

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD, THURSDAY,
APRIL 5, 1990

PRESENT: PRESIDENT, LEWIS E. GUINN
COMMISSIONER, STEVEN A. GRIMM
COMMISSIONER, HOLMES R. SHAVER

The County Commission met in regular session on this date, the Commission signed purchase orders, invoices, correspondence and three impropers.

The County Commission received the fully executed agreement with the West Virginia Division of Human Services in regard to the Community Work Experience Program (CWEP). An Order was prepared for this matter.

On this date, the County Commission of Wood County signed a Resolution for the Naming of the New United States Army Reserve Armory as "The Virgel Gainer Armory".

At 10:00 a.m. the Commission held an Alleged Incompetency Hearing for Beulah T. Doak, the Attorney was Joe McFarland, the Guardian Ad Litem was Gerald Townsend. The Petitioner was Katherine Leatherman. The witness was sworn in. Ms. Leatherman testified that her aunt resided at the Arlington Personal Care Facility since September, 1989. Mrs. Doak is a partner/shareholder in the Mackee Corp. She is unable to care for herself or her business affairs. Mrs. Doak has been diagnosed with bone cancer and suffers from hallucinations. An affidavit from Dr. Shaw, her attending physican, is in the file. The Guardian Ad Litem, Gerald Townsend tendered his answer and testified that he agreed with the testimony given and that he recommended Mrs. Leatherman to be appointed as Committee. Commissioner Grimm made the motion that Beulah T. Doak be declared incompetent seconded by Commissioner Shaver and made unanimous by President Guinn. The Commission then heard testimony in regard to the appointment of a Committee. Mrs. Leatherman testified that her aunt has two houses in Doddridge County, around \$31,000.00 in stocks and securities and a Certificate of Deposit in the amount of \$20,000.00. Commissioner

Grimm made the motion that Mrs. Leatherman be appointed Committee, Commissioner Shaver seconded and President Guinn made it unanimous. A Corporate Surety Bond will be posted in the amount of \$120,000.00. The Order will be filed today. The hearing ended at 10:14 a.m.

At 11:00 a.m. the Commission held an Alleged Incompetency Hearing for Veryl W. Boette. The Attornies were William Crichton and Joe Brown. Also present was the Petitioner Paul Boette, Kenneth Himelrick, Kathy Ferrell, from United National Bank and several family members. The witnesses were sworn in.

Joe Brown tendered the affidavit from Mr. Boette's attending physician making it appropriate to declare him incompetent. The Guardian Ad Litem filed his answer. Commissioner Grimm made the motion, Commissioner Shaver seconded and President Guinn made it unanimous that Veryl W. Boette be declared incompetent.

The Commission then heard testimony in regard to the appointment of Committee. Mr. Himelrick testified that he has operated under the Power of Attorney for Veryl Boette since December, 1987. He has helped Veryl with his mail, checking account and Certificate of Deposit Accounts. After a surgery in March, 1988, Veryl moved into the Arlington Personal Care Facility. At this time, an Agreement between Kenneth Himelrick and Veryl Boette was typed up stating that Veryl would pay Kenneth Himelrick \$25.00 per week plus mileage. Mr. Himelrick would take Veryl to church and out to dinner through out the week along with other errands.

After Veryl's wife died in March, 1986, Veryl had Beryl Cunningham execute his will. (There was some discussion in regard to giving the Will to Paul Boette. The Guardian Ad Litem stated that the Will was not a matter of public record yet.)

Mr. Boette has Certificate of Deposit in his name and Don Lane's and in Mr. Boette's and Kenneth Himelrick's. These Certificate of Deposits were

put in two names to protect Veryl. Kenneth Himelrick stated that he did not claim half and he believed that Don Lane felt the same. There is a savings account at Commerical Bank in Veryl's name only, with a balance of \$5,000.00. (There was more discussion in regard to the Will.)

James W. Bradley was called to testify. Mr. Bradley is an Attorney and he stated that Veryl had consulted with him on some matters in the past. He testified that he wrote the Will that Beryl Cunningham executed. He further stated that he believed that the Certificate of Deposit's that were in Don Lane's name was in name only/that he believed Don felt that way also.

Marie Boette, Veryl's aunt testified that she visited with Veryl and that Paul and Veryl were brothers. She said that they had been close when they were younger.

Dr. Vincent, Jr. was called to testify. Dr. Vincent stated that he had treated Veryl since October 1987. He stated that he had met with Kenneth Helmerick and had talked with him about Veryl's condition. Dr. Vincent further stated that Veryl was senile and was not able to recount things from memory. Attorney Crichton stated that Dr. Vincent had seen Veryl two months before the Power of Attorney was executed. Dr. Vincent stated that in his opinion the symptoms have existed for a year but could not say for certain. Dr. Vincent further stated that he had spoken to Paul Boette on one occasion in regard to Veryl's condition.

The Commission recessed for ten minutes. The Commission returned at 12:37 p.m. The Commission jointly moved that Kenneth Helmerick be appointed as Committee for the person of Veryl W. Boette and The Commerical Bank Trust Department be appointed Committee of the Estate of Veryl W. Boette. Commissioner Grimm made the motion, Commissioner Shaver seconded and President Guinn made it unanimous. The Order will state that the true owner of the Certificate of Deposits is Veryl Boette. The meeting ended at 12:38 p.m. The file in

this matter is in the Probate Office.


Also this morning the Commission witnessed the swearing in of Greg Higgins to the Wood County Commission on Crime and Delinquency Commission.

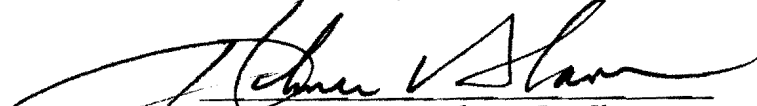
Having no other scheduled appointments or further business to attend to, the Commission adjourned at 12:40 p.m.

Approved:

COUNTY COMMISSION OF WOOD COUNTY


President, Lewis E. Guinn


Commissioner, Steven A. Grimm


Commissioner, Holmes R. Shaver