

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
MONDAY, AUGUST 10, 2006

PRESENT: ROBERT K. TEBAY, PRESIDENT PRO TEM
RICK MODESITT, COMMISSIONER
ABSENT: GARY D. DEEM, PRESIDENT

At 9:30 A.M., the County Commission of Wood County met in regular session. They signed purchase orders, invoices and other correspondence. Upon a motion made by Bob Tebay, seconded by Rick Modesitt and passed, the Wood County Commission approved the minutes of March 23, 2006.

The Wood County Commission, upon a motion duly made, seconded and passed, approved erroneous assessment applications in regard to real property for Darren T. Smith, Slate Taxing District (2006); Cecella Williams; Vienna Taxing District (2006); Valerie D. Wilson; Lubeck Taxing District (2006); Jesse B. Daniel, Clay Taxing District (2006); Patrick H. Cathey, Taxing District (2006); Daniel Siers, Williams Taxing District (2006); Ruth O. Full, Taxing District (2006) and Bobby Deuley, Walker Taxing District (2006).

The Wood County Commission, upon a motion duly made, seconded and passed, approved an erroneous assessment application in regard to personal property for Jeff C. Taylor, Parkersburg City Taxing District (2006); Pardee, Walker Taxing District (2006); Michael H. Odell, Clay Taxing District (2006); Rachie C. Townsend, Union Taxing District (2006); Kenneth E. Squires, Slate Taxing District (2006); Kenneth E. Squires, Slate Taxing District (2005); Clayton A. Callahan, Vienna Taxing District (2006); Marvin E. McDonald, Parkersburg Taxing District (2006); Edwin K. Stotts, Williams Taxing District (2006);

Cassandra Wilfong, Williamstown Taxing District (2004); Ila M. Nutter, Harris Taxing District (2006) and Donald E. Gant, Vienna Taxing District (2006).

At 9:35 A.M., the Wood County Commission was to meet to discuss the Highway Safety Program Grant with Toni Tiano from Tiano-Knopp Assoc. Ms. Tiano was not present. The Grant was approved and signed and an order was prepared.

At 10:45 A.M., the Interview for Mountwood Park with Tracy Newberry, was rescheduled.

At 11:00 A.M., came the Petitioner, Catherine S. Sargent, and also came Barbara B. Shockey, Administratrix of the Estate of Paul E. Shockey, in person and by her counsel, Joseph T. Santer. The Petitioner requested the removal of the Administratrix and requested the appointment of a substitute administrator of the estate. The County Commission, upon hearing the arguments and comments of the respective parties and after a review of the estate papers filed with the Probate Court, find that Barbara B. Shockey has, to date, performed all of her responsibilities and duties as Administratrix of the estate in a timely and proper manner and that there has been no showing of a cause or need for her removal from that position. It is therefore the Order of the County Commission of Wood County that the petitioner's request for removal be and is denied. An order was prepared.

At 11:30 A.M., Ann Conageski and Cecil Childers came before the County Commission to request the use of the County Parking Lot for the Fall Festival. After discussion the County Commission of Wood County, upon a motion made by Rick Modesitt, seconded by Robert K. Tebay and passed, APPROVED the request of the Downtown Development Task Force Tourism Committee, along with the Parkersburg Convention Bureau, the Blennerhassett Hotel and the City of Parkersburg to use the County Parking Lot on

September 30, 2006. They will be hosting a Taste of Parkersburg festival and will be putting up tents for said festival. However, the County Commission denied to the request for holes to be drilled into the concrete for the tents. An order was prepared.

The County Commission of Wood County, upon a motion made by Rick Modesitt, seconded by Robert K. Tebay, and passed, ORDERED that Rick Modesitt will temporarily attend meetings of the WVU Extension Board and the Wood County Airport Authority in Gary Deem's absence due to an illness. The County Commission, upon the same motion, ORDERED that Robert K. Tebay will temporarily attend meetings of the Wood County Parks and Recreation Commission (Mountwood Park) and the 911 Advisory Board. An order was prepared.

