

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD  
MONDAY, JULY 17, 1995

PRESENT: STEVEN A. GRIMM, PRESIDENT PRO TEM  
HOLMES R. SHAVER, COMMISSIONER

ABSENT: JEAN GRAPES, PRESIDENT

On this date, the County Commission met in regular session. They signed purchase orders, invoices and other correspondence.

On this date, the County Commission approved an Exoneration for William A. & Maralu K. Barron - Clay District.

On this date, the County Commission approved Personal Property Improvers for John R. & Mary K. Biddle - Walker District; Michael S. Church - City District; Michael William Phillips - Union District; Sheryl L. Fulmer - Harris District; Denzil Goodnight, II - Walker District and Stephen A. and Patsy J. DeBarr - Vienna District.

At 10:00 A.M., the County Commission visited the WV Interstate Fair and Exposition in Mineral Wells.

At 2:00 P.M., the County Commission held a hearing in regard to the estate of Mary Alice Murphy. Sandy Furbee, daughter of Mary Murphy, was present and asked if the Commission had received a letter from her sister, Barbara Capelson, who lives out of town. Ms. Furbee read a statement and also presented a copy to the Commission (a copy of which is attached). Ms. Furbee asked the Commission to explain what a Fiduciary Commissioner was for. Jamie Six, County Clerk, explained this to Ms. Furbee. Deborah Murphy stated that this all began because of a "hell of a fight"; things were said that were ridiculous; her two sisters have made their lives most difficult; her

brother, Michael has lived in the house for probably twenty years; when something broke, he fixed it; she is embarrassed and regretful of this situation and it has got completely out of hand; Jim has tried to please; they were given cart blanche; the will states exactly what she wanted carried out. Michael Murphy stated that a lot of the things in his mother's house belongs to his wife, that she brought in. Ms. Furbee stated that none of that is in question. James Murphy stated that everyone was allowed to go in and get what they wanted; Michael only took what belonged to him; why do you care about what is left; we have an appraisement. Deborah Murphy stated that they have asked them (two sisters) to express what they want, they can't say what they want; they live out of town and I think they are very upset over their mother's death. Ms. Furbee read a list of things that she wants answered. Michael Murphy stated that he offered to buy the trailer. More discussion took place. James Murphy stated that he was given the deed by his mother, but he never executed it; he gave it back to his mother, it is now in the estate. Michael Murphy stated that the home would be too much trouble to take care of just for someone to come in once in a while and say let me see what you've done. James Murphy stated that the race track is for sale. Ms. Furbee stated that she cannot appraise a race track or the doublewide trailer; what is in question, is Jim's statement in his capacity as Executor is that "we don't have to maintain ----, we can do anything we want, we can do it to anything"; you don't know what is said in anger and what is said is truth. James Murphy stated that the race track is for sale. The County Commission adjourned to

discuss this matter. Commissioner Shaver stated that the Commission are not attorneys and won't pass any legal advice on to them, but will offer recommendations, but will request an appraisal be submitted within thirty days on the personal and real property. Jamie Six explained how to put value on the assets. Commissioner Shaver stated that whatever Michael can validly prove is his, doesn't go into the estate. Commissioner Shaver informed Sandy Furbee that she has access to the doublewide; there are many things on the list Ms. Furbee submitted, that is between the heirs (they are marked n/a on said list); we would only refer it to a Fiduciary Commissioner in the event that the appraisal is not filed in a timely manner. Jamie Six stated that it may have to be referred due to the assets being over \$50,000.00. James Murphy stated that it would be over \$50,000.00. More discussion took place. Upon a motion made by Holmes R. Shaver, seconded by Steven A. Grimm and passed, the County Commission Ordered that James Murphy be requested to submit an appraisal in the estate of Mary Murphy on or before August 17, 1995.

