

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

#1 COURT SQUARE, SUITE 203  
PARKERSBURG, WV 26101

IN RE: MINUTES OF MEETING HELD  
THURSDAY, JULY 21, 2016

PRESENT: STEPHEN GAINER, PRESIDENT  
DAVID BLAIR COUCH, COMMISSIONER  
ROBERT K. TEBAY, COMMISSIONER

At 9:30 A.M., the County Commission of Wood County met in regular session. They signed purchase orders, invoices and other correspondence.

**AGENDA AND DISCUSSION ITEMS**

At 9:30 A.M., the County Commission held a hearing in regard to the Hazel M. Heater estate. Kimberly Middleton and Katherine Feorene, heirs, were present and were objecting to the Final Settlement that the Administrator, Dennis L. Heater filed. After testimony, this hearing was continued generally. (Probate Order)

At 10:15 A.M., the County Commission held a hearing in regard to the William Cowher estate. Harriet Wallach, Administratrix of the estate, by her Attorney Gerald Townsend, presented a motion to approve her Preliminary and Final Report and discharge her from her duties. The County Commission Ordered that the Final Report be approved and she is discharged from her duties. (Probate Order)

At 10:45 A.M., the County Commission held a hearing in regard to the Jimmy Dale Lowther estate to address the request to have Barbara Lowther, Administratrix removed as Administratrix. After testimony from Attorney Daniel Douglass, the County Commission

determined that Barbara Lowther, Travis Lowther and Barbara Lowther were not notified by Certified Mail of today's hearing. The County Commission Ordered that the hearing be rescheduled for Thursday, September 15, 2016 at 9:30 A.M. (Probate Order)

**ORDERS APPROVED AND ATTACHED TO THESE MINUTES**

M/3422, Probate Orders

Having no further scheduled appointments or business to attend to, the County Commission adjourned at 11:02 A.M.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
\_\_\_\_\_  
Stephen Gainer, President

  
\_\_\_\_\_  
David Blair Couch, Commissioner

  
\_\_\_\_\_  
Robert K. Tebay, Commissioner

To listen to this meeting, please refer to DVD labeled July 21, 2016.

Wood County Commission Meeting  
Held July 21, 2016

Please Print

1.	Kim Middleton
2.	Katherine Feorene
3.	Dennis Heater
4.	George Amick
5.	GERALD W. Townsend
6.	Tracey Steed
7.	Daniel B Douglass II Esq (WVDHHRBSE)
8.	
9.	
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Wood County Commission  
Agenda

07/21/2016

1 Court Square, Suite 203  
Parkersburg, WV 26101

9:30 A.M.	Hazel M. Heater estate – heirs objecting to final settlement	Kimberly Middleton and Katherine Feorne
10:15 A.M.	William Cowherd estate – consider request to have claims disallowed	Gerald Townsend, Attorney
10:45 A.M.	Jimmy Dale Lowther estate – Request to have administrator removed	Daniel Douglass, Attorney
	Administrator's Report	Marty Seuffer, County Administrator
	County Commission Reports	

Discussion, Review and Approval of expenditures and disbursements identified on Exhibit 1, hereto attached

Correspondence for this meeting will be available for public review during regular office hours in Room 205 of the Wood County Courthouse two (2) days prior to the meeting



**Exhibit I**

Discussion, Review and Approval of the following items may be included during this meeting and are available for public inspection in the Office of the County Administrator two days prior to this meeting.

