

IN THE COURT OF COMMON PLEAS  
 PROBATE DIVISION  
 CUYAHOGA COUNTY, OHIO

PROBATE COURT  
 FILED  
 AUG 25 2009  
 CUYAHOGA COUNTY, O.

THE CLEVELAND MUSEUM OF ART, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 KEYBANK NATIONAL ASSOCIATION )  
 (as Successor Trustee under Agreement with )  
 J.H. Wade dated July 8, 1920; as Successor )  
 Trustee under Agreement with J.H. Wade dated )  
 August 10, 1917; and as Trustee of the Trust )  
 established under the Last Will and Testament )  
 of John L. Severance dated January 31, 1935), )  
 et al., )  
 )  
 Defendants. )

CASE NO. 2009 ADV 0150224  
 JUDGE The Cleveland Museum of Art

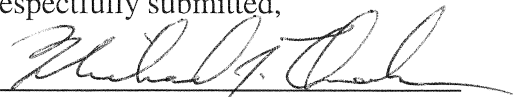
**WAIVER OF SERVICE OF PROCESS,  
 ENTRY OF APPEARANCE AND  
 ANSWER OF DEFENDANT,  
 KEYBANK NATIONAL  
 ASSOCIATION, TO THE COMPLAINT  
 FOR DECLARATORY JUDGMENT**

Now comes Defendant, KeyBank National Association (“KeyBank”), as Successor Trustee under Agreement with J.H. Wade dated July 8, 1920 (the “Wade Trust”), as Successor Trustee under Agreement with J.H. Wade dated August 10, 1917 (the “Garretson Trust”), and as Trustee of the Trust established under the Last Will and Testament of John L. Severance dated January 31, 1935 (the “Severance Trust”), and does hereby: (1) acknowledge that it has received a copy of the Complaint for Declaratory Judgment (the “Complaint”) in the above action, entitled *The Cleveland Museum of Art vs. KeyBank National Association (as Successor Trustee under Agreement with J.H. Wade dated July 8, 1920; as Successor Trustee under Agreement with J.H. Wade dated August 10, 1917; and as Trustee of the Trust established under the Last Will and Testament of John L. Severance dated January 31, 1935), et al.*; (2) waive service of process in the said action; and (3) enter its appearance in the said action.

For its Answer to the Complaint, KeyBank states that it has no genuine issue as to any material fact set forth in the Complaint that relates to the Wade Trust, the Garretson Trust or the Severance Trust.

WHEREFORE, KeyBank, having fully answered, consents to the relief prayed for in the Complaint insofar as such relief relates to KeyBank and prays that (a) KeyBank not be held responsible for any costs in this action and (b) such other and further relief as this Court deems just and appropriate.

Respectfully submitted,



Michael J. Thacker, Esq. (0011150)  
Sr. Vice President and Managing Counsel  
KeyBank National Association  
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*Attorney for Defendant,  
KeyBank National Association (as  
Successor Trustee under Agreement with  
J.H. Wade dated July 8, 1920; as  
Successor Trustee under Agreement with  
J.H. Wade dated August 10, 1917; and as  
Trustee of the Trust established under the  
Last Will and Testament of John L.  
Severance dated January 31, 1935)*

**CERTIFICATE OF SERVICE**


A copy of the foregoing Waiver of Service of Process, Entry of Appearance and Answer of Defendant, KeyBank National Association, to the Complaint for Declaratory Judgment has been sent by regular U.S. Mail this 25<sup>th</sup> day of August 2009, to the following:

Stephen J. Knerly, Jr., Esq.  
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*Attorneys for Plaintiff,  
The Cleveland Museum of Art*

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*Attorney for Defendant, Richard Cordray,  
Attorney General for the State of Ohio*

  
\_\_\_\_\_  
Michael J. Thacker, Esq. (0011150)

*Attorney for Defendant, KeyBank National  
Association (as Successor Trustee under  
Agreement with J.H. Wade dated July 8, 1920;  
as Successor Trustee under Agreement with  
J.H. Wade dated August 10, 1917; and as  
Trustee of the Trust established under the Last  
Will and Testament of John L. Severance dated  
January 31, 1935)*