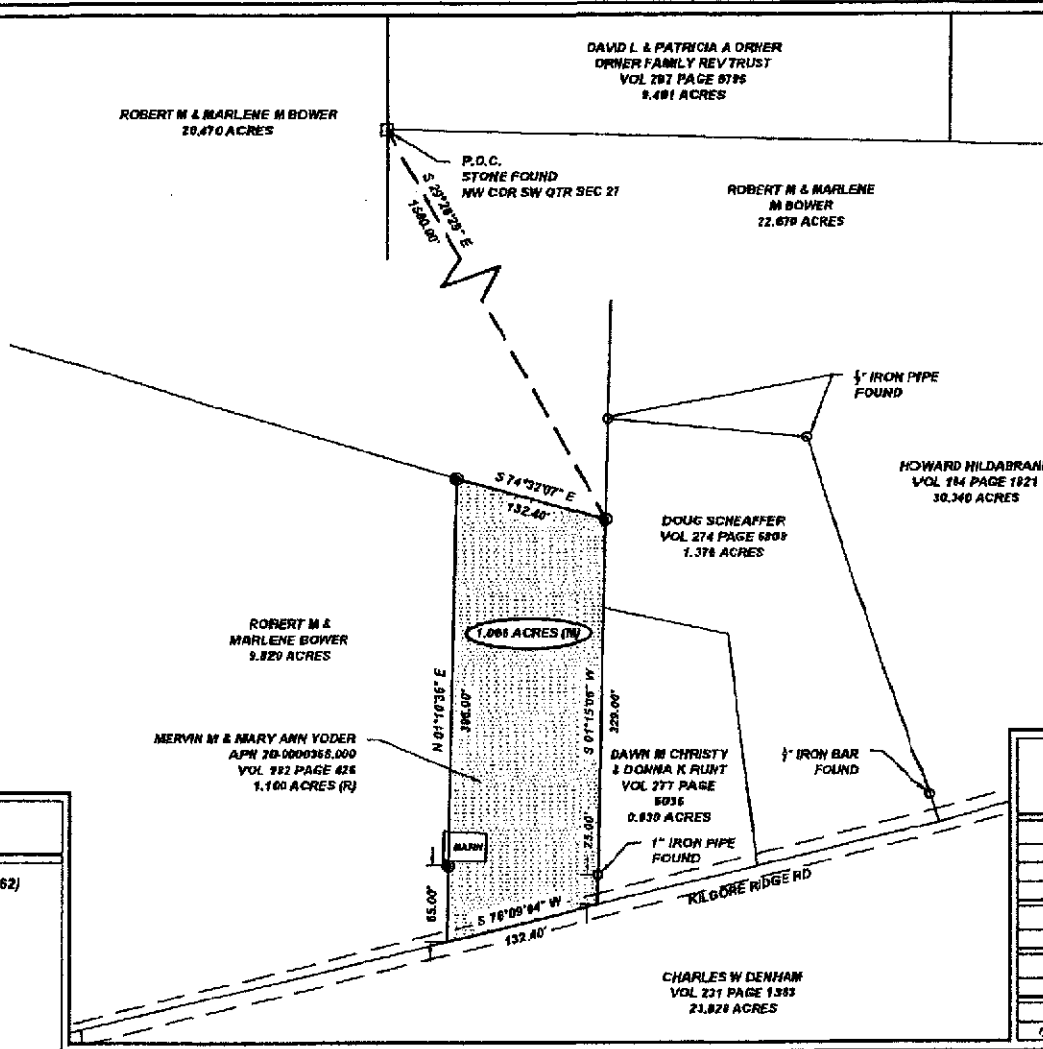
PERTINENT DOCUMENTS

DEED & PLAT RECORDS AS SHOWN.
HARRISON COUNTY GIS & TAX MAPS



LEGEND

- IRON BAR SET (5/8" x 30" REBAR W/ CAP # 7162)
- MONUMENTS FOUND AS NOTED
- (R) - SURVEY OR DEED RECORD
- (M) - MEASURED VALUE
- (C) - CALCULATED BEARING OR DISTANCE



I HEREBY STATE, THAT AS A DULY REGISTERED
LAND SURVEYOR UNDER THE LAWS OF THE STATE
OF OHIO, I HAVE SURVEYED THE LAND DELINEATED
HEREON AND THIS SURVEY REPRESENTS THE
MINIMUM STANDARDS FOR BOUNDARY SURVEYS
PURSUANT TO CHAPTER 4733-37 OF THE OHIO
ADMINISTRATIVE CODE.

R.J. Swearingen P.E.
OHIO REGISTERED SURVEYOR # 7162

PLAT OF SURVEY for MERVIN YODER

LOCATION	
TOWNSHIP OF NORTH	
SECTION (27) TOWNSHIP (12) RANGE (6)	
HARRISON COUNTY STATE OF OHIO	
PROPERTY OWNER	
MERVIN M & MARY ANN YODER	
DEED REFERENCE	
VOL (112) PAGE (426)	
12 JUNE 2025	SCALE: 1" = 100'
rswea@swearingen.com	DRAWN BY: R.J.S.



R.J. SWEARINGEN

PROFESSIONAL SURVEYOR

269 OLD STEUBENVILLE PIKE
CADIZ, OHIO 43907

PHONE [740-381-3244]