

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
MONDAY, JUNE 26, 2000

PRESENT: HOLMES R. SHAVER, PRESIDENT
ROBERT K. TEBAY, COMMISSIONER
DAVID A. COUCH, COMMISSIONER

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

The County Commission, upon a motion made by David A. Couch, seconded by Robert K. Tebay and passed, approved minutes from May 17, 2000.

The County Commission of Wood County, at 10:30 A.M., opened sealed bids for a four-wheel drive vehicle to be utilized by the Wood County Emergency Services/E911. The opening of sealed bids is pursuant to an Order appearing in Order Book 64, at Page 241 and bearing the date of June 5, 2000, at which time the County Commission ORDERED that the bid be let; and further pursuant to a Legal Notice appearing in both local newspapers, The Parkersburg News and The Parkersburg Sentinel, on June 9, 2000 and on June 16, 2000, in which it is stated that sealed bids are being accepted. Bids were received from the following.

1. Matheny Buick GMC
P.O. Box 1304
Parkersburg, WV 26102-1304
Bid: \$32,900.00 2000 4W/D Yukon 4 Door
2. Astorg Ford
P.O. Box 1725
Parkersburg, WV 26102-1725
Bid: \$30,807.00 2000 Expedition

Following review of the aforementioned two (2) bids, the County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by David A. Couch and made unanimous by Holmes R. Shaver, did hereby AWARD the bid for a four-wheel vehicle to Astorg

Ford, Parkersburg, WV. Bids are on file in the Office of the County Administrator. An Order was prepared regarding this matter. D. R. Smith, Central Telecommunications Center and a representative from Matheny Buick GMC were also present for this meeting.

The County Commission met with Joe Ruocco who wished to discuss the 911 Center.

The County Commission met with Carl J. Yoho (not sure of last name) and asked questions about the Board of Review and Equalization.

The County Commission met with D.R. Smith, Central Telecommunications Center Director. They discussed the 911 addressing and the new scheduling of his employees. Steve Grimm, Assessor was also present and discussed the mapping in his appraisal office.

There was an unidentifiable person speaking to the Commission.

At 1:30 P.M., the County Commission met with Toni Tiano and Diana Walker to discuss a Juvenile Accountability Grant.

The County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by David A. Couch and made unanimous by Holmes R. Shaver, did hereby EXECUTE a Resolution in which it is resolved that the County Commission of Wood County does hereby AUTHORIZE Holmes R. Shaver, in his official capacity as President and on behalf of the County Commission, to act on its behalf to enter into a Contractual Agreement with the Division of Criminal Justice Services to receive and administer grant funds pursuant to provisions of the Juvenile Accountability Incentive Block Grant Program Number 99-A-D-008. Documentation pertaining to the aforementioned Juvenile Accountability Incentive Block Grant Program is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

At 2:00 P.M., the County Commission held a hearing in regard to the estate of Cecile G. Morgan. Attorneys Ernest Douglass and Dave Underwood were present. After much testimony

and a ten minute recess, the County Commission, upon a motion made by Robert K. Tebay, seconded by Holmes R. Shaver and passed, Ordered the admittance of the will for probate. Attorney Douglass protests the will. Attorney Underwood will prepare an Order. Dave Couch abstained from voting. Information in regard to this hearing is on file in the Probate Office.

At 3:30 P.M., the County Commission met with Chris Allen from Acordia. Mr. Allen discussed the County's insurance policy.

The County Commission of Wood County was in receipt of a letter from the Governor of West Virginia, Cecil H. Underwood, giving APPROVAL to an Enforcing the Underage Drinking Laws Program Grant for Wood County in the amount of fifty-five thousand dollars and 00/100ths cents (\$55,000.00). Receipt of the aforementioned letter of approval is pursuant to an ORDER appearing in Order Book 64, at Page 199 and bearing the date of March 27, 2000, at which time the Application for Grant funds was Executed by Holmes R. Shaver, in his official capacity as President and on behalf of the County Commission. Documentation pertaining to the aforementioned Underage Drinking Laws Program Grant is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

The County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by David A. Couch and made unanimous by Holmes R. Shaver, did hereby ORDER that a loan in the amount of one hundred fifty thousand dollars and 00/100ths cents (\$150,000.00) be made to the Assessor of Wood County to enable the purchase of a Geographical Information System. The repayment schedule would be for a three-year period. In accordance with the letter of request from the Assessor of Wood County, Steven A. Grimm, the Geographical Information System will enable the Assessor's Office to further enhance a more accurate mapping system and

provide an easier and user friendly system for the public. An Order was prepared regarding this matter.

The County Commission of Wood County, upon a motion made by David A. Couch, seconded by Robert K. Tebay and made unanimous by Holmes R. Shaver, did hereby ORDER that the remaining balance of the Master Equipment Lease/Purchase Agreement by and between WesBanco Bank, Inc., Parkersburg, WV and the Wood County Commission, in regard to the Enhanced 911 Customer Premise Equipment and Computer-Aided Dispatch be paid in full by County Funds rather than the Enhanced 911 Fund. The aforementioned equipment is located at the Wood County Telecommunications Center, Core Road, Parkersburg, WV. In accordance with the Amortization Schedule, furnished by WesBanco, the remaining balance of the aforementioned Master Equipment Lease/Purchase Agreement would be in the amount of ninety-eight thousand two hundred forty-five dollars and one cent (\$98,245.01). An Order was prepared regarding this matter.

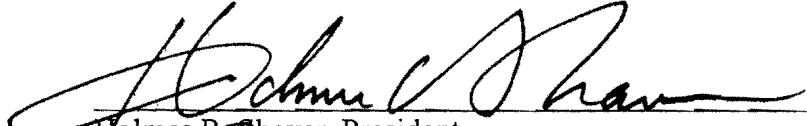
The County Commission of Wood County was in receipt of the New Pledged Security Notification from Wachovia Bank (United National Bank), Parkersburg, West Virginia, which has pledged securities as a County Depository. The New Pledged Security Notification has a Cusip Number of 31371XG80. An Order was prepared regarding this matter.

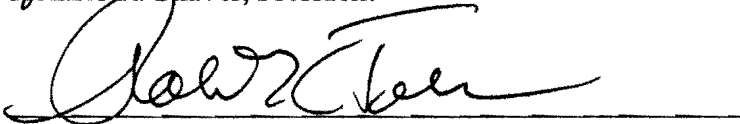
The County Commission of Wood County was in receipt of the New Pledged Security Notification from Wachovia Bank (United National Bank), Parkersburg, West Virginia, which has pledged securities as a County Depository. The New Pledged Security Notification has a Cusip Number of 31371EV93. An Order was prepared regarding this matter.

The County Commission, having no further scheduled appointments or business to attend to, adjourned at approximately 4:00 P.M.