Budget revisions

Purchase orders and requisitions

Revisions, reimbursement requests, resolutions and correspondence for grants

Grant disbursements to other entities

Invoices for expenditures to be paid

Reimbursements for travel expenses

Bid specifications and procedures for bids previously authorized by the Commission

Monthly Hotel Occupancy Tax Collection disbursements

Disbursements for previously approved Innovative Programming Grants

Tax refunds, exonerations, improprieties and consolidations

Probate items, including settlements, petitions and Fiduciary Commissioner reports

General Fund disbursements to entities

Funding requests from local organizations by written form

Payroll modification as submitted by elected officials

JULY 21, 2016

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION AUTHORIZED STEPHEN GAINER, AS PRESIDENT, TO SIGN THE REQUEST FOR REIMBURSEMENT IN REGARD TO THE COMMUNITY CORRECTIONS GRANT NUMBER 16-CC-26. SAID REQUEST IS IN THE AMOUNT OF \$47,538.89

**ORDER**

On this date, the County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by David Blair Couch and made unanimous by Stephen Gainer, did hereby AUTHORIZE Stephen Gainer, in his official capacity as President and on behalf of the County Commission, to sign the Request for Reimbursement in regard to the Community Corrections Grant Number 16-CC-26. Reimbursement is in the amount of forty-seven thousand five hundred thirty-eight dollars and eighty-nine cents (\$47,538.89) for the month of June, 2016. In addition to the Request for Reimbursement, the Time Sheets for employees of the Wood County Day Report Center, the Monthly Project Director's Report, the Financial Recap and the Project Financial Reports are being submitted to the Criminal Justice Services, Charleston, West Virginia.

A copy of the Request for Reimbursement is attached to this ORDER and should be made a part thereof.

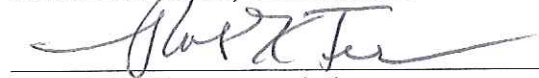
Documentation pertaining to the Community Corrections Grant is on file in the Office of the County Administrator.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
Stephen Gainer, President

  
David Blair Couch, Commissioner

  
Robert K. Tebay, Commissioner

<b>WEST VIRGINIA</b> <b>Division of Criminal Justice Services</b>	<b>Request for Reimbursement</b>
----------------------------------------------------------------------	--------------------------------------

<b>RECEIVED</b> <b>(For DCJS Use Only)</b>	Subgrantee: Wood County Commission
	Address: One Court Square, Suite 203 Parkersburg, WV 26101
	Project #: 16-CC-26
	FEIN#: 556 000 417
	Funds are hereby requested to cover expenditures FROM: 6/1/16 TO: 6/30/16

**PROJECT CASH EXPENDITURES**

CATEGORY	AMOUNT
Personnel/Contractual	\$47,533.89
Travel/Training	-0-
Space	-0-
Other	-0-
Equipment	-0-
<b>TOTAL</b>	<b>\$47,533.89</b>

**CERTIFICATION:**

I certify that this report presents actual receipts and expenditures of funds for the period covered and for the total grant budget to date, made in accordance with the approved budget for this grant.

All documentation is available at our office.

BY: Stephen Gainer, President, Wood County Commission  
TYPED NAME & TITLE  
(Authorized Official or Grant Financial Officer ONLY)

  
SIGNATURE 7/21/16  
DATE

DCJS USE ONLY	
<b>ADMINISTRATIVE APPROVAL:</b>	
This request is approved in the amount of \$ _____ <div style="display: flex; justify-content: space-around; width: 100%;"> <span>Initials</span> <span>Date</span> </div>	
Pursuant to the authority vested in me, I certify that this request is correct and proper for payment.	
_____ Date	_____ Program Accountant

Mark Rhodes  
Wood County 12:43:54 PM  
Instrument No 8715809  
Date Recorded 07/21/2016  
Document Type CDD  
Page Recorded 2  
Book-Page 71-802



# ORDERS-Wood County Commission, West Virginia

24

MONDAY, JULY 18, 2016  
THIRD Day

JULY Term,

JULY 20 16

CASTO & HARRIS, INC., SPENCER, WV RE-ORDER NO. 3423-09

in due form.

In accordance with Chapter 44, Article 1, Section 14 of the West Virginia Code, of 1931, as amended, effective July 9, 1993, the Personal Representative, after first being duly sworn, shall make a true and accurate appraisal of the Estate of DONALD BAILEY, deceased, both real and personal, and will make their return thereof as required by law.

No reference is made to a Fiduciary Commissioner, for settlement, in this Estate.

