

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>216 JAMAICA AVENUE, LLC,</b>	)	CASE NO. 1:06CV1288
	)	
Plaintiff,	)	JUDGE BOYKO
	)	
v.	)	
	)	
<b>S &amp; R PLAYHOUSE REALTY CO.</b>	)	<b>PARTIES' FIRST SUBMISSION OF JOINT</b>
	)	<b>STIPULATED FACTS</b>
Defendant.	)	
	)	

The following joint stipulations of fact are offered on behalf of plaintiff 216 Jamaica Avenue, LLC ("216 Jamaica") and defendant S&R Playhouse Square Realty Co. ("S&R") for purposes of their motions for summary judgment.

1. Prior to February 2006, plaintiff had no ownership interest of any kind whatsoever in the Lease or any of the real estate that is the subject of this action.

2. The sum total paid by plaintiff for the transfer of and plaintiff's entire interest in the land (*see* Complaint ¶ 39), that is the subject of the Lease in this action was \$845,000.

3. S&R has paid \$35,000 in United States currency in annual rent under the Lease from 1982 to through January 1, 2006. 216 Jamaica rejected S&R's tender of \$8,750 for quarterly rent due on April 1, 2006.

4. Exhibit A of the Complaint is a true, correct, and authentic copy of the 1912 Lease ("Lease") pertaining to the real estate that is the subject of this action. Exhibit B of the Complaint is a true, correct, and authentic copy of 1912 Modification of Lease. Exhibit C of the

Complaint is a true, correct, and authentic copy of the 1982 Assignment and Assumption of the Lease entered into between the Halle Brothers Company and S&R.

5. Each of the following documents are true, correct, and authentic copies of the originals:
  - a. Certificates dated February 1, 1995 from Supplement of Pompano Realty Corp. to Marine Midland Bank (bates-labeled FCID 0413 to FCID 0416), November 25, 1997 from Halle Cleveland LLC to Marine Midland Bank (bates-labeled FCID 0409 to FCID 0412), December 20, 2001 from Halle Cleveland LLC to HSBC Bank USA (bates-labeled FCID 0393 - FCID 0395), December 14, 2004 from Halle Cleveland LLC to HSBC Bank USA, National Association (bates-labeled FCID 0400 to FCID 0404), and December 28, 2005 from Halle Cleveland LLC to HSBC Bank USA, National Association (bates-labeled FCID 0405 to FCID 0408).
  - b. Tenant Estoppel Certificates dated December 27, 1988 from Halle Office Building Limited Partnership to The Prudential Insurance Company of America (bates-labeled FCID 0003 to FCID 0012).
  - c. Deed dated February 7, 2006 (bates-labeled FCID 0396-FCID 0399).

Respectfully submitted,

/s/ David M. Lehn

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**CERTIFICATE OF SERVICE**

A copy of the foregoing Parties' First Submission of Joint Stipulated Facts was filed electronically on September 12, 2006. Notice of such filing will be made electronically by way of the Court's electronic notification system and parties may access the filing through the Court's system.

/s/ Gary L. Walters  
One of the Attorneys for Defendant S&R Playhouse  
Realty Co.