Approved:

THE COUNTY COMMISSION OF WOOD COUNTY


Holmes R. Shaver, President


Robert K. Tebay, Commissioner


David A. Couch, Commissioner

PURCHASE ORDERS APPROVED ON JUNE 26, 2000

25853	Parkersburg Office Supply	114.20
26416	Chapman Printing	428.00

To listen to this meeting, please refer to tape numbers #24 and #25.

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June 26, 2000
Joe Rubino

~~2000~~

Carl Fryer

to R. Smith
MATHENY

2:00

Joe I. Sargent
Ernest M. Dwyer for Denver Crew in person
Fae Means
Sandra Magill
Marlene E. (Warren) Vance

Ronald Lee Warren
Randall C. Rupp

Christine Tucker
Denver E. Owens

James E. Voss

Ken Magill
Libor L. Rader

~~James E. Voss~~
~~Ken Magill~~
~~Libor L. Rader~~

~~James E. Voss~~
~~Ken Magill~~
~~Libor L. Rader~~

June 26, 2000

2:00 P.M.

Cecile Morgan Estate hearing before the County Commissioners, Holmes R. Shaver, Robert K. Tebay and David A. Couch

Attorney David Underwood
Attorney Ernest Douglass
Jane Sargent
Fae Means
Sandra Magill
Marlene E (Warren) Vance
Ronald Lee Warren
Randall C. Rapp
Christine Tucker
Denver Crew
James E. Vance
Ken Magill
Silas G. Rader
Angela Barry, Secretary

Attorney Underwood – Thank you Mr. President and members of the Commission. First thing I would like to do is tender for filing some items relative to notice of today's hearing. The Commission may recall that when we last appeared before the Commission it entered it's Order setting today as the hearing directing the service be made on all persons interested in the last will and estate of Cecile G. Morgan. I have to file the publisher's affidavit of publication indicating the publication of the Order the Commission in both newspapers for two consecutive weeks and also copies of the petition and the amendment to the petition and that order were mailed to all of the persons or entities interested in this matter. Those being the heirs at law of Cecile G. Morgan and the beneficiary named in the paper writing and subject matter of this proceeding. I want to file all of those. I might also mention to the Commission, of course Mr. Douglass is here on behalf of one of the heirs, he filed an answer to the petition and in the answer he mentioned the names of four other individuals who would be heirs at law, if it is determined that the decedent died in testate, and we did confirm, we, the bank did confirm that this information is indeed correct and it was just an oversight on the individual who provided us the information, so we filed an amendment designating those individuals and we went ahead and sent the Order and copy of the petition and the amendment to the petition to those individuals by Certified mail, return receipt requested ...information contained in ...that was filed

Commissioner Tebay – Would you like to have the originals back or do you want us to file them?

Attorney Underwood – Just keep them if you want. Since we're in the filing mode, I have received correspondence from three of the heirs of Cecile G. Morgan, Donald Warren, Bruce A. Warren and Samuel D. Warren, none of whom I think are here today and indicated they would not be here and these letters are addressed to me regarding this estate indicating that they would

be unable to attend today's hearing and they that would reject the will. I know what that means, how relevant that is at this point. I don't know that they have any evidence. I would assume that they don't have any evidence one way or the other as to the validity of the will.

Commissioner Tebay – Are these heirs at law?

Attorney Underwood – Yes, they've been served and of course they were aware of today's hearing. And I think that is all I have in the way of filings. Again, just to refresh the Commissioner's memory, when we first appeared before the commission we produced the paper writing that Mr. Tebay has which was executed by Cecile Morgan in 1988, the writing obviously contains some tearing, some mutilation, obliteration. The issue is of course before this Commission today is that the last will and testament of Cecile G. Morgan. Has the will thus been revoked or if in fact Mrs. Morgan was the one to do that was it done with the intention to revoke the instrument. The Commission will note that United National Bank was the named Executor in the writing and UNB appears today by myself, by Ms. Jane Sargent, Manager of the Parkesburg Trust Department and again as I've indicated to the Commission when we originally submitted this petition, UNB takes no position as to the validity or invalidity of the paper writing except that we felt that to protect the estate, to protect the bank, to protect all of the people in this room, ... we should submit this matter probate solemn form, setting the matter for hearing, notifying all of the persons interested and giving all of those persons an opportunity to appear before the Commission, present what evidence each of them may want to present for your consideration. I do think it's appropriate that Ms. Sargent testify regarding certain matters set forth in the petition just to establish a foundation for certain items and Ms. Sargent is prepared to testify as to how she came into possession of the paper writing, the conversation that she had with various heirs or individuals connected with Mrs. Morgan. One of those individuals' names is Randy Rapp, who's here. I'll just mention, Randy can say whatever he wants to say, Randy was the attorney in fact for Mrs. Morgan ...power of attorney. Randy was handling her financial affairs until her death, of course...authority granted in that document.... I will advise the Commission and others may be in a better position to speak more definitively than I. Nothing has happened as a result of this proceeding, nothing has happened with respect to the administration of the estate, obviously nobody has come forward, nobody has qualified, it would be premature at this point, but Jane is getting calls daily and the creditors obviously are out there, legitimate creditors that probably need to be paid, so, it's important that we try to come to some resolution today if we can. Not only as to the validity or invalidity of the document before the Commission but also depending on that decision, who will come forward to qualify and begin the administration of the estate because there are good reasons why the urgency of that is becoming more eminent.

Commissioner Shaver – Thank you.

Mr. Rapp – I would like to ... at this time. (Mr. Rapp presented a letter to the Commission)

Commissioner – O.K.

Mr. Rapp - Just so you all will understand that this removes me from anything in the will or any profit ...from it. I, whatever I... I would like you to understand that, like Dave, I am impartial; I

stand to gain nothing from any of this and do not want anything from this so you understand I have nothing to gain. O.K? I know that I am listed as one of the beneficiaries in the will but that letter will remove me from that and whatever

Commissioner Shaver – To clarify your letter, if there would be any shares due you, you want it given to the Parkersburg Area Community Foundation, is that your desire, to help underprivileged children?

Mr. Rapp – It is my position, Butch, that the will should stand because that's the way she....set .. Now, if the will has to be... in its entirety, where I'd be entitled to a share of it, I do not want the share at all, I want it to be donated to the underprivileged kids which is what she wanted done with it, O.K? If you take me out of it, I don't care if you have to that's the way I would like it to be done because that's what she wanted it

Commissioner Tebay – Let's show that we put a copy of that in ..

Attorney Underwood - If it would please the Commission, I would like to, at this point, ask some questions of Ms. Sargent ... the trust.... and then I know I've probably spoken to some of the people in this room, but certainly not everyone, those that want to speak and I know that Randy has some information that probably we at the bank don't have

Attorney Underwood – Ms. Sargent would you please state your name full name

Ms. Sargent – Jane Sargent

Attorney Underwood – Where do you reside?

Ms. Sargent – I reside in Belpre, Ohio.

Attorney Underwood – Where are you employed?

Ms. Sargent – United National Bank.

Attorney Underwood – In what capacity are you employed at United National Bank?

