

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
RECESS
SESSION:**

State of West Virginia;

County of Lewis, To-Wit;

In the office of the Clerk of the County Commission of the said County of Lewis, in the recess of said Commission on Wednesday, March 20, 2013.

This day came Michael S. Posey, son of Edward Jackson Posey, deceased, and filed affidavits signed by Edwin Posey, Lora Montgomery, Edward J. Posey, Jr. and Melissa D. Blaker, heirs of said decedent, requesting that he be appointed as such Administrator of their said decedent. Upon consideration of which, the Clerk is of the opinion to and doth hereby appoint the said Michael S. Posey as such Administrator.

THEREFORE, Michael S. Posey as principal together with Michelle F. Posey as his surety, entered into an acknowledged a bond in the penalty of Twenty-Five Hundred (\$2,500.00) Dollars, payable to the State of West Virginia, conditioned according to law, which bond is hereby approved and deemed sufficient. And, thereupon, the said Michael S. Posey qualified as Administrator of the personal estate of Edward Jackson Posey, deceased, by taking the oath prescribed by law.

It is stated by said Administrator that Edward Jackson Posey departed this life on the 15th day of March, 2013, aged seventy-one years.

Attest:

 Clerk

State of West Virginia;

County of Lewis, To-Wit;

In the office of the Clerk of the County Commission of the said County of Lewis, in the recess of said Commission on Wednesday, March 20, 2013.

This day came Wilma Faye Wine, sister of Ray Metheney, deceased and presented and offered for probate a paper writing bearing date the 2nd day of June, 2003, purporting to be the Last Will and Testament of her said decedent.

And, it appearing to the Clerk that the said decedent, at the time of his death, had a known place of residence in the County of Lewis, State of West Virginia, and it further appearing that the said paper writing had attached thereto, an affidavit signed by Rose M. Verlander and Marie Bishop. The said affidavit set forth the fact that the said Ray Metheney, the Testator, signed and declared the said paper writing as and for his Last Will and Testament in their presence and at the time thereof, the said Testator was of sound mind and disposing memory and over the age of eighteen. And, at the request of the said Testator, they, the said Rose M. Verlander and Marie Bishop signed their names to said paper writing in the presence of the said Testator and in the presence of each other as the attesting witnesses thereto.

The said Will being thus proved, is admitted to probate and ordered to be filed and recorded as directed by law.

Attest:

 Clerk

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
RECESS
SESSION:**

State of West Virginia;

County of Lewis, To-Wit;

In the office of the Clerk of the County Commission of the said County of Lewis, in the recess of said Commission on Wednesday, March 20, 2013.

WHEREAS, Ray Metheny, whose Last Will and Testament was this day fully proved, probated and admitted to record, therein named Wilma Faye Wine as Executrix thereof and requested that no bond be required of her as such Executrix. THEREUPON, personally appeared the said Wilma Faye Wine and qualified as Executrix of the Will of Ray Metheny, deceased, by taking the oath prescribed by law.

It is stated by said Executrix that Ray Metheny departed this life on the 14th day of March, 2013, aged seventy-six years.

Attest:

 Clerk

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, MARCH 25, 2013**

Commission sat pursuant to adjournment of Monday, March 18, 2013.
PRESENT: Honorable Patrick D. Boyle, President, Thomas V. Fealy and Agnes G. Queen, Commissioners
The foregoing proceedings of this Commission were approved and signed by the President.

IN RE: TAX EXONERATIONS

Upon application of the following, approved by the Prosecuting Attorney, it appears that they were erroneously assessed and should therefore be, released the following amounts, as so ordered. Upon motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing, the following amounts were released.

| | | | |
|--------------------------|--------|-------------------------------|--------|
| Robert L. Elliott - 2008 | \$4.01 | Robert L. Elliott - 2009 | \$4.44 |
| Robert L. Elliott - 2010 | 4.37 | Robert L. Elliott - 2011 | 4.75 |
| Robert L. Elliott - 2012 | 5.21 | Old Nat'l Bank of Martinsburg | 4.60 |

IN RE: APPLICATION FOR CONSOLIDATION OF LAND

Upon the application for consolidation of land for Lily D. Foster same was reviewed and approved upon motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing.