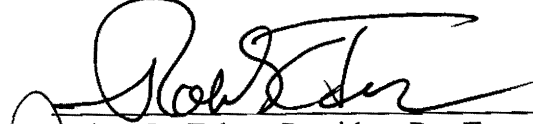
The County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by Rick Modesitt and passed, appointed Joanne Powell to the Wood County Community Corrections Committee. The vacancy is due to the fact Dave Shaffer submitted his resignation. Said appointment is pursuant to an Order appearing in Order Book 51, at Page 433 and bearing the date of April 1, 1991, dealing with the procedure policy for appointments to Boards and Authorities. An order was prepared.

The County Commission of Wood County, upon a motion made by Rick Modesitt, seconded by Robert K. Tebay and passed, announced to all concerned that they will not be in session on Thursday, August 17, 2006, due to lack of a quorum. An order was prepared.

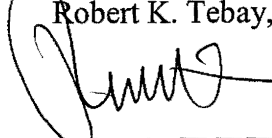
With no further scheduled appointments or business to attend to, the County Commission adjourned.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY



Robert K. Tebay, President Pro Tem



Rick Modesitt, Commissioner

To listen to this meeting, please refer to Tape #605

Wood County Commission Meeting
Held August 10, 2006

Please Print

1.	Catherine Sargent
2.	JOSEPH T. SANTER
3.	Barbara E. Shockey
4.	Terry L. Burner
5.	Carol E. Burner
6.	Scott Marks
7.	Dammie Marks
8.	Ella Lilly
9.	Peggy Swisher
10.	Mark Burner
11.	DAVID LILLY
12.	BOB BURNER
13.	Art Wimer
14.	ANN CONAGESKI
15.	STEVE NICELY
16.	CECIL CALDRESE
17.	
18.	
19.	
20.	

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Over

**Transcript of Wood County Commission meeting held August 10, 2006,
11:00 A.M. in regard to the Paul E. Shockey estate.**

Robert K. Tebay, President Pro Tem
Rick Modesitt, Commissioner
Catherine Sargent, Petitioner
Angi Helmick, County Commission Office
Joseph Santer, Attorney
Mark Rhodes, County Clerk's Office

Tebay: Paul E. Shockey estate. Have you all signed in up here? The two of you have signed in, the rest of you signed in? Everybody? We have a request to remove Catherine Sargent as Executrix of the Estate.

Sargent: I am Catherine Sargent and I am the person who's making the request for removal.

Tebay: All right, can you come up in the hot seat here please where the recorder can pick you up (inaudible)

Sargent: Is it all right with you if I stand?

Tebay: Sure.

Modesitt: Is it operating now, is it working.

Helmick: Yes. It's moving, it's working.

Sargent: I have provided each of the petitioners with a packet and also the Administratrix Barbara Shockey with a complimentary package. In essence it is a summary of information that I would like you to consider and I understand that there's a lot of research that is quoted in this document, I picked a few of the more relevant ones and gave you the entire document so

that's what's in your packet. It's a lot to absorb in a few minutes but the research was done and is accurate. Would you like to take the time to read the summary document?

Tebay: I looked at the front page and your request; I believe is to have her removed on basis of she's not competent. Is that true?

Sargent: Correct.

Tebay: That's enough for me. Counsel, you represent Barbara Bernard?

Santer: Yes sir, first off we oppose.

Tebay: State your name for the record

Santer: Joseph T. Santer and I represent the estate and particularly Barbara Bernard

Tebay: Let me interrupt, anybody that is going to testify, you included ma'am, please raise your hand, anybody that is going to testify, back there we have 2, 3. Do you all swear to tell the truth, the whole truth, nothing but the truth, so help you God.

Group: I do.

Tebay: Let the record reflect that those to testify have been duly sworn to tell the truth. O.K. Counsel go ahead, I'm sorry.

Santer: Is she going to say anything else?

