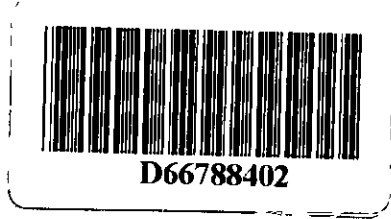


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DSF

Patrick M O'Neill (0062519)
Edward P Akin (0074357)
Attorneys for Defendants Meyer Builders/ Douglas Homes, LTD

**NOTICE OF APPEAL TO THE
COURT OF APPEALS FROM AN
APPEALABLE ORDER**



**COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO**

BRIAN L. OSWALD, ~~ET AL~~
*Angela M. Oswald
Constance M. Smith*
Plaintiffs/Appellees,

v.

**MEYER BUILDERS/DOUGLAS HOMES
LTD.,**
Defendants/Appellants

CASE NO.: A0508601
JUDGE **HELMICK**
GRACIE / HASTMANN
CLERK OF COURTS
HAMILTON COUNTY
OH
2006 JAN 13 P 2:29
FILED
NOTICE OF APPEAL

Defendant-Appellant Meyer Builders/Douglas Homes, LTD ("Appellant") hereby gives notice that it appeals to the Court of Appeals, Hamilton County, Ohio, First Appellate District from the Order of the Hamilton County Common Pleas Court denying Appellant's Motion to Stay Proceedings Pending Arbitration entered in this action on the 10thth day of January, 2006 (attached hereto as Exhibit "A") Said Order is final and appealable pursuant to Ohio Rev Code §2711 02(C)

Respectfully submitted,

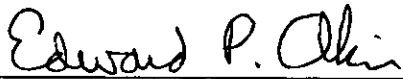
Edward P. Akin

Patrick M O'Neill (0062519)
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ARONOFF, ROSEN & HUNT
2200 U S Bank Tower
425 Walnut Street
Cincinnati, Ohio 45202
Telephone (513) 241-0400
Facsimile (513) 241-2877
*Attorneys for Defendant/Appellant Meyer Bldrs
Douglas Homes LTD*

ORIG, COMP, PARTIES, SUMMONS
 CERT MAIL SHERIFF WAVE
 PROCESS SERVER NONE
CLERKS FEES 85.00 TIC
SECURITY FOR COST _____
DEPOSITED BY 02519, 74357
FILING CODE A-101

CERTIFICATE OF SERVICE

I hereby certify that a true copy of Notice of Appeal has been served upon Courtney A Caparella, Esq , *Attorney for Plaintiffs*, 8310 Princeton Glendale road, West Chester, OH 45069 via U S Ordinary Mail on this 14th day of January, 2006



Edward P Akin



D66757717

ENTERED
JAN 11 2006

ENTER

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

JAN 10 2006
Dennis S. Helmick
DENNIS S. HELMICK, Judge
1/10/06

Brian L. Oswald, et. al.,

Case No. A0508601

Plaintiffs,

JUDGE: HELMICK

vs.

**ENTRY DENYING DEFENDANT'S
MOTION TO STAY LITIGATION
PENDING ARBITRATION**

Meyer Builders-Douglas Homes Ltd., et al.

Defendants.

Defendant Meyer Builders/Douglas Homes, LTD, ET AL. has moved this Court for an order dismissing and/or staying this action pending commencement of arbitration proceedings. For good cause shown, Defendant's Motion to dismiss and/or Stay these proceedings pending the commencement of arbitration is denied.

COURT OF COMMON PLEAS
ENTER
Dennis S. Helmick 1/10/06
HON. DENNIS S. HELMICK
THE CLERK SHALL SERVE NOTICE
TO PARTIES PURSUANT TO CIVIL
RULE 59 WHICH SHALL BE TAXED
AS COSTS H. F. P.

JUDGE HELMICK

TO THE CLERK: Please send Copies of the following to:

Edward P. Akin, Attorney for Defendant, 2200 U.S. Bank Tower, 425 Walnut Street,
Cincinnati, Ohio 45202

Courtney N. Caparella, Attorney for Plaintiffs, 8310 Princeton Glendale Road, West Chester,
Ohio 45069

EXHIBIT