Ms. Sargent – Vice President-Trust Officer and Manager of the Parkersburg Office of the trust division.

Attorney Underwood – How long have you held that position?

Ms. Sargent – I have been in the trust division now six years, two years ...

Attorney Underwood – United National Bank is the petitioner in this proceeding, is it not?

Ms. Sargent – Yes.

Attorney Underwood – And you have executed the petition on behalf of the bank and produced the paper writing reporting to be the last will and testament of Cecile G. Morgan, Correct?

Ms. Sargent – Yes.

Attorney Underwood – Ms. Morgan died a resident of Wood County on or about March 22 of this year, is that correct?

Ms. Sargent – Yes

Attorney Underwood – And her last place of residence was the Willows Center in Parkersburg, Wood County, West Virginia, is that correct?

Ms. Sargent – Correct.

Attorney Underwood – In the petition it's alleged that the petitioner believes that the estate of Cecile G. Morgan consists of real estate and personal property approximating a value of seven hundred thousand hundred dollars. Can you tell the Commissioners how that information was obtained?

Ms. Sargent - Randy Rapp provided that information.

Attorney Underwood – Mr. Rapp is here today, correct?

Ms. Sargent – Yes

Attorney Underwood – Did he provide the information directly to you?

Ms. Sargent – Yes

Attorney Underwood – Did he provide you any detail as to what comprised the estate in terms of various assets, values of

Ms. Sargent – Generally he did.

Attorney Underwood – Did the bank, United National Bank, have a prior relationship, banking relationship with Mrs. Morgan? To your knowledge?

Ms. Sargent – Yes, we had deposited... we had no relationship with the trust area.

Attorney Underwood – The document, paper writing, is the subject matter of this proceeding ..it to be executed on November 20, 1988 named United National Bank as the Executor. Did you have any, did you, speaking of the bank, have any knowledge that United was named the Executor I November of ninety-eight when the will was ...signed

Ms. Sargent – Not in November, no.

Attorney Underwood – Did you ever have any discussions or know anybody in the bank that had any discussions with Mrs. Morgan about the will or about her estate?

Ms. Sargent – Not that I know of.

Attorney Underwood – The paper writing, it's acknowledged and we all understand that there are tears and rips and scribbly lines drawn through on a couple of pages. Do you have any knowledge as to how those things occurred to the document?

Ms. Sargent – No.

Attorney Underwood – And it's true that a representative of the bank, Tracy Wharton also in your department, inventoried a lock box at Wesbanco and found no other paper writing or will for Cecile Morgan, is that correct?

Attorney Underwood – And that's been done since the filing of this petition, correct?

Ms. Sargent – Yes.

Attorney Underwood – And you believe, based upon the information provided to you, that all of the persons named in the petition and in the amended petition are either beneficiaries under this writing or heirs at law of Cecile Morgan, correct?

Ms. Sargent – Correct.

Attorney Underwood – We believe that this now to be complete as far as you know, correct?

Ms. Sargent – Correct.

Attorney Underwood – How did you or how did United National Bank come into possession of the paper writing that is the subject matter of this proceeding?

Ms. Sargent – Randy Rapp brought it in to us.

Attorney Underwood – Do you remember when that occurred?

Ms. Sargent – It was actually, either the day of her death or the day after, it was very soon after she passed away.

Attorney Underwood – Had you had any prior, prior to Mrs. Morgan's death, had you had any conversations with Mr. Rapp about anything that he was doing in connection with Mrs. Morgan's estate or acting as her attorney in fact.

Ms. Sargent – He had come in and at least told me that we were named, he just wanted to let us know because she was ill that make me aware of the situation that we may be having to handle the estate.

Attorney Underwood – Did he present or show you the will at that time.

Ms. Sargent – No.

Attorney Underwood – Did you yourself have any conversations with Mrs. Morgan about the contents of the will?

Ms. Sargent – No, I didn't.

Attorney Underwood – Did you have any conversations with Mrs. Morgan at any time about what her desires were with respect to the disposition of her estate?

Ms. Sargent – No.

Attorney Underwood – Do you and or the bank have any information or knowledge other than what Mr. Rapp may have told you about the paper writing, how it came into existence and its present condition and appearance?

Ms. Sargent – Randy and I had a conversation and he just thought, wondered, if perhaps she had destroyed it when she found out that Dane had passed away.

Attorney Underwood – And Dane was one of the heirs?

Ms. Sargent – One of the heirs, ah huh. He was mentioned in the will. That I think that was just speculation.

Attorney Underwood – I don't have anything further of Ms. Sargent.

Commissioner Tebay – How did you get an indication that there may be a safe deposit box?

Ms. Sargent – When Randy brought the will to us, he brought the key to the safe deposit box at Wesbanco

Commissioner Tebay – There's no search been made of other banks, no inquiry made as to other accounts at other banks or other safe deposit accounts.

Ms. Sargent – No. Randy would've

Attorney Underwood – I think Randy.. testify Mr. Rapp will probably testify that at least to his knowledge and certainly to the best to ours that the safe deposit box at Wesbanco that was in fact

inventoried is probably the only safe deposit box that Mrs. Morgan had, at least at the time of her death.

Commissioner Shaver – OK Did you have any conversations with the deceased concerning what her desires were?

Ms. Sargent – Regarding the estate? No. I had met with her one time prior to her death, but not regarding the will or her estate.

Commissioner Shaver – She didn't indicate anything that she would've wanted done that would have paralleled what the will says.

Ms. Sargent – No.

Commissioner Tebay – Was ever mention made that you were going to administer the will?

Ms. Sargent – No.

Commissioner Tebay – by her?

Commissioner Couch – A copy of the will, is that what we have here a copy as well as the paper document.

Attorney Underwood – You have the original document

Commissioner Couch – Then there's a copy from Larry Ronning's office.

Ms. Sargent – Before it was (inaudible)

Attorney Underwood – Yes.

Commissioner Couch - Has any effort been made to contact Mr. Ronning

Attorney Underwood – An effort has been made to contact Mr. Ronning, of course, as you know Mr. Ronning has retired and I have not personally spoke with him and I have called his former office and haven't been able to find anything out that would shed any light on this proceeding.

Commissioner Couch – Did she ask him to update that will or maybe his office would have kept a copy.

Attorney Underwood – All indications are to me, and its purely indications that there was no subsequent will made to this document

Commissioner Couch – And this is just the copy of the paper document that you have here today.

Attorney Underwood – Correct. I think some of the family members, at least it was communicated to me, by telephone that some of the family members, or maybe it was Denver Crew, may have thought that there was a will subsequent to this. He was at the hearing, I think Mrs. Sargent had a conversation after the hearing and then he realized that this will was the one that he was thinking of. I believe that is the case.

Commissioner Couch – You mentioned you are representing United National Bank.

Attorney Underwood – Correct.

Commissioner Couch – And United National Bank has called this hearing?

Attorney Underwood – Yes.

