

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
THURSDAY, MAY 24, 2001

PRESENT: ROBERT K. TEBAY, PRESIDENT
RICK MODESITT, COMMISSIONER
K.D. MERRITT, COMMISSIONER

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

The County Commission, upon a motion made by K.D. Merritt, seconded by Rick Modesitt and made unanimous by Robert K. Tebay, approved minutes from May 3, 2001 and May 7, 2001.

At 9:30 A.M., the County Commission met with Bill Crichton, Attorney, to discuss the Ross Miller estate. Terry King, stepdaughter of Mr. Miller was present and asked to be appointed Executor of the estate in place of her mother, who has also passed away. Robert Ellison, Attorney was also present and he represents Mr. Miller's two children. Discussion took place. The County Commission, upon a motion duly made, seconded and passed, appointed the Sheriff as Executor of this estate.

At 10:00 A.M., the County Commission met with David Underwood, Attorney, to discuss the William Morrison estate. Barbara Baxter and Edna Morrison were present for this hearing. A copy of the Order prepared is attached to these minutes and shall be made a part thereof.

At 10:30 A.M., the County Commission met with William Engle, who presented a letter explaining his reason for appearing before the Commission. (A copy is attached.)

At 11:00 A.M., the County Commission met with Becky Asbury from the Tri-State Rehabilitation Group to discuss Workers Compensation. Ms. Asbury gave a presentation to the

Commission on what her company does. Ms. Asbury left a pack of information for the Commissioners.

At 11:30 A.M., the County Commission met with D.R. Smith to discuss 911. Mr. Smith addressed Kay Hill about a statement that was made during a previous meeting in regard to the post office and maps.

At 11:34 A.M., the County Commission, upon a motion made by Rick Modesitt, seconded by K.D. Merritt and made unanimous by Robert K. Tebay, went into Executive Session at the request of D.R. Smith, Director of Emergency Services. Said Executive Session is under the authority granted in #2, Chapter 6, Article 9A, Section 4 of the West Virginia Code. The County Commission adjourned said session at 1:00 P.M.

The County Commission of Wood County, upon a motion made by K.D. Merritt seconded by Rick Modesitt and made unanimous by Robert K. Tebay, did hereby ORDER that the bid for the exterior painting of the Mid-Ohio Board of Health Building located at 211 Sixth Street, Parkersburg, WV, be AWARDED to American Star Painting Company, LLC, Route 3, Box 259D, Elizabeth, WV, in the amount of twenty-nine thousand five hundred dollars and 00/100ths cents (\$29,500.00). The Awarding of the aforementioned bid is pursuant to an ORDER appearing in Order Book 64, at Page 507 and bearing the date of May 21, 2001, at which time sealed bids were opened by the County Commission and taken under advisement. Bids received in regard to the exterior painting of the Mid-Ohio Valley Board of Health Building are on file in the Office of the County Administrator. An Order was prepared regarding this matter.

The County Commission of Wood County was in receipt of the Statement of Cash Receipts and Disbursements and Cash and Investment Balance for the year ended December 31, 2000 and the

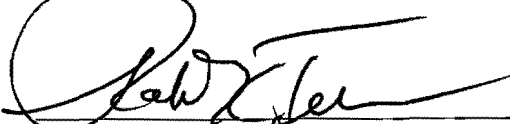
Forecasted Statement of Cash Receipts and Disbursements and Cash and Investment Balances for December, 2000 through June 1, 2007 from Bank One, West Virginia, Charleston; Charleston, WV, in regard to the Counties of Berkeley, Boone, Fayette, Hancock, Harrison, Jackson, Jefferson, Lincoln, Logan, McDowell, Marion, Marshall, Mason, Mingo, Monongalia, Morgan, Ohio, Pleasants, Summers, Tyler, Upshur, Wetzel, Wood, Wyoming and City of Wheeling, WV, Single Family Mortgage Revenue Bonds 1983 Series A. All documentation pertaining to the said Single Family Mortgage Revenue Bonds 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 Rick Modesitt, seconded by K.D. Merritt and passed, adopted a Resolution in reference to Budget Revision No. 12 in the General County Fund budget for the fiscal year 2000/2001. The Request for Revision to the Approved Budget, being submitted to the West Virginia State Auditor - Chief Inspector Division, Charleston, West Virginia, was signed by Robert K. Tebay, President of the Wood County Commission. An Order was prepared regarding this matter.

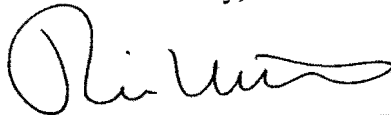
Having no scheduled appointments or business to attend to, the County Commission adjourned at approximately 2:00 P.M.

Approved:

THE COUNTY COMMISSION OF WOOD COUNTY



Robert K. Tebay, President



Rick Modesitt, Commissioner



K. D. Merritt, Commissioner

PURCHASE ORDERS APPROVED ON MAY 24, 2001

26655	Assurance Business Forms	1493.34
26659	Assurance Business Forms	1502.56
26797	American Star Painting	29500.00

To listen to these minutes, please refer to Tape #84 & Tape #85.