On this date, the County Commission of Wood County was in receipt of a check in the amount of one thousand two hundred seventeen dollars and ten cents (\$1,217.10) from the State of West Virginia in which the amount of four hundred eighty dollars and no cents (\$480.00) represents reimbursement to Wood County for expenses incurred during the month of May, 1995 in regard to the Juvenile Justice and Delinquency Prevention Grant Number 94-JJ-7-013. Receipt of said check is pursuant to an Order appearing in Order Book 55, at Page 253 and bearing the date of June 19, 1995 at which time the

Request for Reimbursement was signed by Jean Grapes, President of the Wood County Commission. All documentation pertaining to the said Juvenile Justice and Delinquency Prevention Grant is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

On this date, the County Commission of Wood County was in receipt of a check in the amount of one thousand two hundred seventeen dollars and ten cents (\$1,217.10) from the State of West Virginia in which the amount of seven hundred thirty-seven dollars and ten cents (\$737.10) represents reimbursement to Wood County for expenses incurred during the month of May, 1995 in regard to the Drug Control and System Improvement Grant Number 94-DC-049. Receipt of said check is pursuant to an Order appearing in Order Book 56, at Page 253 and bearing the date of June 19, 1995 at which time the Request for Reimbursement was signed by Jean Grapes, President of the Wood County Commission. All documentation pertaining to the said Drug Control and System Improvement Grant is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

Having no further scheduled appointments or business to attend to, the County Commission adjourned at 4:00 P.M.

Approved:

THE COUNTY COMMISSION OF WOOD COUNTY

  
Steven A. Grimm, President Pro Tem

  
Holmes R. Shaver, Commissioner

PURCHASE ORDERS SIGNED ON JULY 17, 1995

No. 20117	Stuart Oil Company	\$ 3,677.71
20122	Stuart Oil Company	2,297.30
20158	Anderson Distributing	39.00
20159	Miller Communications	144.70
20162	Easton Printing Company	98.71
20164	Broadwaters Motorcar	131.98
20167	Broadwaters Motorcar	9.41
20178	Parkersburg Office Supply	112.64
20192	Broadwaters Motorcar	4,500.00
20197	U.S. Postmaster	30,000.00

1) Appraise all personal property on farm and in house or provide offer of proof of ownership and account for any missing property

2) Allow me access to double wide until such time as it is disposed of in some agreed upon manner,

3) Determine ownership of lot upon which double wide is situated,

4) Clarify the stock and mortgage of Ohio Valley Racetrack.

5) Provide liability insurance/waver of liability for Racetrack/Farm

6) Provide access to documents currently held by Jim Murphy

7) Reach an agreement for maintenance of properties and disallow any destruction of personal property

8) Establish a trust at the expense of Michael and Jim that would provide for the final disposal of the property

9) Transfer deeds into the names of all 5 heirs

10) Provide day + method for disposal of personal property

11) Refer estate to fiduciary commissioner??

Although I am aware that we  
 are here to discuss the execution  
 of this document, I would like  
 first to address the will itself so  
 that you may better understand the concerns  
 and requests I have. 1st The original  
 copy of this document was undated. The  
 date was added after my mother passed  
 away on April 2nd. 2ndly You will  
 notice that there is no witness statement that my  
 mother was of sound body and mind  
 at the time of the signing of this document.  
 The notarization was accomplished ~~when~~ <sup>at</sup> someone drove  
~~drive-through facility at One Valley Bank in~~  
~~hubs since, according to the bank manager there~~  
~~and my own brother, Mom was unable to~~  
~~walk into the bank, 6 weeks following the~~  
~~date that was affixed to this document~~  
~~my mother passed~~  
~~away and her death certificate lists senile~~  
~~dementia as the cause of death. Also, the~~  
~~1st page of this document is not initialed~~  
~~notarized or witnessed, and may or may not~~  
~~be the original, best, but not least, written by & signed~~  
~~it is my understanding that my mother had~~  
~~a will in the office of Mr. Bob Friend <sup>that has not been</sup>~~  
~~addressed.~~  
 Despite these circumstances + irregularities  
 my brother Jim has seen fit to file this

straighten  
 allow  
 draw your  
 conclusion

may or may not  
 written by & signed  
 that has not been  
 addressed

document and become its executor.

To be blunt, I don't feel the will is of my father's making but by and with its name at this time.

As background, many years ago my brother Michael + his children returned to live on "the farm" that is addressed in this document, with our Mother + Father. The complication that now arises concerns what belonged to whom.