IN RE: ESTATE OF PAULINE SIMMONS, DECEASED

This day came LARRY BURL SIMMONS, who was, by the last Will and Testament of PAULINE SIMMONS, deceased, named therein to qualify as EXECUTOR, without bond, of said Will. Burl Hayden Simmons, now deceased was named to serve first in the last Will and Testament of PAULINE SIMMONS.

It appearing to this Commission that LARRY BURL SIMMONS, be and he is hereby qualified as such EXECUTOR, and entered upon the discharge of said trust, without bond, as provided by said Will.

Letters testamentary are hereby granted the said LARRY BURL SIMMONS, upon the Estate of PAULINE SIMMONS, deceased, in due form.

In accordance with Chapter 44, Article 1, Section 14 of the West Virginia Code, of 1931, as amended, effective July 9, 1993, the Personal Representative, after first being duly sworn, shall make a true and accurate appraisal of the Estate of PAULINE SIMMONS, deceased, both real and personal, and will make their return thereof as required by law.

No reference is made to a Fiduciary Commissioner, for settlement, in this Estate.

There appearing no further business to claim the attention of this Commission, it is hereby ordered that this Commission, do now adjourn to meet in Regular Session, Thursday, July 21, 2016, at 9:30 o'clock A. M.

  
President

JULY TERM

THURSDAY, JULY 21, 2016  
FOURTH DAY

JULY 2016

At a Regular Session of the County Commission, continued and held for the County of Wood, at the Courthouse thereof, Thursday, July 21, 2016, Present, Steven Gainer, President of said Commission, and David Blair Couch and Robert K. Tebay, Commissioners.

The orders and proceedings of the previous session of this Commission, held on Monday, July 18, 2016, were read before the County Commission, approved and ordered signed.

IN RE: ESTATE OF HAZEL MARIE HEATER, DECEASED. (HEARING CONTINUED GENEARELLY)

This day came Kimberly M. Middleton and Katherine Lynn Feorene, heirs to the Estate of HAZEL MARIE HEATER, deceased, before the County Commission, in regard to hearing held Thursday, July 21, 2016, at 9:30 o'clock A. M., objecting to the Final Settlement that DENNIS L. HEATER, ADMINISTRATOR of the Estate of HAZEL MARIE HEATER, deceased.

It further appearing to the County Commission, that after hearing the information that was presented before them, that the hearing should be continued generally.

IN RE: ESTATE OF WILLIAM COWHERD, DECEASED. (ORDER COUNTY COMMISSON-DISALLOW CLAIMS)

ORDER

This 21st day of July, 2016, came HARRIET K. WALLACH, Administratrix of the Estate of WILLIAM JEROME COWHERE, JR., Deceased, and presented her Motion to approve her Preliminary and Final Report as Administratrix, Discharge her from further duty as Administratrix, to release her bond and discharge the Surety thereon, and to Close the Estate.

Appearing on behalf of movant was her attorney, Gerald W. Townsend.

## Findings of Fact

From the records and evidence at hearing the County Commission finds the following facts to be true:

1. The probate estate of WILLIAM JEROME COWHERD, JR., Deceased, consisted solely of real estate and tangible personal property having total value of \$2,361.00;
2. The Administratrix exhausted all of the assets of the probate estate by payment of the following debts of the estate in their proper statutory priority:

CLASS 1 PRIORITY- Costs of Administration \$1,240.84

CLASS 2 PRIORITY Reasonable Funeral Expenses

Total funeral bill was \$2,182.99, of which \$1,120.16 was paid

from Estate funds and the balance of \$1,062.33 was paid by

contribution of Administratrix from her separate personal funds. 1,120.16

TOTAL CLASS ONE AND CLASS TWO PRIORITY

DISBURSEMENT FROM PROBATE ESTATE ASSETS

\$2,361.00

3. The following Claims were filed by the following Creditors of the Estate, all of which are of Class 7 Priority: "All Other Claims".