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May 24, 2001

Kay Hill
- William Crichton
Terry King
- Robert Ellison
- Dave Judson
Barbara Baxter
- Edna Morrison
Bill Engle
Bob Long
Larry Muller
Rebecca Asbury
C. H. Smith
O. R. Smith

MOVRC

5129/01
433/124
5/24/01

BEFORE THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

**IN RE: LAST WILL AND TESTAMENT
OF WILLIAM L. MORRISON,
DECEASED**

ORDER

This 16th day of April, 2001, came the Petitioner herein, **EDNA F. MORRISON**, in person, and by **DAVID G. UNDERWOOD**, her attorney, and as well came **CARLEEN McLEOD**, in person, in her individual capacity and as the duly appointed and acting Executrix under the Last Will and Testament of **WILLIAM L. MORRISON, deceased**, all for hearing upon Petitioner's Petition for Elective Share, heretofore filed and noticed for hearing this day. Based upon the testimony, evidence and exhibits adduced at the hearing, the Commission makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. That the said **WILLIAM L. MORRISON** died, testate, a resident of Wood County, West Virginia, on March 16, 2001.
2. That the said **WILLIAM L. MORRISON** left, surviving as his sole heirs-at-law, his wife, **EDNA F. MORRISON**, the Petitioner herein, and two daughters, to-wit: **CARLEEN McLEOD** and **SARAH BETH SUTHERLAND**.
3. The Last Will and Testament of the said **WILLIAM L. MORRISON** was duly admitted to probate before the Commission on the 22nd day of March, 2001.
4. That the aforesaid Last Will and Testament made no provision for the Petitioner, **EDNA F. MORRISON**, to receive any of the property or estate of the said

WILLIAM L. MORRISON, deceased.

5. The Petitioner's Petition for Elective Share was filed herein on the 30th day of March, 2001 in accordance with *West Virginia Code 42-3-1, et seq, as amended.*

6. That the said **EDNA F. MORRISON** and **WILLIAM L. MORRISON, deceased**, were duly and lawfully married in Wood County, West Virginia, on May 22, 1970, and were husband and wife at the time of the death of the said **WILLIAM L. MORRISON, deceased.**

7. That the Petitioner, **EDNA F. MORRISON**, and the decedent, **WILLIAM L. MORRISON**, were married more than fifteen (15) years as of the date of death of the said **WILLIAM L. MORRISON, deceased.**

8. That the said **CARLEEN McLEOD**, in her capacity as Executrix under the Last Will and Testament of **WILLIAM L. MORRISON, deceased**, has filed an Inventory and Appraisal, which Inventory and Appraisal states the total probate estate of said decedent as having a value of \$98,306.07.

9. That all persons interested under the Last Will and Testament of the said **WILLIAM L. MORRISON, deceased**, and all persons required to be served with a copy of the Notice of Hearing and Petition for Elective Share, have been timely and properly served, according to law.

10. That the Petitioner, **EDNA F. MORRISON**, has received nothing from the estate of the said **WILLIAM L. MORRISON, deceased.**

11. That the decedent's funeral expenses were paid by the Decedent during his

lifetime and further funeral expenses, if any, should be nominal.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commission does hereby make the following Conclusions of Law:

1. That the Commission has jurisdiction to entertain and consider Petitioner's Petition for Elective Share, in accordance with *West Virginia Code 42-3-1, et seq, as amended.*

2. That the Petition has been timely and properly filed and that all persons interested herein have been duly, timely and lawfully served with copies of the Notice of Hearing and the Petition for Elective Share.

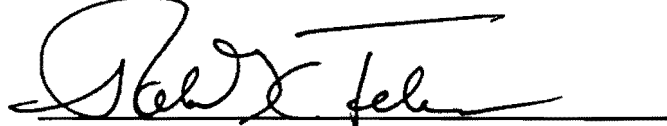
3. That the Petitioner, **EDNA F. MORRISON**, as the surviving spouse of **WILLIAM L. MORRISON, deceased**, is entitled to fifty (50%) percent of the augmented and reclaimable estates, as set forth in *West Virginia Code 42-3-1, et seq, as amended.*

4. That the total amount of the augmented estate to which the Petitioner is entitled is not capable of calculation at this time in that the payment of enforceable claims, if any, administrative expenses and any remaining funeral expenses have not been fully and finally determined.

Accordingly, it is hereby **ORDERED** that the said **CARLEEN McLEOD**, as Executrix under the Last Will and Testament of **WILLIAM L. MORRISON, deceased**, continue to administer the estate in accordance with West Virginia Law and as supervised


by R. Vance Golden, III, the Fiduciary Commissioner, hereinbefore appointed; that in so doing the said **CARLEEN McLEOD** shall not unnecessarily deplete or diminish the assets of the estate, except in the ordinary course of estate administration. It is further **ORDERED** that the Petitioner, **EDNA F. MORRISON**, be entitled to fifty (50%) percent of the augmented and reclaimable estates of the said **WILLIAM L. MORRISON, deceased**, and that the amount and manner of distribution, in order to compensate the Petitioner for her elective share, shall be hereafter determined at a hearing before this Commission at such time as the administration of the estate is completed according to law. It is further **ORDERED** that all further proceedings in connection with the Petition for Elective Share shall be continued generally until further Order of the Commission.

ENTER:



President

Prepared by:



David G. Underwood
COSENZA, UNDERWOOD & MERRIMAN
515 Market Street - P.O. Box 4
Parkersburg, WV 26102
(304) 485-0990
Counsel for Petitioner, Edna F. Morrison