

**MARION COUNTY COMMISSION
COUNTY COURT
NOVEMBER 28, 2012**

The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, November 21, 2012. Present were Commissioner Elliott, Commissioner Ward and President Tennant.

The proceedings of Wednesday, November 21st, 2012, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on November 26th and 27th, 2012 were approved as submitted and signed.

President Tennant called the meeting to order. D. D. Meihgen led the Court with a prayer. Jake Brumage led the Court with the Pledge of Allegiance. Commissioner Elliott moved to dispense with the reading of the minutes of Wednesday, November 21st, 2012 and accept them as presented. Commissioner Ward seconded. President Tennant concurred.

*The Commission received the **Order Confirming and Ratifying Fiduciary Supervisor's Report of Claims and Settlement Reports, Order #332.***

At a Regular Session of the County Commission of Marion County, West Virginia, continued and held for this County at their offices in the J. Harper Meredith Building on the 28th, day of November, 2012.

This day came David A. Glance, Fiduciary Supervisor for Marion County, West Virginia, and presented to the Commission his Report of Claims and First and Final Settlement Reports for the following estates which reports he has filed in the Office of the Clerk of the County Commission, pending confirmation. There being no objections received to these reports and no errors appearing, the Report of Claims and First and Final Settlement Reports are hereby ratified, confirmed and approved.

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Estate of

Representative

ELIZABETH MASON MEMORIAL PARK (Trust)

JONES, BRANDON D. (ward, final)
CASTO, FRANCIS K. (2ND & Final)
SATTERFIELD, DAISY B.
NESTOR, ROSELENE
EARL, VIRGINIA
WISE, JACK EDWARD
UNDERWOOD, JOSEPHINE ELIZABETH
FETTY, EDWIN WAYNE
HURLEY, PAUL T.
SHAFFER, LISA JEAN
HALL, TREVELYN F., II
CANFIELD, HELEN L.
ALLAWATT, ELIZABETH JANE
MAUNZ, AUSTIN THEODORE
CLELLAND, BETTY LEE
MATHEWS, MARY LAVONNE
HORTON, THERMON, JR.
TOOTHMAN, MINNIE JANE

HAUGHT, NOLA PEARL
BROWN, BETTY LOU
BROWN, CHANDLE D.
KITTLE, HELEN L.
VANGILDER, EDWIN E.
PASKO, GEORGE C., SR.
DOTY, MARY ELIZABETH
KENDALL, HENRY LEE
NUZUM, DAVID LEE, JR.
TRICKETT, BERNICE N.

Edward Fetty, Mary Ellen Sullivan
and Patricia Hostutler, Trustees
William T. Campbell, Guardian
Vonda P. Casto, Executrix DBN
Paula J. Young, Executrix
Debbie Marcozzi, Executrix
Jerry Earl, Administrator
Nancy C. Wise, Administratrix
David Arthur Lewis, Executor
Gregory Fetty, Executor
Gatha L. Hurley, Executrix
Christopher B. Shaffer, Administrator
Martha Tuckwiller Hall, Executrix
Cecil B. Canfield, Executor
Cheryl L. John, Administratrix
Mary Theresa Maunz, Executrix
Kimberly A. Thorne, Administratrix
John T. Hall, Executor
Jeffrey W. Horton, Administrator
Catherine Diana Toothman Oliveto
and James Ross Toothman, Co-Extrs.
Sharon Kay Houghton, Executrix
Charles R. Brown, Executor
Charles R. Brown, Executor
Arnold A. Kittle, Executor
Emma J. VanGilder, Executrix
Julianne Shroyer, Executrix
Larry Layman, Executor
Connie M. Kendall, Administratrix
Jean M. Nuzum, Administratrix
Tammy A. Davis, Executrix

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Estate of

Representative

MEYER, RONALD L.
HOLT, ANGELA RENEE
HALPENNY, ANITA ROSALIE
SAUNDERS, VIVIAN GENEVIEVE
Executrix
HAMRICK, BEULAH K.
FOX, DALE EUGENE
GOWER, SARAH B.

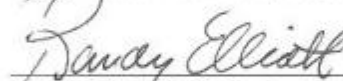
Velma S. Meyer, Executrix
Thomas L. Holt, Administrator
Donald L. Halpenny, Administrator
Shirley Marlene Hollandsworth,

Mary Jo Hamrick, Administratrix CTA
Anthony J. Merendino, Administrator
James Larry Gower, Executor

ENTER: 11-28-12



Butch "Butch" Tennant, President



Randy Elliott, Commissioner



Guy Ward, Commissioner

ATTEST:


Janice Cosco, County Clerk



David A. Glance, Fiduciary Supervisor

Commissioner Elliott moved that the Commission does sign the Order Confirming and Ratifying Fiduciary Supervisor's Report of Claims and Settlement Reports, Order #332. Commissioner Ward seconded. President Tennant concurred.

