

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

State of West Virginia;
County of Lewis, To-Wit;

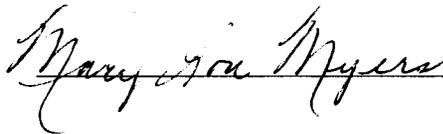
In the office of the Clerk of the County Commission of the said county of Lewis, in the recess of said commission on Wednesday, October 2, 2013.

WHEREAS, on the 19th day of October, 2012, Danny Williams qualified as Administrator of the personal estate of Otha Clark Williams, deceased; and

WHEREAS, there being claims filed against the estate of Otha Clark Williams, deceased; and

WHEREUPON, this day, the estate of Otha Clark Williams, deceased, is hereby referred to Charles C. Hathaway, Fiduciary Commissioner, to determine the payment of such claims.

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 Friday, October 4 , 2013.

WHEREAS, on the 30th day of November, 2012, Kirby L. Watson qualified as Administrator, CTA of the Last Will and Testament of John Lynn Watson, deceased, with Peter A. Crawford as his surety; and

WHEREAS, this day came Peter A. Crawford and filed a paper writing revoking the bond as surety for Kirby L. Watson as Administrator CTA of the estate of John Lynn Watson, deceased. The Clerk is of the opinion to and doth hereby declare the bond null and void and the said Kirby L. Watson be required to furnish new bond as Administrator CTA to complete further administration of said estate.

Attest:

 Clerk

**ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
REGULAR
SESSION: MONDAY, OCTOBER 7, 2013**

IN RE: MINUTES, INVITATIONS, NOTIFICATIONS, CORRESPONDENCE

1. **Upshur County Commission Agenda** – The October 3, 2013 meeting was cancelled, therefore no agenda was available.
2. **Citizens Emergency Response Team Meeting Minutes** – A copy of the minutes for the Citizens Emergency Response Team meetings for January through June, 2013 was filed. Commission discussed legality of Deputy Reserves transporting prisoners.
3. **Lewis Upshur Braxton Community Corrections Board Agenda** – A copy of the Agenda for the October 7, 2013, 6:00 PM at Braxton County Day Report Center in Sutton, WV was filed.
4. **Notification of 2014 Homeland Security and Emergency Management Planning Grant Award** – Notification from the West Virginia Department of Military Affairs was received that the Lewis/Upshur Local Emergency Planning Commission received a grant award of \$6,000.00.

IN RE: COMMISSION RECESSED FOR UNEMPLOYMENT CONFERENCE CALL

On motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to recess to the Prosecuting Attorney's office at 10:25 AM for a conference call with the West Virginia Department of Employment Security on the unemployment benefit of Robert Wilt.

On motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to reconvene at 11:25 AM.

IN RE: BOARD AND COMMITTEE REPORTS

Commissioner Agnes G. Queen reported she and Lucinda Whetsell, County Administrator attended the Local Leadership Academy October 2 thru October 4, 2013 at Morgantown. Very good training.

Commissioner Thomas V. Fealy attended the Ambulance Authority Board meeting. He reported the new ambulance is in Morgantown.

Commissioners Patrick D. Boyle, and Thomas V. Fealy attended Gun Bash for the Weston Fire Department. Very good turnout. Commissioner Boyle attended the Ox Roast at Vadis.

IN RE: MARY HELEN HINTER, DECEASED, ESTATE

Whereas, Nancy Gissy sent a letter to the Lewis County Commission, Lewis County Clerk and Special Commissioner Terry Reed rescinding her objection to the final settlement of the Mary Helen Hinter Estate;

Therefore, on motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to dismiss Mr. Terry Reed as special commissioner.

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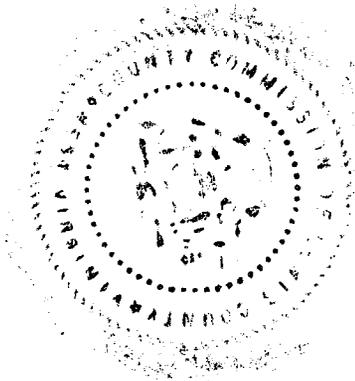
IN RE: ACCEPTANCE OF PRO GRANT 13JAG22

On motion of Thomas V. Fealy, second by Agnes G. Queen, vote unanimous to accept the WV Division of Justice & Community Services Award for the Prevention Resource Officer Grant in the amount of \$20,000.00:

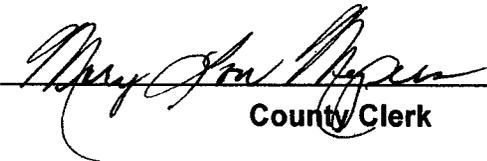
RESOLUTION

The Commission of Lewis County met on October 7, 2013 (date) with a quorum present and passed the following resolution.