Sargent: Yes, I'd be happy to go forward, sure, I'd be happy to lay out the basis for those people who are here and haven't had a chance to read the document. It's actually based upon a series of things that Barb has told me personally and other members of the family and close friends. In fact, it stems from a very sad chapter of her life where she was institutionalized in

mental hospital and of course that was many years ago, in and of itself that is not important or even relevant. A lot of people have mental health issues and fully recover, so in that regard there's no issue. I know it was a very sad chapter of your life, I know that. The issue though became the fact that while she was institutionalized she had electric shock therapy repeatedly. The electric shock therapy is known to cause long term, permanent mental health issues. Including permanent memory loss, brain atrophy, many other things that lead to cognitive reasoning skills diminishing. And that's the basis of the entire request. And I have also given you a recent episode that I believe summarizes, and that episode is item number four which is on the third page and I would appreciate it if you would take the time to read item number four. That is the current episode that I would say characterizes the best, that in fact that she has permanent damage as a result of the electric shock therapy.

Modesitt: When did that occur?

Sargent: That occurred approximately June fifteenth.

Modesitt: Of this year?

Sargent: Of this year.

Santer: Which page are you talking about?

Sargent: The third page of the top document and its item number four. The evidence that Barbara Shockey currently has cognitive problems. If you would like, I can read it out loud, your choice.

Tebay: Maam, I think we're getting into something here that's not of consequence to this Commission. WE don't have the authority or the ability to determine this lady's competence. If you're going to go that route, I think you need to go across the street to Circuit Court. Before we get a lot of testimony about that, I would like to go to counsel to speak.

Santer: First off, the electric shock therapy, which occurred long ago, has no bearing whatsoever. This is a woman who has repeatedly been able to demonstrate her competency, she's a nurse, worked for many years as a nurse, she continues to function well after the death of her husband, obviously a very traumatic experience. She has functioned as the Administratrix of the estate, she was appointed the Adminsitatrix, has prepared and filed with the court the appraisal of that estate, she managed the home, prior to her husband's death, that includes taking care of the bills, she continues to do that since then, is fully competent and aware of what is going on, she's here available to answer any questions you might have concerning her understanding of what's going on. Her functions and abilities to handle this estate as Administratrix, in my mind, should not be questioned. I met with this woman for some length of time, she seems to be fully aware of what is going on and her cognitive function seems to be very good. I questioned her extensively concerning her understanding of the assets of the estate, those things that were both probate and non probate, her dealing with those things, seems to be fully aware of everything. She's here available and happy to present any evidence concerning that. I think the primary thing to look would be the appraisal that has already been prepared and filed with the court. It clearly shows her competence and ability and she has done that. Has she sought help doing that, yes, the same as many people has. But she's fully capable and aware. I have spoken to neighbors of hers that virtually have day to day dealings with her and they all feel she is capable and aware of what's going on and they're here and available to testify if need be.

Sargent: Mr. Tebay, may I ask a question?

Tebay: Sure

Sargent: If in fact, she was trained and worked for many years as a nurse would you have included in your summary, which I know for a fact to be true, I would question why, if on a critical, medical event, as my father falling out of bed and landing on the floor, why she didn't call an ambulance. He was covered in feces and vomit, which had dried indicating he had been there many hours. His arm was pinned under his body and had swollen to twice its normal size and turned purple because of the lack of blood circulation. Those are critical indicators of a

medical health issue and in addition he was undergoing chemotherapy. She did not move him and unpin his arm, she didn't even call an ambulance and so I think that's evidence that her cognitive reasoning is slightly off.

Tebay: Rick, do you have any questions?

Modesitt: I was just looking at date of death was June

Sargent: 19th

Modesitt: And so far all of the paperwork have been filed? Is that correct?

Santer: Yes.

Modesitt: There's nothing missing?

Santer: There are two things in the appraisal that are not fully complete and that's because some of Mr. Shockey's stepchildren removed some of those items from the home and Ms. Shockey, unfortunately didn't have the ability to actually inventory those items but she's guestimated their value and put them in there. There are two clocks and some Fenton glass pieces and there are some boxes of other things. We don't think there's anything of any value in those items. The appraisal indicates that we're, I'm sure of those and that that's an estimation. But other than that everything else

Rhodes: Was there a couple of vehicles also? Titles got signed over?