APPLICATION FOR CONSOLIDATION OF LAND

The undersigned hereby makes application to the County Commission of Lewis County, West Virginia, as provided in Chapter 11, Article 4, Sections 17 and 18 of the West Virginia Code for the consolidation of the following tracts or lots of land, situate in (09) HCC District, Lewis County.

The said tracts of land are presently assessed as follows:

Name: Foster Lily D.
Description of Tax Map and Parcels Involved: _____
09-4-203 LOTS 46 & 47 Haleville (100x123x100x120)
09-4-202 PTLT 45 Haleville (34x120x26x123)

The undersigned respectfully requests that said entries be combined as follows:

Map: 4 Parcel: 203 Desc: LOTS 46, 47 & PTLT 45
Haleville 134x123x126x123

Signed this 22nd day of March, 2013.

X Lily D. Foster
(OWNER)

(OWNER)

Approved and in the minutes of the Lewis County Commission this 25 day of March, 2013.

BY: [Signature]
(PRESIDENT)

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, MARCH 25, 2013**

IN RE: MINUTES, INVITATIONS, NOTIFICATIONS, CORRESPONDENCE

1. **Upshur County Commission Agenda** – A copy of the Upshur County Commission Agenda for March 21, 2013 was filed.
2. **Lewis Gilmer February 2013 Emergency 911 Totals**– Report of call activity by agency received and/or processed by the Lewis-Gilmer Emergency 911 Center for February 2013. EMS calls are consistently the same and Lewis County Law enforcement is busy compared to Gilmer County.
3. **NACo Report**–A copy of the National Association of Counties (NACo) report of February 2013 was filed.
4. **Lewis County FY 2012 Audit Report** – A copy of the WV State Auditor’s Audit for Lewis County was received. No significant findings. Findings: 1. Lack of separate cash drawers in the County and Circuit Clerk’s offices. 2. Segregation of duties. 3. County Clerk’s Office agreement with Chesapeake Energy to digitize records.
5. **Annex Update**-Lucinda Whetsell, County Administrator reported that the furniture, fixtures and equipment bid has been finalized and is ready to go out to bid. The Lewis County Building Commission has received Change Order #2. It has been tabled until meeting with the architect can determine if it is a valid change order. A name for the Annex is need. Lucinda Whetsell will take a poll of the Commissioners and the Lewis County Building Commission and the name with the highest votes will win. Choices are: Lewis County Judicial Annex, Lewis County Judicial Center, Lewis County Justice Annex or Lewis County Justice Center. Frontier is meeting with Silling Associates on the telephone services for the annex. Frontier has the state contract, so it would not need to be bid. Ms. Whetsell suggested getting a price and seeing if the Commission wanted to bid the Phone System after seeing the cost. It was suggest that the main courthouse telephone system could be added. Frontier will not cover existing phones, new ones would need to be purchased. The HVAC was tested and not turned off. Mr. Potts with Silling Associates and the HVAC Vendor suggested that the HVAC be turned off until Annex was moved into. The wrong color cabinets have been ordered. A new color scheme is being looked at to save time from ordering new cabinets.
6. **EDA Update** – Commissioner Queen reported that the Bloody Run water project had bid opening scheduled for April 23. The board is interviewing candidates for the director position on Wednesday. The WV American Water Company law suit was discussed extensively.

IN RE: BOARD AND COMMITTEE REPORTS

Commissioner Agnes G. Queen attended the Alum Bridge Neighborhood Watch. Members are excited about the Sheriff and Assessor visiting county sites for collections and assessments.