Commissioner Couch – And the purpose is?

Attorney Underwood – The purpose is to either establish or reject this paper writing as the last will and testament of Cecile G. Morgan.

Commissioner Couch – And the bank's position is, for clarification

Attorney Underwood – The bank has no position, simply because it doesn't have any evidence one way or the other. We know what the document looks like, we all looked at it, we don't know if that was done by Mrs. Morgan. If it was done by somebody else, then it wouldn't operate legally as a replication or unless it was done by somebody at her direction or in her presence. So we don't know how the document came up looking like it does, we don't know if she did it and if she did it, by law she would've had to have done it with the present intent to revoke it as her last will and testament. Since, as Ms. Sargent has already testified, since there was no discussion between Mrs. Morgan and the bank in November of ninety-eight when the will was drafted and no subsequent discussion with Mrs. Morgan about her estate and United National Bank's relationship to that estate, we simply don't have enough information, but, for example for Randy Rapp or Jane Sargent or for me to come to the conclusion, similarly that that was revoked probably would be a criminal offense. So the only way that we can do this is to present this paper writing to you all under the statute mentioned in the petition, convene a probate proceeding called an solemn probate proceeding which is very rarely done here but done routinely in other counties, whereby the procedure would be notify all persons interested in the estate in the will and in the estate should the will be rejected to see what evidence, if any, any persons have regarding the establishment of the will or the revocation of the will. One thing we know for sure is that will existed November 20, 1998.

Commissioner Couch – Isn't it unusual, Jane, for someone to name the bank as the executor of the estate without contacting the bank

Ms. Sargent – It doesn't happen real often, typically we are involved when the will is done

Commissioner Couch – Common sense would think that if somebody wanted to trust the bank they would also want to talk to someone.

Ms. Sargent – Right. Randy might be able to give you a little bit more of an answer.

Mr. Rapp – I can answer that question for you.

Commissioner Couch – OK. I guess I'm just asking has it ever happened.

Ms. Sargent – Yes it has happened, but not a lot.

Commissioner Couch - Exception rather than the rule.

Ms. Sargent – That's right.

Commissioner Couch – Randy, do you want to go ahead and answer it for me.

Mr. Rapp – Yes, sir.

Commissioner Couch – Go right ahead.

Mr. Rapp – I can tell you exactly why that happened Dave. Mrs. Morgan had extensive holdings. She had a lot of money in different things. She had numerous savings bonds, she's got real estate, she's got a farm. This thing is going to be extremely complicated. When I got involved in this I agreed to take care of her on a day to day basis. Take her to the doctor, take care of her bills and all those kind of things, but I don't have the resources to take care of or liquidate an estate of this size so when I took Mrs. Morgan to Mr. Ronning's office to have her will made, this is what she asked me to do, I told them at the time that I would not be the administrator of the estate because I don't have the expertise to do it. At that time, the bulk of Mrs. Morgan's money was in United National Bank. She had dealt with them for years and she felt very comfortable with the people at the bank. O.K. That's the reason why United National Bank was named Executor because, through my conversations with Mr. Ronning and Mrs. Morgan there it was determined that United National Bank had the best trust department in our area. O.K? That was the reason why United National Bank was named Executor because I couldn't do the what should've been done when Mrs. Morgan was gone. And that's the total reason why United National Bank was involved in this. It's for their expertise only. I mean this is a big estate and it is going to be a complicated one liquidating all the (inaudible) and doing all of those things. That's exactly what happened.

Commissioner Tebay – Randy, can you explain for us how you became involved with Mrs. Morgan to start with. You want to just tell the story.

Mr. Rapp – Mrs. Morgan and my grandmother were best friends. They grew up in Wirt County and spoke just about everyday their entire lives and I had taken care of my grandmother's affairs for years and Cecile had some troubles and she called my grandmother and wanted to know what

to do and at that time my grandmother asked me if I would go see her and I did and at that time Cecile had asked me if I would take care of her power of attorney. You know, Cecile was my friend and I gladly did, but I did not want to commit the time endlessly to do this thing because I knew that I could do this. So anyway I took care of her power of attorney for her for about two years, eighteen months, two years, somewhere in there. But that's the way that I got involved with this. I've known Cecile for thirty years, but in the last two years I got involved with being named her power of attorney.

Commissioner Tebay – You were aware of this paper writing that we have here. That that was in existence. That the will was made. There was a will made?

Mr. Rapp – Yes, sir. I took her. I was there and present during the whole thing.

Commissioner Tebay – And the will was in what, a Wesbanco box?

Ms. Sargent – Randy brought it to the bank.

Commissioner Tebay – Randy brought it. You had possession of the will Randy or where did you find the will.

Mr. Rapp – No, I did not. No, Cecile kept the will. She wanted to have it with her. Alright? So, when she got fairly close to, you know, when things looked really bad, I went back to Wesbanco and had Howard..., the bank president open the safe deposit box to look for the funeral papers because she had her funeral all prearranged and for the will. I found the funeral papers and that was fine but the will was not there. In her room she had just tons of receipts and tax things and all that stuff but the will was in with the rest of her paperwork. When I found it I took it exactly as I found it to Jane and said, I don't know what the deal is here. Here it is. Alright? That's how I, you know, as soon as, when she died I gave the keys to her house, safety deposit box Keys and surrendered the power of attorney to Jane.

Commissioner Shaver – So you found it in it's damaged condition

Mr. Rapp – Yes, sir.

Commissioner Shaver – Was it in an envelope or just folded up?

Mr. Rapp – It was just in with some papers. I don't know how it happened. I have no reason to say. I don't know.

Commissioner Shaver – I understand.

Commissioner Tebay - In her room at the Willows, is that correct, or in her room at home?

Mr. Rapp – No, it was in her room at Cedar Grove.

Commissioner Tebay – Cedar Grove. Wherever she was. That's where the will was. With her personal papers.

Mr. Rapp – Yes.

Commissioner Tebay – How was her state of mind, Randy, in that last period of time that she was at Cedar Grove?

Mr. Rapp – When she made the will in November of ninety-eight she was as sharp as any of us. O.K.? She had her moments when she was (inaudible word), but ninety-five percent of the time she was very alert. She knew exactly what, when I took her to the bank because she wanted to redeem her savings bond that were matured, she knew exactly how a compounded interest worked and everything. She was right on top of it. At the end when I had her at the nursing home and what have you, the last thing over at the Willows, she was totally out of it. She couldn't have done anything if she had to. That was in two thousand of this year.

Commissioner Couch – When she went into the Willows what was her state of mind?

Mr. Rapp – I'm sorry?

Commissioner Couch – When she entered the Willows what was her state of mind?

Mr. Rapp - It was good. She had just broken a hip and at Cedar Grove unless you can walk, you can't stay there. No, no, she was at Cedar Grove, Dave. But when she broke her pelvis, unless you can ambulate, they won't keep you and so she had to go to a skilled facility. And that's how the Willows got involved in this because they can handle someone who couldn't move. Alright? That's why she was at the Willows when she died.