Santer: The titles shouldn't have been signed over, were not signed over. Titles were removed from the home and I'll say we're not suggesting anything improper (inaudible) was done. At that point Mrs. Shockey had spoken to one of her stepsons, Douglas, I believe it was, Douglas Shockey. At that point there was some indication on her part that she might relinquish the handling of the estate and allow Douglas Shockey to handle it, she later decided she would

handle it. So we're not suggesting that Mr. Shockey did anything improperly, we're simply indicating that some of those items were removed and we didn't have those when the appraisal was actually done. So there may be some modification or amendment necessary on the assessment.

Modesitt: Is Barbara (inaudible)

Tebay: Barbara Bernard

Modesitt: Has there been any, since the time of death, has there been any evidence of anything not being done that she was supposed to do?

Sargent: Actually, the only evidence that I am aware of, because I live in Virginia, I work in Washington D.C. is the fact that she was giving away, and I believe that's how the titles and some of the things that were carried out that are missing on the inventory occurred. She literally did not understand the concept that she could not distribute the assets at this point. She didn't understand the basic concept that there had to be a full accounting prior to any action that she would take. She just didn't understand how an administrative function worked.

Santer: Two things. First off again, the time most of these items were removed by Douglas Shockey and his son John, his brother John that was done at the time when Ms. Shockey was considering letting Douglas handle the estate. There was some question concerning a boat and trailer and certainly Ms. Shockey was not fully aware of the implications of perhaps giving that away so if there is an issue with the boat and trailer, but once she was aware of that, that's been corrected and that's not an issue.

Modesitt: Is there a will in place?

Santer: No, no.

Sargent: Actually Mr. Shockey told several people that there was a will. I didn't bring witnesses. I didn't think that that was part of the issue. But for the record.

Santer: We're unaware of any will

Tebay: Catherine, are you related?

Sergeant: I'm Paul's daughter.

Tebay: Daughter. O.K.

Modesitt: And the Administrator is related?

Santer: His wife.

Modesitt: His wife.

Tebay: His wife.

Santer: That would be Mrs. Shockey. Paul Shockey's widow. I further state that this estate, the probate portion of this estate is nominal. It's somewhere under seven thousand dollars. The rest of it is all jointly held with right of survivorship property. There's not much in this estate. I'll further state that of those items that are probate, much of that are actually jointly held without a right of survivorship by Ms. Shockey which would be the contents of the home. The only items that would have been in Mr. Shockey's name alone without a right of survivorship. A boat trailer, a gun, some personal effects and then a house trailer.

Tebay: I didn't see any bills for the funeral, funeral bills in the report. Those funeral bills have been paid?

Santer: Yes. And they are to the tune of a little over six thousand dollars. Which essentially

Tebay: And they've been paid by Mrs. Shockey?

Santer: Yes, yes. And I'm gonna say further that the value of the estate, the probate portion, is going to be less than the cost of the debts of this estate so there's going to be nothing for distribution. In fact there's likely gonna be a negative balance.

Modesitt: I'm a little confused. They are husband and wife, right?

Santer: Paul Shockey and Barbara

Modesitt: She is the administrator of the estate.

Santer: Yes.

Modesitt: What's his is hers what's hers is his, type of scenario on most of the property, joint property.

Santer: Yes with right of survivorship.

Modesitt: Right, with very little assets. As far as performed, she's done everything she's supposed to do by law.

Santer: Absolutely. In a more than timely fashion.

Tebay: Probate assets are very little, Rick. (inaudible)

Modesitt: The fact is she's his wife and the fact is she's done everything so far

Tebay: It appears that way and I've questioned the probate department and they say that this lady has performed as required. We cannot rule and will not rule on (inaudible). It appears that she is doing the job.

Sargent: I respect your opinion and I thank you for your time.

Modesitt: I make a motion that we deny the petition.

Tebay: Second the motion and make it unanimous.

Sargent: Thank you very much gentlemen.

Tebay: Joe, you'll do an order?

Santer: Yes sir. Thank you.