Be it resolved that the Commission of Lewis County hereby authorizes Patrick D. Boyle, President of the Lewis County Commission, to act on its behalf to enter into a contractual agreement with the Division of Justice and Community Services to receive and administer grant funds pursuant to provisions of the Justice Assistance Grant program.



Signed:


County Clerk

IN RE: APPROVAL OF HIRING HOME CONFINEMENT OFFICER

Sheriff Adam Gissy sent a letter requesting the County Commission assist the modification of the Home Confinement Program to allow/encourage a greater participation in the program. On motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to agree to hire a Home Confinement Officer to be under the direction of the Lewis County Commission.

IN RE: MIDSTATE TOWING APPLICATION

On motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to send the questions from Mr. William Rowan, E911 Director, to Mid State Towing before approval of application.

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IN RE: ANNEX UPDATE

Lucinda Whetsell, County Administrator reported x-ray equipment is on site. ASAP is onsite and working on the security issues. The test on the panic buttons worked. An email report is sent on activation of the panic buttons.

IN RE: EDA REPORT

Mr. Michael Herron, Executive Director, EDA reported attending the National Hardwood Lumber meeting in Fort Worth, TX. He is looking for saw mills and kilns to move to Lewis County.

IN RE: QUOTES FOR PAINTING COMMISSION AND EDA OFFICES

Whereas, the commission received three quotes for painting the 4 (four) rooms in the commission and EDA offices:

- | | |
|-----------------------------------|------------|
| 1. Keith Barrett, Budget Painting | \$ 600.00 |
| 2. All Star Painting LLC | \$1,600.00 |
| 3. Tim MoneyPENNY, Inc. | \$1,800.00 |

Whereas, the commission approved the bid from Mr. Keith Barrett, Budget Painting for \$600.00, on September 30, 2013, and Mr. Barrett did not have all of the needed licenses; and

WHEREUPON by motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to rescind the approval for Mr. Keith Barrett, Budget Painting contract; and

Upon motion of Agnes G. Queen, second by Thomas V. Fealy, vote unanimous to approve All Star Painting LLC in the amount of \$1,600.00 to paint the commission and EDA offices.

IN RE: PROBATING THE LAST WILL AND TESTAMENT OF ELSIE G. UTT, DECEASED

Sharon K. Grogg Hull appeared at a former date and presented and offered for probate a paper writing bearing date the 16th day of May, 1995, purporting to be the Last Will and Testament of Elsie G. Utt, deceased.

And, it appearing to the Commission, that the said decedent, at the time of her 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 was signed by Frances Pratt and Betty L. Moss as the attesting witnesses thereto.

WHEREAS, the said Frances Pratt, one of the witnesses thereto, has since departed this life, and it furthering appearing to the Commission that Betty L. Moss, the other attesting witnesses to said Will, is a resident of the County of Spotsylvania, State of Virginia

The deposition of the said Betty L. Moss is as follows:

ORDERS---BOARD OF COMMISSIONERS, LEWIS COUNTY
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Deposition Non-Resident Probating Will

Pursuant to the order hereto attached, I, Carmen Shabazz, a Notary Public in and for the County of Spotsylvania and the State of Virginia proceeded to take the following deposition at the office of my Federal Credit Union County of Spotsylvania State of Virginia on the 20 day of August 2013, between hours of 10 o'clock A.M. and 6 o'clock P.M., which deposition taken for the purpose of probating the last will and testament of Elsie G. Utt, deceased, late a resident of the County of Lewis, State of West Virginia.

Thereupon came Betty L. Moss (a witness of lawful age), and one of the subscribing witnesses to said paper writing, and being by me first duly sworn deposes and says:

Q. Did Elsie G. Utt, the testatrix, sign and acknowledge the same as and for her last will and testament in your presence, and in the presence of Frances Pratt the other attesting witness(es) to said paper writing?

A. YES

Q. Do you believe at the time of signing said paper writing, (which was the 16th day of May, 1995, that the testatrix, Elsie G. Utt was of sound mind and disposing memory and over twenty-one years of age?

Q. YES

Did you, at the request and in the presence of the testatrix, Elsie G. Utt, and in the presence of Frances Pratt, the other subscribing witness(es) to said paper writing, sign the same as an attesting witness thereof, all being present at the same time?