Commissioner Tebay – Do you have any idea, Randy, as to the writing on the back of this will, could that be her handwriting, or if so, what she intended that to say?

Mr. Rapp – I have no idea, Bob. I don't know.

Commissioner Couch – Who helped her move?

Mr. Rapp – I did. My Dad and I did.

Commissioner Couch – So you moved her things out of Cedar Grove to the Willows?

Mr. Rapp – Boxed everything up, took her furniture, the whole bit, because it was apparent she was not going to come out of the Willows. Two broken hip, a broken pelvis

Commissioner Tebay – Your conversation with her was there any indications that she might have made another will?

Mr. Rapp – No sir. To my knowledge, that's the only one that there was.

Commissioner Tebay – And you went with her to make this will?

Mr. Rapp – Yes, sir.

Commissioner Tebay – Counsel, has any inquiry been made as to witnesses to this will as a proper will?

Attorney Underwood – There is a copy of that (inaudible) Mr. Palmer's got it. We can have entire will if you wanted it.

Commissioner Tebay – We've got it.

Attorney Underwood – Oh, you do have it?

Commissioner Tebay – Yes, we've got it. My question is to the witnesses if they witnessed her sign it the will.

Mr. Rapp – Yes, they did.

Commissioner Tebay – You were there at the time?

Mr. Rapp – Yes, sir.

Commissioner Tebay – And they actually witnessed her signing of the will?

Mr. Rapp – Yes, sir. Mr. Ronning spent probably a half hour forty-five minutes with her going through various questions to determine the stability of her, you know, mental condition and was very satisfied that she was right there. But Annette Johnson and the other lady both..

Commissioner Tebay – Vickie Richards, I believe.

Mr. Rapp – Yes.

Attorney Underwood – Of course the Commission will note there is self – proving affidavit to the will, so if this obliteration or markings weren't on the will and Ms. Sargent came down here with the intention of offering the will for probate then of course the witnesses wouldn't (inaudible – maybe says be notified) given the fact there is a self-proving affidavit

Commissioner Shaver – How soon, Randy, after did she brake her hip in the nursing home?

Mr. Rapp – No she broke her hip at home. Then she went to the nursing home because of the broken hip.

Commissioner Shaver – While she was, when she was first taken in, she was of sound mind?

Mr. Rapp – Oh yeah.

Commissioner Shaver – I assume you did not see the will, when's the last time you saw the will prior to her death?

Mr. Rapp – I don't know, three or four months before she died, I'm guessing, I don't know, six months, it was within a reasonable period.

Commissioner Shaver – Did you visit her fairly regularly?

Mr. Rapp – All the time.

Commissioner Shaver – Up until she lost her mental capacity, I guess for lack of a better word, did she make any statements to you relative to the will, that she didn't want the will used any more?

Mr. Rapp – Oh, no.

Commissioner Shaver – Nothing to that affect? Do you feel because of your relationship with her if she would've wanted this will revoked, do you think she would've mentioned it to you?

Mr. Rapp – Yes, sir.

Commissioner Tebay – You say three months, give or take, before her death, you did see the will.

Mr. Rapp – Right.

Commissioner Tebay – Was the will damaged at that time?

Mr. Rapp – No.

Commissioner Tebay – And what was her mental state three months before she died? Good?

Mr. Rapp – For a hundred year old lady, heck of a. If you'll notice when she had her hundreth birthday on November eleventh, they interviewed her on television and they had her on the front page of the newspaper, celebrations for her at several of the banks, you know, she was crisp.

Commissioner Tebay – At what time do you think her mind failed her, between the three months?

Mr. Rapp – She fell in the shower at the nursing home and broke her pelvis, she went back into the hospital, she started to degenerate and then when she broke the other hip that was pretty

much the downslide of it, she just couldn't peddle back from all of those multiple injuries. She never had any children her entire life. She was very active with the 4-H groups, the church and what have you and she always wanted to leave something to take care of the underprivileged kids that needed help. That was the reason for that little (word inaudible may be saying "clause") that's in there. The rest of it's family members and the gentleman that just walked in is Silas Rader, he's the other gentleman that's listed as a beneficiary in the will.

Commissioner Tebay - Did you wish to testify Mr. Rader. He wasn't here. Do you want to testify?

Mr. Rapp - Do you have anything you want to say?

Mr. Rader - Yes, my wife and I pretty well took care of her ..

Commissioner Tebay - Would you mind, stand please and raise your right hand.

Attorney Douglass - This is about the third witness and I'm waiting to be able to cross examine.

Commissioner Tebay - O.K. Do you want to cross examine first Ernie, is that what

Attorney Douglass - Jane Sargent's testified and Mr. Rapp's testified and I thought before you get on to the next one, I'd like to cross

Commissioner Tebay - O.K., sir, if you'll just wait just a minute, well, let's go ahead and swear him. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Rader - I do.

Commissioner Tebay - State your name for the record please.

Mr. Rader - Silas G. Rader. S I L A S G. Rader, R A D E R.

? - Has everybody signed in?

Commissioner Tebay - Thank you sir. Now. Everybody but Mr. Rader, I think has signed in. You've got the floor, Ernie.

Attorney Douglass - O.K. Thank you. I just have one or two questions for Ms. Sargent.

Commissioner Tebay - Would you tell us Ernie..

(Tape #24 ends)

(Tape #25 starts)

Attorney Douglass – I do believe you said that the bank did have a prior relationship with the decedent (few words after this are inaudible)

Ms. Sargent – (inaudible) the bank (inaudible)

Attorney Douglass – Are you aware (inaudible) the bank has a relationship with Parkersburg Area Community Foundation? (inaudible)

Ms. Sargent - (inaudible) trustee (inaudible) Foundation

Attorney Douglass – That's all the questions I have for Ms. Sargent. I have some questions for Mr. Rapp. Mr. Rapp, did you (inaudible)

Mr. Rapp – (inaudible)

Attorney Douglass - Did you have a prior relationship with the (inaudible)

(inaudible for approximately a minute and a half)

Attorney Douglass – Did you ever use your power of attorney to convey any (inaudible)?

Mr. Rapp – In what way?

Attorney Douglass – In any way?

Mr. Rapp – (inaudible)

Attorney Douglass – (inaudible) Did you do that with your power of attorney?

Mr. Rapp – Yes sir

(According to the written notes that were taken, Mr. Douglass asked if he ever used his Power of Attorney to convey anything. Mr. Rapp stated he had Wesbanco pay checks to her creditors. Mr. Rapp also stated Cedar Grove is where he last saw the will and she kept bills together with the will and other papers in a plastic box.)

Attorney Douglass – Did you ever make a charitable contribution to (inaudible)?

Mr. Rapp – (inaudible)

Attorney Douglass – (inaudible)

Mr. Rapp – (inaudible)

(According to the written notes that were taken, Mr. Rapp answered No, but Mrs. Morgan gave to the Church.)