The Commission received an Order of Probate of Wills from the County Clerk's Office for the month of October 2012. Kris Cinalli stated that this Order is a list of Estates in which have been admitted to Probate in the County Clerk's Office, in vacation of the Commission, from October 1, 2012 through October 31, 2012 pursuant to West Virginia Code §41-5-10, as amended.

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BEFORE THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA


IN RE: CONFIRMATION OF PROBATE OF
WILLS, BY CLERK IN VACATION


ORDER CONFIRMING PROBATE OF WILLS


On this day came Janice Cosco, Clerk of the Commission, and presented a list of Estates in which wills have been admitted to Probate by her office, in vacation, from October 1, 2012, to October 31, 2012, pursuant to W. Va. Code 41-5-10, as amended.

The Commission, having received no objections to the actions of the Clerk, and perceiving no objections thereto, does ratify and confirm the probate of wills in all the Estates attached hereto. The list attached hereto is made a part of this Order by this expressed reference thereto, as if all such Estates are fully set forth herein.

Dated this ~~28th~~ 26th day of November, 2012.









JANICE COSCO, CLERK



DAVID A. GLANCE,
FIDUCIARY SUPERVISOR

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WILLS PROBATED FROM OCTOBER 1, 2012, TO OCTOBER 31, 2012

<u>Estate</u>	<u>Representative</u>
Ashcraft, Douglas W.	Donna L. Menefee, Executrix
Ball, Frances M.	Charles Ronald Ball, Executor
Batson, Leora J.	Richard E. Knight, Executor
Belldina, Helen Beryl	Louis John Belldina, Executor
Bombard, Samuel C., Jr.	Crystal Bombard, Executrix
Corpiel, Mary Mehosky	Stephen M. Matusky, Executor
Crawford, Enid K.	James William Crawford, II and Melinda Kay Double, Co-Executors
Delaney, Michael Joseph	Anne T. Delaney, Executrix
Estel, Catherine L.	Dale R. Estel, Administrator CTA
Garrison, Charlotte Ann	Lisa Ann Wayne, Executrix
Gower, James R.	James Larry Gower, Executor
Hague, Doris L.	Diane L. Bright, Executrix
Krepps, Carlton Phillip	Carolyn Sue Krepps, Executrix
Maunz, Mary Theresa	Twila Smith, Executrix
McDonald, Pamala S.	Leticia M. Cavicchio, Executrix
McDonough, Joseph P.	Elizabeth A. McDonough, Executrix
Mills, Ollie James	Sarah Ellen Mills, Executrix
Moran, Oscar E.	Janice Elaine Cruikshank, Executrix
Nuzum, David Lee	Diane Marie Schneider, Executrix
Plyman, Maxine E.	Roger Lee Plyman, Executor
Powell, Norma J.	Robert L. Powell, Executor
Radcliff, Ronald	Judith J. Radcliff, Executrix

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Confirmation of Wills Probated in October, 2012

<u>Estate of</u>	<u>Representative</u>
Rager, Donald E.	Carol Jo Rager, Executrix
Rakocky, Elizabeth	Mark Lehosit, Executor
Stevens, Linda Elaine	Loretta Fury, Administratrix CTA
Thompson, Paul	Rosemary Thompson, Executrix
Trickett, Elmo J.	Elmo Jay Trickett, Executor
Vandegrift, Delbert Fay	Rose Lee Vandegrift, Executrix
Vandegrift, Lovanda M.	Charles R. Vandegrift, Executor
Wilkinson, Denzil James	Calantha Mae Wilkinson, Executrix
Yost, Rosa Etta	Edward L. Yost, Executor

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Commissioner Elliott moved that the Commission sign the Order Confirming the Probate of Wills by the Clerk in Vacation of the Commission. Commissioner Ward seconded. President Tennant concurred.

The Commission received a request for funds from the Valley Falls State Park Foundation. Buddy Myers along with Miss Masters an eighth grader from East Fairmont Junior High came before the Commission to requests funds in the amount of \$2,000.00 to pay their attorney who is preparing their 501 c 3 paperwork as a non-profit. They are requesting these funds so that they came become a non-profit organization which will entitle them to additional funds such as grants as well as endowment from an individual who has willed their organization funds.