Commissioner Queen attended the Ambassador training for the county. It was very informative.

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
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The EDA will conduct interviews on Wednesday for a director. Commissioner Queen attended a phone conference on the WV American Water suit. Commissioners Boyle and Fealy agreed that Steptoe and Johnson should write the rebuttal letter for Lewis County. Lewis and Webster Counties will be hit the hardest with the law suit. It was determined that the EDA owns the water line but a buyout would require the purchase from the water company of any investments in the lines. The water company owns the water plant. Commissioner Queen explained that Kanawha County dropped out of the law suit. The Public Service Commission will enforce the Rule 5.5 on any water projects. A law suit will stop any project not conforming to the Rule 5.5.

Commissioner Fealy attended the Ambulance Authority meeting. Runs are up with approximately 2000 runs for the 12/13 fiscal year. James Taylor was appointed assistant director. The 13/14 budget was approved.

Commissioner Fealy also attended the community corrections meeting.

Lucinda Whetsell, County Administrator attended the Records Management Grant award with Circuit Clerk John Hinzman. Mr. Hinzman's office received \$10,000.00 for scanning equipment and overtime.

Ms. Whetsell and Rick Stout, Maintenance Director attended a meeting with Premier Construction and the Jordans (TALA) on the right of way to the tower.

IN RE: OATH OF OFFICE FOR REGGIE HAWVER, GARY MORRIS AND MINDY HALL

Reggie Hawver, Gary Morris, and Mindy Hall being appointed to the position of Lewis County Ambulance Authority Board, appeared before the commission to take their oaths of office. Oaths of office was given by President Patrick D. Boyle. Oaths of Office are recorded in Oath of Office Book: 2 Pages:115,116 & 117.

IN RE: LEWIS COUNTY CVB REPORT

Chris Richards, Director of Lewis County CVB, presented the Commission with the Accomplishments for November, December, 2012 and January, 2013. A copy of report is filed in the county clerk's office for review upon request.

**IN RE: RICK STOUT, MAINTENANCE DIRECTOR:
EXECUTIVE SESSION 6-9A-4 (PERSONNEL)**

At the request of Rick Stout, Maintenance Director as per WV Code 6-9A-4 for personnel issues and upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to enter executive session at 10:57 AM. Commission returned to session at 11:35 AM on motion of Thomas V. Fealy, second by Agnes G. Queen, vote unanimous. No action was taken on executive session.

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, MARCH 25, 2013**

**IN RE: WEST VIRGINIA STATE AUDITOR'S OFFICE ADJUSTMENT TO ANNUAL
FINANCIAL STATEMENT**

The West Virginia State Auditor's office has presented adjustment to categorize revenues and expenditures in the appropriate categories for the fiscal year 11/12 financial statement. Upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to approve adjustments to 11/12 financial statement. A copy of changes is available for review in the county clerk's office.

IN RE: TUCKER COUNTY ALL HAZARDS TRAINING

This item was tabled from the prior meeting. After discussion and upon motion of Thomas V. Fealy, second by Agnes G. Queen, vote unanimous to forward this request to the Sheriff.

**IN RE: 2012 RECORDS MANAGEMENT AND PRESERVATION REQUEST FOR PAYMENT
AND GRANT CLOSURE**

At the request of Lucinda Whetsell, County Administrator, and upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to table.

IN RE: REQUEST FOR ANNUAL LEAVE

The following leave request was approved upon motion of Thomas V. Fealy, second by Agnes G. Queen, vote unanimous:

BARBARA WINANS 8 Hours Annual – March 28, 2013

IN RE: APPROVAL OF THE LEWIS COUNTY 13/14 ANNUAL BUDGET

Upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to delay approval of the budget until today at 3:30 PM.

Upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to reconvene meeting at 3:55 PM.

Upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to approve the budget as presented with the modifications to the prosecuting attorney's budget, microfilm line and computer line.