(According to the written notes that were taken, Mr. Rapp stated that Cedar Grove was where he last saw the will and other papers in a plastic box.)

More discussion took place between Attorney Douglass and Mr. Rapp but it is inaudible.

People are speaking but tape is inaudible.

Commissioner Tebay – Sir, could you stand up and talk, come up to the front, so we can hear you. Thank you.

Mr. Rader – (inaudible)

(According to the written notes, among other things, Mr. Rader stated he took Mrs. Morgan to the hospital and other things for the last twelve years; he visited her often and he has never seen the will.)

Commissioner Tebay – Did you visit her at the nursing home?

Mr. Rader – (inaudible)

Commissioner Tebay – Did she ever mention to you about a will or changing a will?

Mr. Rader – No.

Commissioner Tebay – Have you ever seen the will, sir?

Mr. Rader – No, sir.

Commissioner Tebay – Any other questions, gentleman? Thank you sir.

Attorney Underwood – I have a question for Mr. Rapp. Randy, do you know why the Community Foundation was mentioned?

Mr. Rapp – Yes, sir, I do.

Attorney Underwood – (inaudible)

Mr. Rapp – Yes, I can. (inaudible) because she wanted to leave some money to take care of underprivileged kids. At that time, she said (inaudible) organizations that could take care of it, such as the Salvation Army, (inaudible) somewhere along those lines (inaudible). After conversations with Mr. Ronning and myself, it was determined that the

Attorney Douglass – (inaudible) on Market Street, here in Parkersburg?

Mr. Crew – Yes.

Attorney Douglass – Do you know if she'd ever gone to him to have a will made?

Mr. Crew – No.

Attorney Douglass – Were you aware that Randy Rapp had power of attorney for her?

Mr. Crew – I did.

Attorney Douglass – Did you see the original will (inaudible) involved in these (inaudible) of last will and testament of Cecile Morgan?

Mr. Crew – (inaudible)

Attorney Douglass – What condition was it when you saw it?

Mr. Crew - front tore off and a line (inaudible) and on the back it had (inaudible) no good, make new will, Cecile (inaudible) I (inaudible word) verify her signature

Attorney Douglass – You recognize, how do you, were you acquainted with her handwriting (inaudible)

Mr. Crew – I sure was (inaudible)

Attorney Douglass – (inaudible)

Mr. Crew – (inaudible)

Attorney Douglass – Did you have any conversations with her about you're not being mentioned in the will?

Mr. Crew – Yes, I (inaudible) sometime in December and (inaudible) called again and she said the will is no good because you're not even in it. (inaudible)

Attorney Douglass – Did you ever, during her lifetime did she ever discuss with you her desire to make any charitable contributions to children?

Mr. Crew – (inaudible)

Attorney Douglass – (inaudible)

Mr. Crew – (inaudible) she said something about making a new will (inaudible)

Attorney Douglass – I'm done.

Commissioner (?) – Counsel cross?

Attorney Underwood – Mr. Crew, Mrs. Morgan had no children, correct?

Mr. Crew – Right.

Attorney Underwood – And all of her blood relatives consisted of nieces and nephews and children of deceased nieces and nephews, correct?

Mr. Crew – Right.

Attorney Underwood – Where do you live?

Mr. Crew – (inaudible) Vienna.

Attorney Underwood – How long have you lived there?

Mr. Crew – (inaudible)

Attorney Underwood – How often did you talk to Mrs. Morgan?

Mr. Crew – Three or four times a week (inaudible word)

Attorney Underwood – And she was in Cedar Grove, did you visit her?

Mr. Crew – (inaudible)

Attorney Underwood – How often did you (inaudible)

Mr. Crew – Aw, about (inaudible)

Attorney Underwood – When she was in the Willows, how often did you visit?

Mr. Crew – (inaudible)

Attorney Underwood – In your opinion was there any family member that was closer to her than you?

Mr. Crew – I expect Fae Means might be (inaudible) Fae used to be her power of attorney and (inaudible)

Attorney Underwood – You heard Mr. Rapp testify, do you find it at all odd that Mr. Rapp would be given Mrs. Morgan's power of attorney and function in that capacity (inaudible) see or talk to her on almost on a daily basis and he not know anything about this will, but you do?

Mr. Crew – Well, I don't know that she (inaudible) in November (inaudible) my sister (inaudible) make a will (inaudible)

Attorney Underwood – Did you go to Florida in November of ninety-eight through spring of ninety-nine?

Mr. Crew – Uh Huh.

Attorney Underwood – Did you have any conversations with Mrs. Morgan during that time period?

Mr. Crew – (inaudible) I'd call her every month or two (inaudible)

Attorney Underwood – Was she living at home at that time?

Mr. Crew – No. Cedar Grove.

Attorney Underwood - Cedar Grove?

Mr. Crew – That's what (inaudible)

Attorney Underwood – Did you have any discussions about her will during that period, November ninety-eight until Spring of ninety-nine?

Mr. Crew – Only she said she (inaudible) I wasn't in the will, she wanted to make a new one (inaudible)

Attorney Underwood – Had you seen the will at that point?

Mr. Crew – No, I never saw (inaudible)

Attorney Underwood – Had she ever discussed with you, prior to making that will on November ninety-eight that she intended to make the will.

Mr. Crew – No.

Attorney Underwood – Did you know that, whether or not she had a will prior to (inaudible)?

Mr. Crew – (inaudible)

Attorney Underwood – She told you that she didn't have one?

Mr. Crew – That's right.

Attorney Underwood – Did she discuss with you what she wanted to do with her estate?

Mr. Crew – (inaudible)

Attorney Underwood – Did Mrs. Morgan ever discuss Mr. Rapp with you and why he was (inaudible) for her?

Mr. Crew – (inaudible) power of attorney (inaudible)

Attorney Underwood – Did she ever express to you any displeasure about anything Mr. Rapp (inaudible)

Mr. Crew – No (inaudible)

Attorney Underwood – Did she express any displeasure to you about Mr. Rader?

Mr. Crew – Um, Mr. Rader, (inaudible)

Attorney Underwood – Did she ever mention to you the Parkersburg Area Community Foundation?

Mr. Crew – Never heard of it.

Attorney Underwood - She never discussed with you the contents of the will (inaudible word, it is either "on" or "of") November, 1998, correct?

Mr. Crew – Correct.

Attorney Underwood – She did tell you at some point thereafter that you weren't in it and she wanted to make a new will?

Mr. Crew – Right.

Attorney Underwood – And how was she going to do that, did she explain to you how she was going to (inaudible)

Mr. Crew – (inaudible)

Attorney Underwood – When exactly did that conversation take place?

Mr. Crew – (inaudible) believe it was sometime in December, I believe. (inaudible) December of 1998.

Attorney Underwood – If she intended to revoke that will (inaudible) do you know any reasons why she (inaudible) for all that period of time? Why would she do that?