Claimant

Amount of Claim

1. Harriett Wallach, Administratrix (unreimbursed funeral contribution)

23538 Duffield Road

Shaker Heights, OH 44122

\$ 1,062.33

2. Melody Sandusky (Spousal support)

1502 Loomis Ridge Road

Parkersburg, WV 26104

48,622.03

3. L. C. Horner Welding, Inc. (Welding and work on truck)

Jeffrey Paul Horner, President

1841 Staunton Turnpike

Parkersburg, WV 26104

1,158.05

Total Unpaid Claims Against Estate for which the estate has no funds to pay

\$53,203.41

4. Administratrix served Notice of the hearing on Motion of Administratrix, together with a copy of the proposed Preliminary and Final Report of Administratrix, by Certified Mail, Return Receipt Requested upon the beneficiaries of the estate other than the Administratrix and upon all unpaid creditors who filed Proofs of Claim, such notice being addressed at his, her, or its proper address.



Conclusions of Law

The Commission makes the following Conclusions of Law:

1. This estate is insolvent.
2. The Administratrix has applied the assets of the Probate Estate to payment of debts of the estate in their proper priority of payment as required by West Virginia Code Section 44-2-21.
3. The filed but unpaid Claims of Harriet K. Wallach (Administratrix); Melody Sandusky (Spousal support); L. C. Horner Welding, Inc (welding and work on truck) are of inferior priority to the debts of the estate which were paid. The estate is insolvent; said unpaid Claims should be abated; this estate should be closed without payment or release of said filed Proofs of Claim because there are no assets in the probate estate from which to pay said claims; the First and Final Report of the Administratrix should be approved, the Administratrix should be released from further duty, her bond and surety thereon should be released, and this estate should be closed.

Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commission does hereby ORDER:

1. The Final Report of Harriet K. Wallach, Administratrix of the Estate of WILLIAM JEROME COWHERD, JR., Deceased, is approved;
2. The unpaid claims of creditors, all of which are Class Seven Claims, listed in the Findings of Fact above, are abated, subject to revival in the event the estate acquires assets;
3. The Administratrix is discharged from further duty as such;
4. The bond of the Administratrix and the Surety thereon are hereby released; and
5. The Estate of William Jerome Cowherd, Jr., Deceased, is closed.

ENTER this 21st day July, 2016.

Stephen E. Gainer

Commissioner

David Blair Couch

Commissioner

Robert K. Tebay

Commissioner

Order submitted by

s/ Gerald W. Townsend

Gerald W. Townsend

Counsel for Administratrix, HARRIET K. WALLACH

Fluharty & Townsend

417 Grand Park Drive, Suite 101,

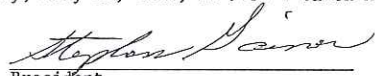
Parkersburg, WV 26105

IN RE: ESTATE OF JIMMY DALE LOWTHER, DECEASED (ORDER COUNTY COMMISSION-HEARING CONTINUED)

This day came DANIEL B. DOUGLASS, ATTORNEY, in regard to a hearing held on Thursday, July 21, 2016, at 10:45 o'clock A. M., requesting that BARBARA G. LOWTHER, ADMINISTRATRIX of the Estate of JIMMY DALE LOWTHER, deceased, be removed as ADMINISTRATRIX. Now the County Commission, finds after hearing testimony from DANIEL B. DOUGLASS, ATTORNEY, determines that the said BARBARA G. LOWTHER, ADMINISTRATRIX of the Estate of JIMMY DALE LOWTHER and Travis Lowther and Barbara G. Lowther, heirs to said Estate was not notified by certified mail, of said hearing.

Therefore, it is determined that DANIEL B. DOUGLASS, ATTORNEY must notify said Administratrix and heirs, by notarized letter, by certified mail, that there will be a hearing held Thursday, September 15, 2016, at 9:30 o'clock A. M.

There appearing no further business to claim the attention of this Commission, it is hereby ordered that this Commission, do now adjourn to meet in Regular Session, Monday, July 25, 2016, at 9:30 o'clock A.M.

  
President