On June 24 I accompanied Jim, the executor, on a walk through of "the farm" while he accomplished his appraisal of Mom's personal property. During that appraisal many items, including all cattle, farm equipment, RV's and most household goods were exempted from the appraisal and not part of Mom's personal property.

Also, many items were missing from the property altogether. My request for any offer of proof, of ownership, was denied by Jim. Jim has spoken of an agreement that he + Michael had reached to trade their portions of farm for racetrack and vice-versa. I feel he lacks the motivation to properly assess what was Mom's + what may be Michael's.

My mother also held the title for a double-wide mobile home situated on "the farm" in which my mother lived during the last 3 months of her life. My sister Barbara + myself have no

My mother also held the title for a double-wide mobile home situated on "the farm" in which my mother lived during the last 3 months of her life. My sister Barbara + myself have no



strong feelings as whether to sell a <sup>the trailer</sup> <sup>off the property</sup> keep it. Our only request of Jim is that as long as the home stays on the farm, we have use of that trailer on our infrequent trips to Parkersburg. Since Debbie also expressed an interest in staying there, perhaps an arrangement could be made for sharing the house. I have also offered to share in utility expenses but was denied by Jim, since he has spoken his intent to dismantle the double wide + park it on this small lot in 2 pieces. In my view, this is simply an effort to deny me access completely. Additionally, Jim has spoken of an unrecorded deed he holds for the lot that the mobile home sits on, I feel this needs to be clarified at this time.

Also, I have brought with me a copy of WV state dated corporation for the Ohio Valley Racetrack that my brother Jim is currently operating. This Dater lists Mary A. Murphy as the only shareholder of \$5,000 worth of stock. I feel this stock should be part of Mom's personal property + clarified in some manner.

Also concerning the running of state  
car races, it has been indicated to  
me that the state may be held liable  
for negligence or accidents that are not  
a rarity. I have asked for a waiver  
of liability or <sup>proof of</sup> ~~liability~~ insurance held in  
the name of the state and Jim has  
denied this right also.

I have also been denied access  
to any of Mom's personal documents that  
are currently in Jim's possession. These  
documents include deeds, bank statements  
and more importantly - my birth certificate  
and diplomas from PHS and WVU.

Jim have further denied any responsibility  
on either his part or Michael's in maintaining  
the properties that they will have use  
of. He has spoken of his intent to  
bulldoze the race track facilities and  
additionally buy a new \$300 lift chair  
that the estate <sup>multiple insurance</sup> reimbursed my sister Barbara  
and myself for.

Lastly, and most importantly, this <sup>final execution</sup> ~~will~~ <sup>document</sup> will  
most likely pass to all our children. I  
will to see a trust established that  
would provide for the appraisal, sale +  
disposal of the property upon the death

or discontinued residence <sup>or use of properties</sup> by Michael + Jim. Since Michael + Jim are currently + will continue to enjoy use + income from these properties, I feel the cost for establishing this trust should be assumed by Michael + Jim. I feel that my children should not have to assume the financial + emotional burden of the final dispersal.

I would also <sup>request</sup> that all deeds to this property be transferred to the names of the 5 heirs of the property. This would give me peace of mind in knowing that Barbara + myself were protected from the property being transferred without our knowledge.

Finally, I would like one day to be established that Barbara + myself could have unsupervised access to Mom's personal property. At the end of this day, before I leave the property, Jim could inspect what I have removed to determine that we have 5 + no more. Also, I need to clarify the method by which this will be done. Jim indicated 1st that anything Barbara or myself removed would be

tallied + subtracted from any cash remaining.  
He later said, to this procedure  
would not be followed. Certain items  
are to be sold outright + others  
were already removed or were to be  
removed by family members.

As I said earlier, given the circumstances  
& irregularities of this document, I am simply  
trying to work out a method by which  
those of us who doubt the validity  
of this will can live with it with some  
peace of mind. Those members of the family  
who live here have indicated, indeed  
spoken, that since Barbara + myself  
moved away, we are interfering in matters  
that are not our business. We feel  
differently + hope that your office can help  
rectify this situation.