Mr. Crew – She didn't want nobody to know what she had in the bank or nothing else, she didn't want nobody know how much she had in the bank, or how much money she had (inaudible)

Attorney Underwood – Would you agree with me that there's nothing in that paper writing that discloses anything about her estate as far as how much money she had, how much real estate she had?

Mr. Crew – (inaudible)

Attorney Underwood – After she mentioned to you that she was going to change the will did you have a conversation with Mr. Rapp about that?

Mr. Crew – No.

Attorney Underwood – Did you have a conversation with any of your relatives about that?

Mr. Crew – No.

Attorney Underwood – Did you have a conversation with Fae Means about that?

Mr. Crew – Um, I don't recall, I think (inaudible)

Attorney Underwood – And she mentioned that to you on one singular occasion, is that right?

Mr. Crew – Uh-huh.

Attorney Underwood – Tell us about that.

Mr. Crew – (inaudible) She told me she had a will made out, she told me she did have a will made out, I said, good, I'm glad you got it made out (inaudible)

Attorney Underwood – All right, when she told you she had made a will that was another conversation?

Mr. Crew – (inaudible)

Attorney Underwood – Did she express to you during that conversation (inaudible) about anything contained in the will?

Mr. Crew – (inaudible)

Attorney Underwood – Did she tell you that, or is that just an assumption on your part?
It was an assumption on your part?

Mr. Crew – Yeah.

Attorney Underwood – Then a couple of months later, she mentioned to you that she was going to tear that will up because you weren't in it. (inaudible)

Mr. Crew – Yeah that's what she said. She said (inaudible) cause you're not even in the will (inaudible)

Attorney Underwood – Did she make any other comments about what she intended to do in this (inaudible) new will (inaudible)?

Mr. Crew – (inaudible)

Attorney Underwood – How long was that conversation?

Mr. Crew – (inaudible)

Attorney Underwood – Did she call you or did you call her?

Mr. Crew – I always called her, she couldn't dial a phone (inaudible)

Attorney Underwood – You did return to West Virginia in the spring of nineteen ninety-nine, correct?

Mr. Crew – Yeah.

Attorney Underwood – (inaudible) from Florida. Did you have conversations with Mrs. Morgan after you returned in nineteen ninety-nine about her will?

Mr. Crew – No.

Attorney Underwood – Did you ever ask her if she had made a new will?

Mr. Crew – No.

Attorney Underwood – Did you ever ask her if she had revoked her prior will, the will made in November of nineteen ninety-eight.

Mr. Crew – (inaudible)

Attorney Underwood – Never, ever any other discussion was there about the will, correct?

Mr. Crew – No.

Attorney Underwood – Just the one conversation.

Mr. Crew – One conversation. Two, (inaudible)

Attorney Underwood – (inaudible) made a will and then later said she wasn't satisfied with it, by the way, you're not even in it (inaudible)

Mr. Crew – (inaudible)

Attorney Underwood – Are there any other family members, relatives, nieces, nephews, that aren't in the will? (inaudible word) yourself?

Mr. Crew – Oh yes.

Attorney Underwood – Who are they?

Mr. Crew – Uh, (inaudible) I get them messed up (inaudible) one of them and the other, I believe (inaudible)

Attorney Underwood – Was it your impression that she just simply forgot to put you in her will that she made in November of nineteen ninety-eight?

Mr. Crew – I don't think she was that sound of mind, she called me (inaudible) all the time, that was my Dad's name (inaudible) some days she was (inaudible) some days she wasn't. For her age I think she was (inaudible)

Someone speaks – inaudible

Mr. Rapp – I would like to explain to you why I got appointed power of attorney (inaudible). Of all the people that are in this room, Fae Means did (inaudible) was closest (inaudible) went down to her house and cleaned her house for her and at that time Cecile got real mad because she (inaudible) and she threw away a pair of shoes, (inaudible) I paid four dollars for those shoes and never wore them one time. Anyway, she got mad at Fae because Fae went down and cleaned her house and that's why she removed Fae from being power of attorney and appointed (inaudible). All right? Now, the second thing was Fae was at the nursing home a lot (inaudible) After the will was made we went to Wesbanco, Cecile and I went to Wesbanco and we sat down with Lorraine Fought, who was the bank (inaudible) Wesbanco. She had an enormous amount of savings bonds that she had accumulated back in the fifties and sixties, most of them had matured, (inaudible). At that time we rolled those savings bonds over into new (inaudible word) style bond, where you don't have to pay taxes until they actually (inaudible). Somewhere in the neighborhood of a hundred and forty thousand dollars worth of savings bonds that were dead,

when we did that we went through everyone of them one by one. When Cecile took out savings bond that were listed in her name and Mr. Crew's kids names, Mr. Crew's kids will have those savings bonds over in that safe deposit box because she (inaudible) the value is on those thousand dollar savings bonds to be designated for Mr. Crew's kids. We specifically went through every one (inaudible) even though they should have been rolled over or what-have-you she wanted them for her grandchildren. (inaudible) was rolled over, she provided for Mr. Crew's kids in the manner she wanted (inaudible) she provided for them (inaudible)

Attorney Douglass – I have a case (inaudible) I believe that case is well on point as far as the facts of this case is concerned. There have been a couple of later cases (inaudible)

Someone is speaking – inaudible

Commissioner Shaver – Any other comments (inaudible)

Commissioner Couch – Sir, when she said she was going to make a new will, did she mention who she was going to use to make a new will?

Mr. Crew – I didn't hear you question.

Attorney Douglass – He wants to know if she said, Mrs. Morgan said who she was going to get to make the new will, did she talk to you (inaudible word)?

Mr. Crew – No.

Commissioner Tebay – Mr. Crew, what was her state of mind during that period (inaudible) November, when you went away to Florida, was she O.K. at that time or (inaudible)

Mr. Crew – She had good days and bad days. (inaudible) some days she didn't (inaudible)

Commissioner Tebay – When was it she told you that she made a will but it wasn't right?

Mr. Crew – Sometime (inaudible) a few months after the will was made. (inaudible)

Commissioner Tebay – How was her mind at that time?

Mr. Crew – I would say (inaudible) she called me (inaudible)

Commissioner Tebay - How long did she call you (Bubba?)

Mr. Crew – Oh, off and on

Commissioner Tebay – A long time? (inaudible)

Mr. Crew – Oh no. (inaudible) Sometimes she (inaudible), sometimes she'd call me (inaudible)

(inaudible)

Commissioner Tebay – Fae, I don't think you were sworn to testify, would you mind answering some questions?

Ms. Means – Not at all.

Commissioner Tebay – Will you stand (inaudible) Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Ms. Means – I do.

Commissioner Tebay – And your name please.

Ms. Means – Fae Means.

Commissioner Tebay – Fae, thank you. Fae, could you testify as to the state of the deceased's mind at that period of time, March (inaudible)

Ms. Means – She'd come and she'd go. (inaudible)

Commissioner Tebay – Did she mention anything to you about making a will?