A. YES, and further the deponent saith not.

Betty L. Moss
BETTY L. MOSS

State of Virginia
County of Spotsylvania To-Wit;

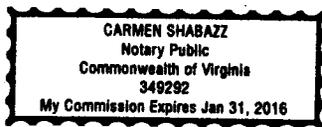
I, Carmen Shabazz, a Notary Public in and for the said County of Spotsylvania State of Virginia, do certify that the foregoing deposition of Betty L. Moss was duly taken, subscribed and sworn to before me at the time and place, and for the purpose mentioned in the order hereto attached, And that the bill of costs hereto subjoined is a correct taxation of the costs in taking the deposition.

Given under my hand and official seal this 20 of August, 2013.

Carmen Shabazz
Notary Public

My Commission Expires Jan 31, 2016

(NOTARIAL SEAL)
Statement of costs:



And, also came Cynthia S. Rowan, who being first duly sworn, did depose and say that she is well acquainted with the handwriting of Frances Pratt, deceased, and verily believes that the signature of the said Frances Pratt a witness to the Will of Elsie G. Utt, deceased, is her genuine signature.

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

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IN RE: QUALIFICATION OF SHARON K. GROGG HULL, EXECUTRIX, OF THE
WILL OF ELSIE G. UTT, DECEASED

WHEREAS, Elsie G. Utt departed this life on the 15th day of March, 2013, with no will being found; and
WHEREAS, on March 27, 2013, Sharon K. Hull, daughter of Elsie G. Utt, deceased, qualified as
Administratrix of the personal estate of her said decedent, by giving a bond in the penalty of Three Thousand
(\$3,000.00) Dollars with Gerald C. Hull as her surety; and

WHEREAS, since that date, the Last Will and Testament of Elsie G. Utt, deceased, was discovered and
presented and offered for probate. The said Will was duly probated and admitted to record on the 7th day of
October, 2013. The Will named Sharon K. Grogg Hull as Executrix thereof and requested that no bond be required
of her as such Executrix.

THEREUPON, this day personally appeared the said Sharon K. Grogg Hull and qualified as Executrix of
the Will of Elsie G. Utt, deceased, by taking the oath prescribed by law.

The Order of Appointment of Sharon K. Hull as Administratrix of the estate of Elsie G. Utt, deceased, with
Gerald C. Hull as her surety is hereby null and void.

IN RE: PROBATING THE LAST WILL AND TESTAMENT OF
ROBERT ALEXANDER ELLIOTT, JR., DECEASED

This day came Vera Marple Elliott., wife of Robert Alexander Elliott, Jr., deceased, and presented and
offered for probate a paper writing bearing date the 31st day of May, 2002, purporting to be the Last Will and
Testament of her said decedent.

And, it appearing to the Commission 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 Gary Morris and Richard Rexroad. The said affidavit set forth the fact that
the said Robert Alexander Elliott, Jr., 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 Gary Morris and
Richard Rexroad 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.

IN RE: QUALIFICATION OF VERA MARPLE ELLIOTT, EXECUTRIX
OF THE WILL OF ROBERT ALEXANDER ELLIOTT, JR., DECEASED

WHEREAS, Robert Alexander Elliott, Jr., whose Last Will and Testament was this day fully proved,
probated and admitted to record, therein named Vera Marple Elliott as Executrix thereof and requested that no
bond be required of her as such Executrix. THEREUPON, personally appeared the said Vera Marple Elliott and
qualified as Executrix of the Will of Robert Alexander Elliott, Jr., deceased, by taking the oath prescribed by law.

It is stated by said Executrix that Robert Alexander Elliott, Jr. departed this life on the 3rd day of October,
2013, aged eighty years.

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IN RE: PROBATING THE LAST WILL AND TESTAMENT OF
JOE W. HAWKINS, DECEASED

This day came Anita Susan Hawkins, daughter of Joe W. Hawkins, deceased, and presented and offered for probate a paper writing bearing date the 30th day of November, 2012, purporting to be the Last Will and Testament of her said decedent.

And, it appearing to the Commission 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 W. T. Weber, Jr. and Cynthia Angotti. The said affidavit set forth the fact that the said Joe W. Hawkins, 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 W. T. Weber, Jr. and Cynthia Angotti 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.

IN RE: QUALIFICATION OF ANITA SUSAN HAWKINS, EXECUTRIX
OF THE WILL OF JOE W. HAWKINS, DECEASED

WHEREAS, Joe W. Hawkins whose Last Will and Testament was this day fully proved, probated and admitted to record, therein named Anita Susan Hawkins as Executrix thereof and requested that no bond be required of her as such Executrix. THEREUPON, personally appeared the said Anita Sue Hawkins and qualified as Executrix of the Will of Joe W. Hawkins, deceased, by taking the oath prescribed by law.