IN RE: PROCLAMATION FOR DOMESTIC VIOLENCE AND SEXUAL ASSAULT

The following Proclamation was approved upon motion of Thomas V. Fealy second by Agnes G. Queen, vote unanimous for the month of April as Sexual Assault Awareness Month:

**Proclamation
April, 2013 as Sexual Assault Awareness Month**

Whereas, sexual violence against the citizens of Lewis County, continues, and
 Whereas, sexual violence affects every person in Lewis County as a victim/survivor, or as a family member, domestic partner, friend,
 co-worker or neighbor of a victim/survivor; and
 Whereas, to prevent the future violation of our citizens, it is critical to foster greater public awareness of the causes and effects of sexual
 violence, and to address this problem at every civic level; and
 Whereas, Lewis County recognizes the importance of a designation of time devoted to increasing the general public's awareness of
 sexual violence, celebrating the courage of victims/survivors, and recognizing the tireless efforts of sexual assault program advocates
 throughout the state; and
 Whereas, West Virginia sexual assault programs, other professionals and supporters have joined together as the West Virginia Foundation
 for Rape Information and Services (WVRIS) to support each other in their work and to provide the State of West Virginia and its citizens
 with a central source of information on sexual assault; and
 Whereas, HOPE, INC., THE TASK FORCE ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT's volunteers and staff promote sexual prevention
 by offering educational services in Lewis County throughout the year; and
 Whereas, HOPE, INC., THE TASK FORCE ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT requests public support and assistance as it
 continues as to work toward a society where all women, children and men can live in peace, free from violence and exploitation;
 Now, Therefore, I, Patrick Boyle, President of the Lewis County Commission, do hereby proclaim April 1st through April 30, 2013 as Sexual
 Assault Awareness Month in Lewis County, and I commend this observance to all citizens.

Adopted by the Lewis County commission on this, the 25th day of March, 2013.

Attested: *Agnes Queen*
 Lewis County Clerk

Patrick Boyle
 Patrick Boyle, President

Agnes Queen
 Agnes Queen, Commissioner

Thomas V. Fealy
 Thomas Fealy, Commissioner




**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, MARCH 25, 2013**

IN RE: BUDGET REVISION – APPROVED

The following Budget Revision was this day approved by the WV State Auditor, Local Government Services Division, for FY 2012/2013 GENERAL COUNTY (001) Revision #03.

LGSD BR 1180 (Rev. 2010)

Ora Ash, Director
West Virginia State Auditor's Office
200 West Main Street
Clarksburg, WV 26302
Phone: 627-2415 ext. 5114
Fax: 627-2417

REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

Lewis County Commission
GOVERNMENT ENTITY

CONTROL NUMBER
2012/2013
FY
1
FUND
3
REV. NO.
1 of 1
PG. OF NO.

Person To Contact Regarding

Budget Revision: **Debra A. Hull**
Phone: **304-269-8215**
Fax: **304-269-8202**

PO Box 87
STREET OR PO BOX
Weston
CITY
26452
ZIP CODE

RECEIVED
County Government Type
MAR 19 2013

REVENUES: (net each acct.)

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | PREVIOUSLY APPROVED AMOUNT | (INCREASE) | (DECREASE) | REVISED AMOUNT |
|----------------|---------------------|----------------------------|------------|------------|----------------|
| 322 | Federal Grants | 980,096 | 164,998 | | 1,145,094 |
| 323 | State Grants | 372,362 | 49,129 | | 421,491 |
| 324 | Other Grants | 51,311 | 11,800 | | 63,111 |
| | #N/A | | | | |
| | #N/A | | | | |
| | #N/A | | | | |