Ms. Means – Yes.

Commissioner Tebay – Do you have an opinion on how her mind was when she made that statement to you?

Ms. Means – She seemed to be pretty good that day.

Commissioner Tebay – Did she mention anything about the will?

Ms. Means – Just that she hadn't put the Crew kids in it and she was going to make another one.

Commissioner Tebay – At the time that you talked to her about the will (inaudible)

Ms. Means – She called and said that she had made a will and I said good. So then a couple of days (inaudible) times a day and she said (inaudible) Crew kids in it so I'm going to make a new will.

Commissioner Tebay – Anyone else want to testify?

Commissioner Couch - Does any body in the room have any knowledge of another will?

Someone said No.

Commissioner Tebay – I think it would be proper to ask is there anybody, relative that would wish to serve as Administrator of the estate?

Someone said No.

Attorney Douglass – Mr. Crew would.

Someone speaks but is inaudible.

Attorney Douglass – Are you asking the heirs at law?

Someone speaks but is inaudible.

Commissioner Tebay – And today we are being asked to name an Administrator, is that (inaudible word) or requesting us to admit the will or not.

Attorney Underwood – That's the first question, (inaudible)

Commissioner Shaver – We'd like to take a five-minute recess, please.

Commissioner Couch – I would like to recuse myself from any of the deliberations, I do serve on the United Bank trust committee and therefore, I probably have an interest in the (inaudible) I know Jane Sargent (inaudible) I am going to recuse myself from any decision making because of my affiliation with United National Bank.

People are talking.

Recess 3:10 P.M. to 3:20 P.M.

Commissioner Tebay – Mr. President I would make a motion to admit this (inaudible) writing, will as the last will and testament for Cecile G. Morgan for probate.

Commissioner Shaver – I'll second that motion. Thank you very much.

Someone speaks – inaudible

Commissioner Shaver – We decided to admit the will to probate. I guess you all deserve an explanation. Please understand we are not attorneys we are lay people, but we tried to make the best decision we could. It is our opinion that at the time the deceased made her will she was of sound mind. There is no testimony available to us to say that she was not of sound mind when she made her will. We have obviously no medical testimony or any other testimony saying that if in fact she was the one that marked the will up, tore the page, etc. We have no valid testimony available to us saying that she was in fact the one that marked the will up, tore the page, secondly, if she in fact was, if she was of sound mind at that point in time And we feel that

(inaudible word) to admit the will as her last will and testament and admit it to probate. That's the basis of our decision. I hope everybody understands that, of course if everybody doesn't agree with that there are means that a person has to challenge it beyond our ability. I hope you understand our position and we thank you very much for your patience and time with this hearing.

Attorney Underwood – I'll prepare an Order.

Commissioner Shaver – If you would, please.

Attorney Douglass – We would object to (inaudible)

Commissioner Shaver – Certainly.

People speaking at the same time.

Someone asks about the bank but is inaudible.

Commissioner Shaver – Yes, as per her desire.

Ms. Sargent gives the bank address.

Mr. Rader – (inaudible) post office

Commissioner Shaver – You should probably make arrangements with Mrs. Sargent at the bank and she may be able to make arrangements with the postal authority to direct the mail directly to the bank that way you won't have to fool with it. That's up to her. Thank you.

Undunwood talking 199

Cecile Morgan estate

6-26-00

Samuel
Waver
Donald
Waver
Bruce
Waver
Norm
Fugate

3 letters of those not in attendance
reject the will

will - UMB - ^{NAMED} EXECUTOR Jane ^{UMB} Sargent
"I" takes no position

Randy Rapp - atty in fact - Mrs Morgan

R. Rapp

presented letter to remove
him from any shares - wanted
it to be given to ~~the~~ PAC found.

Jane Sargent

- UMB - VP trust officer

UMB is petitioner

- Mrs. Morgan ^{decd} March 22, 2000

- \$700,000⁰⁰ in estate

Undunwood - hears, rips lines on the will

- no other will for Cecile

- heir list complete

- spec. on what happened to will

- spoke to her once but not
about anything w/ estate

Una - appears to be no replacement

~~Excess~~ didn't sign in
Silas G. Rader
came in late.

Randy - lot of \$, real estate -
- he didn't want to be Exec.
so when they did will (Passing)
they named bank as executor
his grandmother; Mrs. Mugar
were best friends. Cecil had
asked him to take over her probate.
The will wasn't in bank was
at her home ^(Cedarhurst); it was torn;
scribbled on. It was just in
w/ other papers.

- in 88 ~~she~~ knew what she was doing
- ^{never} and she was out of it 2000
- she was then moved to Willows

Randy she never said anything about
moving; will wasn't damaged.

Eunice Douglass - represented
Denver Club
asked ? of fare
^{MB} - is a trustee of Port. Ave. Trans.

Randy
- ever use Prof Att. to
convey anything
- he had Western pay
checks to creditors.

Pandy

- Louaine Taught - Wesbancs.

- enormous amount of savings bonds.
- they rolled them over into new bonds 140,000⁰⁰ (approx)

Mr. Crews kids still have bonds so even the ones that weren't listed in will ~~have~~ were left something.

Ennie presented a past case.

Crew - she didn't say who she'd use to make new will
- good & bad days.

Fay Means

- now, she was come & go

- she told her she was going to make new will, but she forgot Crew kids.

Moore has any knowledge of will
- Mr. Crew would be executor.

~~Other~~ recess.

3:10

3:20



ever make charitable contributions
as her pop atty.

- no, but she gave it to church
- Cedar Grove when he last saw
the will. she kept bills together
w/ the will & other papers in a
plastic box.

Silas - he took her to hosp etc for
last 12 years.

- visited often
- never seen the will

Underwood

- do you know why Foundation
was mentioned

Rapp - wanted to help kids -
determined Found. would be best
after talking w/ Rapp & Penning

Mr. Cren

- her nephew (oldest)
- was aware of Rapp being Pop Atty
- damaged & wrote on
- he says its her signature
- he wasn't mentioned in will

after he called she said it wasn't good because he wasn't in it.

- in 98 she said well wasn't right

Indu - of Crew

- no children
 - lives in Vienna
 - talked to Mr Zor & Limer week
 - Jay was her former Prof. Atty
- she was next closest to her next to him
- called her at Cal. Shore 102 2 months Nov 98 - Spring of 99
 - said she wanted to make someone.
 - told him she was going to tear it up (Dec 98)
 - he never mentioned it to anyone that she wanted to change it.
 - he called her. he never asked her or discussed the will again
 - were others not in will
 - he thinks she wasn't that sound of mind.

Fapp

- Jay did alot ; was closest
- cleared ; threw away a pair of shoes. That's why she removed her ; after Randy

Bob - to admit will to probate
Holmes -

- sound mind when she
made the will

- there is no medical
or other to say she was
there who damaged the will

Underwood to prepare Order.

Douglas protests will

482-1249