It is stated by said Executrix that Joe W. Hawkins departed this life on the 21st day of September, 2013, aged seventy-eight years.

IN RE: RECEIPTS AND DISBURSEMENTS

Pursuant to the provisions of Chapter 44, Article 2, Section 1 of the 1981 Code of West Virginia, as amended by the acts of the Legislature, Regular Session, 1985, the following doth hereby declare that the time for filing of CLAIMS has expired; that no known and unpaid CLAIMS exist against said estate; and there having been no objections thereto, the same is hereby confirmed:

Janet Sue Elliott, Administratrix, Waiver of Settlement of the Fiduciary Account of the Estate of Donald Melvin Elliott, deceased.

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IN RE: SETTLEMENT OF ACCOUNTS FOR CHARLES C. HATHAWAY,
FIDUCIARY COMMISSIONER

Charles C. Hathaway Fiduciary Commissioner, having filed with the Clerk of this Commission during the month of September, 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:

Mildred L. Haller, Executrix, Waiver of Settlement of the
Fiduciary Account of the Estate of John R. Haller, deceased.

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;

Douglas E. Kraus, Administrator, Affidavit of Personal Representative,
Unadministered Estate of Beth Ann Kraus, deceased.

DOG & KENNEL FUND CLAIMS

ORDERED, that drafts be issued payable out of the 2014, Levy, DOG & KENNEL FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

2547	LandMark Forestry LLC	10/07/2013	74.72
	DOG AND KENNEL	TOTAL	74.72

MISCELLANEOUS CLAIMS

ORDERED, that drafts be issued payable out of the 2014, Levy, GENERAL COUNTY FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

70033	Mary Lou Myers, Clerk	10/07/2013	22.00
70034	Dominion Hope	10/07/2013	12.30
70035	Guttman Oil Company	10/07/2013	670.54
70036	Lewis County Building	10/07/2013	27,060.00
70037	Mon Power	10/07/2013	4,167.09
70038	Michael Smith	10/07/2013	112.20
70039	NTelos	10/07/2013	188.78
70040	NTelos	10/07/2013	210.06
70041	Summer Knights Cruzin	10/07/2013	500.00
70042	Weston Sanitary Board	10/07/2013	463.62
70043	Weston Storage, Inc.	10/07/2013	150.00
70044	WV American Water Comp	10/07/2013	73.61
	GENERAL COUNTY	TOTAL	33,630.20

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ASSESSOR VALUATION CLAIMS

ORDERED, that drafts be issued payable out of the 2014, Levy, ASSESSOR VALUATION FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

2846	Guttman Oil Company	10/07/2013	39.72
2847	WV Secretary of State	10/07/2013	52.00
	ASSESSOR VAL	TOTAL	91.72

E-911 COMMUNICATIONS CLAIMS

ORDERED, that drafts be issued payable out of the 2014, Levy, E-911 COMMUNICATIONS FUND for the following amounts and to the parties hereinafter named, account of CLAIMS filed for payment as following:

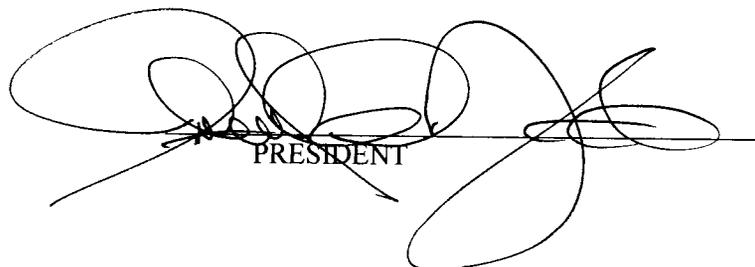
7481	Dominion Hope	10/07/2013	18.92
7482	EmergiTech	10/07/2013	23,491.52
7483	Guttman Oil Company	10/07/2013	116.84
7484	Weston-Lewis County	10/07/2013	200.00
7485	Miller Communications	10/07/2013	764.00
7486	Weston Sanitary Board	10/07/2013	28.71
	E-911	TOTAL	24,619.99

IN RE: CHECKS RECEIVED

Clarksburg, City of	\$ 1,191.11	Lewis County Park	\$5,761.57
WV Co. Comm. Assoc.	200.00	Jane Lew, Town of	75.00
LC Emer. Amb. Serv.	25,634.76	LC Emer. Amb. Serv.	92.03
Freelance Technical	15.00		

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

ORDERED, That this Commission doth now adjourn until Tuesday, October 15th, 2013.



 PRESIDENT