NET INCREASE/(DECREASE) Revenues (ALL PAGES) 225,927

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | PREVIOUSLY APPROVED AMOUNT | (INCREASE) | (DECREASE) | REVISED AMOUNT |
|----------------|-------------------------------------|----------------------------|------------|------------|----------------|
| 442 | Federal Grants | 856,537 | 164,998 | | 1,021,535 |
| 443 | State Grants | 466,908 | 49,129 | | 516,037 |
| 699 | Contingencies | 1,143,848 | | 32,920 | 1,110,928 |
| 729 | Local Law Enforcement Grant | 5,192 | 15,237 | | 20,429 |
| 730 | Courthouse Security | 182,500 | 20,306 | | 202,806 |
| 731 | Community Based Corrections Program | 10,685 | 9,177 | | 19,862 |
| | #N/A | | | | |

NET INCREASE/(DECREASE) Expenditures 225,927

APPROVED BY THE STATE AUDITOR
BY: *Ora Ash* *Karen* **3/19/2013**
Director, Local Government Services Division Date

[Signature]
AUTHORIZED SIGNATURE OF ENTITY
APPROVAL DATE **3-18-13**

Glen B. Gainer, III
WV State Auditor

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, MARCH 25, 2013**

IN RE: SETTLEMENT OF ACCOUNTS FOR W.T. WEBER, JR.,
FIDUCIARY COMMISSIONER

W.T. Weber, Jr., Fiduciary Commissioner, having filed with the Clerk of this Commission during the month of March, 2013, and at least ten (10) days prior to this date, the following Settlement of Accounts, which have been made by him, advertised and otherwise handled in accordance with the Statutes; and there having been no objections thereto, the same hereby confirmed:

J. Michael Jefferson, Guardian, Waiver of Accounting and Final Settlement
of the Fiduciary Account of Elizabeth Jefferson, a minor.

IN RE: AFFIDAVIT OF UNADMINISTERED ESTATES

Pursuant to Chapter 44, Article 2, Section 1 (b) of the West Virginia Code as amended, the following doth hereby declare that they are the sole beneficiary of said estate; that the time for filing of CLAIMS has expired; that no known or unpaid CLAIMS exist and there having been no objections thereto, the same is hereby confirmed;

Karen Sue John, Executrix, Affidavit of Personal Representative,
Unadministered Estate of David P. John, deceased.

Dennis Mark Norman, Executor, Affidavit of Personal Representative,
Unadministered Estate of Dennis Lynn Norman, deceased.

MISCELLANEOUS CLAIMS

ORDERED, that drafts be issued payable out of the 2013, Levy, GENERAL COUNTY FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

| | | | |
|-------|---------------------------|------------|----------|
| 29 | Samuel U. Hicks | 03/25/2013 | 123.90 |
| 30 | David H. Coffman | 03/25/2013 | 246.30 |
| 31 | Robert A. Rinehart | 03/25/2013 | 165.40 |
| 32 | Debbie Scarff | 03/25/2013 | 299.70 |
| 33 | G. W. Morris, II | 03/25/2013 | 445.00 |
| 69486 | ACS Government System Inc | 03/25/2013 | 263.81 |
| 69487 | AFLAC | 03/25/2013 | 188.44 |
| 69488 | Patrick Boyle | 03/25/2013 | 111.65 |
| 69489 | Companion Life | 03/25/2013 | 124.46 |
| 69490 | Dominion Hope | 03/25/2013 | 1,946.31 |
| 69491 | Thomas V. Fealy | 03/25/2013 | 111.65 |
| 69492 | Guttman Oil Company | 03/25/2013 | 1,191.84 |
| 69493 | Lewis County Pee Wee | 03/25/2013 | 1,500.00 |
| 69494 | Midwest Radar & Equipment | 03/25/2013 | 585.00 |
| 69495 | Sheriff of Lewis County | 03/25/2013 | 20.45 |
| 69496 | Lucinda A. Whetsell | 03/25/2013 | 223.30 |
| 69497 | WV American Water Company | 03/25/2013 | 399.56 |
| 69498 | WV Assoc. of Counties | 03/25/2013 | 2,892.00 |

**ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
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| | | | |
|-------|---------------------------|------------|-----------|
| 69499 | WV FRIS | 03/25/2013 | 45.00 |
| 69500 | WV FRIS | 03/25/2013 | 45.00 |
| 69501 | L.C. Emergency Squad | 03/25/2013 | 815.79 |
| 69502 | Jackson Mem.Comm.AssocInc | 03/25/2013 | 80.00 |
| | GENERAL COUNTY | TOTAL | 11,824.56 |

ASSESSOR VALUATION CLAIMS

ORDERED, that drafts be issued payable out of the 2013, Levy, ASSESSOR VALUATION FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

| | | | |
|------|-------------------------|------------|--------|
| 2795 | Association of WV Assrs | 03/25/2013 | 875.00 |
| | ASSESSOR VAL | TOTAL | 875.00 |

E-911 EMERGENCY COMMUNICATION CLAIMS

ORDERED, that drafts be issued payable out of the 2013, Levy, E-911 EMERGENCY COMMUNICATION FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

| | | | |
|------|-------------------------|------------|--------|
| 7338 | Finish First | 03/25/2013 | 250.00 |
| 7339 | Staples | 03/25/2013 | 582.70 |
| 7340 | Suttle's Oil Field Svcs | 03/25/2013 | 45.00 |
| | E-911 | TOTAL | 877.70 |

CITIZENS EDUCATIONS CLAIMS

ORDERED, that drafts be issued payable out of the 2013, Levy, CITIZENS EDUCATION FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

| | | | |
|-----|----------------|------------|--------|
| 431 | Gall's | 03/08/2013 | 23.80 |
| 432 | Tucker Co LEPC | 03/15/2013 | 105.00 |
| | CITIZENS ED | TOTAL | 128.80 |

CONCEALED WEAPONS CLAIMS

ORDERED, that drafts be issued payable out of the 2013, Levy, CONCEALED WEAPONS FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

| | | | |
|-----|--------------------|------------|----------|
| 763 | John Perdue | 02/28/2013 | 1,275.00 |
| 764 | United Bank | 03/07/2013 | 296.17 |
| 765 | VOID | | |
| 767 | Lloyd Hoff Holding | 03/18/2013 | 717.50 |
| 768 | Shf/Wallet | 03/18/2013 | 50.00 |
| | CONCEALED WEAPONS | TOTAL | |

ORDERS - - - BOARD OF COMMISSIONERS, LEWIS COUNTY
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MAGISTRATE COURT CLAIMS

ORDERED, that drafts be issued payable out of the 2013, Levy, MAGISTRATE COURT FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

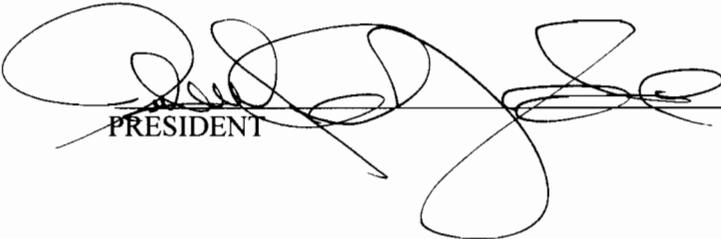
| | | | |
|------|------------------|------------|-------|
| 1873 | Michael Gissy | 03/25/2013 | 49.90 |
| | MAGISTRATE COURT | TOTAL | 49.90 |

IN RE: CHECKS RECEIVED

| | | | |
|--------------|------------|---------------------|----------|
| First Energy | \$1,500.00 | Clarksburg, City of | \$669.44 |
| WV, State of | 1,666.67 | Lucinda Whetsell | 0.97 |

The minutes of this meeting were approved upon motion of Thomas V. Fealy, second by Agnes G. Queen, motion passing.

ORDERED, That this Commission doth now adjourn until Monday, April 1, 2013.


 PRESIDENT