Commissioner Elliott stated that we as a Commission cannot contribute funds to an organization that is not a 501 c 3. He continued that you are in a bind needing the funds to complete the process; however, the Commission cannot contribute funds until that occurs. A short discussion occurred between all of the parties involved. Commissioner Elliott stated we need to further investigate this matter with our Attorney Chuck Shields to ensure we are doing the right thing at the time we contribute funds to your organization.

Mr. Myers stated that the IRS should let their organization know by the end of December if their application has been approved.

President Tennant added then at that time the Commission would be more than happy to reconsider this matter. He continued that the funds would be available from the Hotel/Motel Fund.

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VALLEY FALLS
State Park Foundation

RR 6, Box 225
Fairmont, WV 26554
304-366-2111

November 15, 2012

Marion County Commission
J. Harper Meredith Building
200 Jackson Street, Room 403
Fairmont, WV 26554

Dear Commissioners:

On behalf of the Valley Falls State Park Foundation, I would like to request financial assistance in the amount of \$2,000 for the foundation.

The Valley Falls State Park Foundation is an independent non-profit foundation formed to solicit, receive and accept contributions, gifts, grants and bequests of real or personal property in support of Valley Falls State Park. It was created in 1989 and incorporated with the State of West Virginia as a charitable, non-profit corporation. Virtually all state parks in West Virginia have foundations.

Unfortunately, our foundation went inactive for several years and almost dissolved completely. Recently, a new board was appointed to save the foundation. While reorganizing, we discovered that the foundation was recognized by the State of West Virginia but was never registered with the IRS. We recently filed an application with the IRS and are currently waiting to hear back from them.

However, we have limited funds at this time and the cost of applying for 501(c)3 status may deplete everything we have. Currently our balance in the treasury is \$2,994.81. We owe an accountant \$1,665.00 for his work thus far toward obtaining 501(c)3 status from the IRS. Depending on additional information that the IRS may require from us in order to complete the application process, the cost may be higher.

We know the foundation is eligible to be a 501(c)3 organization as all other state park foundations have this status. As an example, our sister park in Marion County already has a well-established foundation (Prickett's Fort State Park Foundation) which you give money to every year.

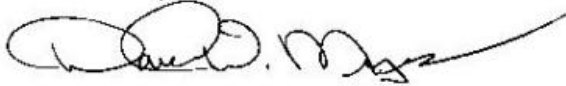
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Once the foundation obtains its 501(c)3 status from the IRS, we will be qualified to receive additional funding, i.e., corporations who are seeking tax credits, various fund raising activities currently being planned by the foundation's members, etc. For instance, there awaits us a trust fund which an individual willed to the foundation of over \$30,000.00 that the State is holding until we obtain our non-profit status from the IRS. Of course, even after we obtain the trust fund we can only utilize the interest and not the principal.

As a state park foundation, we are also eligible for funds from hotel/motel taxes and additional money could possibly come from there.

Any assistance from the Marion County Commission would be greatly appreciated. Thank you for your consideration.

Yours truly,



David W. (Buddy) Myers, President
Valley Falls State Park Foundation

cc: Board of Directors - Valley Falls State Park Foundation

Commissioner Elliott moved that the Commission table this item until additional information can be provided to the Commission and that this matter can be discussed with the County Attorney Chuck Shields. President Tennant seconded. Motion passed. Commissioner Ward recused himself from this vote being that he is a member of the Board.

For the record, note the Commission received from the Marion County Clerk, the true account of all tax liens on real estate with Marion County returned delinquent for the Non-Payment of Taxes thereon for the year 2011.

For the record, note the Commission received from Valley Falls Public Service District for Period Ending October 31, 2012.

Kate Greene came to speak to the Commission from Main Street Fairmont on behalf of the Feast of the Seven Fishes by thanking the Commission for their financial support. She also added that the Commission will be mentioned in their television advertisements for their commitment to this event.

D. D. Meighen stated that Channel 19 would be televising the Christmas Toy Drive at 10:20 a.m. and 10:20 p.m. each day throughout the month of December. He also added that this program will be available to view this on the web page of: <http://gfcc.peg.tv>.

President Tennant spoke about the success of the Christmas Toy Drive with all of the people who donated their time to this event from the County as well as Commissioner Elliott's family. He added that this event was a great success and he believes that future of it will continue to grow.

Commissioner Elliott added that he hoped that other Commissions throughout the State of West Virginia would use our County model to start this program in other Counties throughout the State.

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Commissioner Ward added that he truly enjoyed himself with this event and hopes it will continue to be a success in the future.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, December 5th, 2012 at 7:00 p.m. for the next scheduled County Commission Meeting.

Burley "Butch" Tennant, President