

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

**IN RE:
SOUTHDOWN, INC., LITIGATION,**

Case No. C-3-93-270

Judge Walter Herbert Rice

AFFIDAVIT OF SUSAN M. LANNING

I, Susan M. Lanning, having been duly sworn, do state the following:

1. I am the legal intern of the Shostak Law Office in Athens, Ohio.
2. On February 10, 1998, I called the Ohio Secretary of State, Corporations Divisions.
3. The operator, Teresa K., gave me information for two companies.
4. I was told that Dirtvest, Ltd., was a limited liability company from Dayton, established on August 8, 1997, and set to expire on December 21, 2030.
5. I was told the agent of Dirtvest, Ltd., is Jacob Myers, who address is 18 West

Shostak Law Office
 14 North Court Street
 Suite 301
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First Street, Suite 200, Dayton, Ohio 45402.

6. I was told Dirtvest's, Ltd.'s charter number is 605686.

7. I was told that Kohnen, Associates, Inc., is a corporation from Dayton, Ohio.

8. I was told Kohnen, Associates, Inc., was incorporated on December 21, 1982.

9. I was told the agent for Kohnen, Associates, Inc., is Anthony Kohnen, at 3261 Ridgeview Avenue, Dayton, Ohio 45409.

10. I ordered copies of the Articles of Incorporation for Kohnen, Associates, Inc., and Dirtvest, Ltd.

11. I was told the articles would take between ten business days and three weeks to arrive.

12. On February 19, 1998, I called the Secretary of State's office, Corporations Division.

13. I asked for the corporate information concerning 444-Sandhill, Inc.

14. I was told that 444-Sandhill, Inc., is an Ohio corporation in good standing.

15. I was told 444-Sandhill, Inc.'s charter number is 992435.

16. I was told 444-Sandhill, Inc., was incorporated on September 26, 1997.

17. I was told the agent and sole incorporator is Adam J. Biehl of 18 West First Street, Suite 200, Dayton, Ohio 45402.

18. I ordered a copy of the Articles of Incorporation for 444-Sandhill, Inc., and

was told it would arrive in ten working days.

Further Affiant sayeth naught.

Susan M. Lanning
Susan M. Lanning

Notary

Sworn to, and subscribed before me, this 2nd day of March, 1998.

Deborah L. Givens
Notary Public

C:\DOCPLE\A\ENV\GEC Lanning Affidavit

Deborah L. Givens
Notary Public, State of Ohio
My Commission Expires October 4, 2001

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