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NOTICE TO REDEEM

(2018-S-00000036-Doddridge County – H3 LLC) TO: DEBRA MCCULLOUGH, HERITAGE RE-SOURCES-MARCELLUS MINERALS, LLC CT CORPORATION SYSTEM, STATUTORY AGENT, ANTERO RESOURCES CORPORATION CT COR-PORATION SYSTEM STATUTORY AGENT, AN-TERO RESOURCES CORPORATION, HERITAGE RESOURCES-MARCELLUS MINERALS, LLC, HERI-TAGE RESOURCES-MARCELLUS MINERALS, ELC, HER-TAGE RESOURCES-MARCELLUS MINERALS, LLC AMERICAN ENERGY MINERAL HOLDINGS, LLC, MEMBER, MICHAEL MCCULLOUGH, HERTIAGE RESOURCES-MARCELLUS MINERALS, LLC, CT CORPORATION SYSTEM-STATUTORY AGENT FOR HERITAGE RESOURCES-MARCELLUS MINERALS LLC, THE CORPORATION COMPANY-REGISTERED AGENT FOR ANTERO RESOURCES CORPORATION, AMERICAN ENERGY MINERAL HOLDINGS, KAR-EN MCCULLOUGH, JOHN V. MCCULLOUGH JR., KEVIN ADAMS, ZACHARY ADAMS, KAYLA AD-AMS MORALES, MILDRED E. SHANE, THOMAS J. MCCULLOUGH, MARY F. CHUDZIK, MARCELLINA MCCULLOUGH, JOHN V. MCCULLOUGH SR., MIL-DRED LEE SCOTT MCCULLOUGH JOHN MARTIN SCOTT, WILLIAM HENRY SCOTT, MARY MAXINE WELCH, BELVA WELCH, CHARLES N. WELCH, N.M. WELCH, B.F. SCOTT, BENJAMIN F SCOTT, or heirs at law, devisees, creditors, representatives, successors, assigns, all known heirs, guardians, conservators, fiducia-ries, administrators, lienholders, co-owners, other parties having an undivided interest in the delinquent property and other parties that may have any interest in the subject property

You will take notice that H3 LLC, the purchaser of the tax lien(s) on the following real estate, Certificate of Sale: 2018-S-00000036, MINERAL INTEREST, located in GRANT, which was returned delinquent in the name of MCCULLOUGH DEBRA, and for which the tax lien(s) thereon was sold by the sheriff of Doddridge County at the sale for the delinquent taxes made on the 17th day of October, 2018, has requested that you be notified that a deed for such real estate will be made to him or her on or after April 1, 2020, as provided by law, unless before that day you redeem such real estate. The amount you will have to pay on the last day, March 31, 2020 will be as follows:

\$105.15

Amount equal to the taxes and charges due on the date of the sale, with interest, to March 31, 2020...

Amount of subsequent years taxes paid on the property, since the sale, with interest to March 31, 2020..... ...\$19.94

Amount paid for the Title Examination and preparation of the list to be served and for preparation of the list to be between and for preparation and service of notice with interest from January 1, 2019 following the sheriff's sale to March 31, 2020... \$1.028.86

Amount paid for other statutory costs with interest from following the sheriff's sale to \$515.60 March 31, 2020.

Total Amount Payable to Sheriff - cashier check, money order or certified check must be made payable to the The Honorable Mike Headley, Sheriff and Treasurer of Doddridge County..\$1,669.55

Cost of Certification of Redemption - cashier check, money order or certified check must be made payable to the The Honorable John B. McCuskey, State Audi-..\$35.00

You may redeem at any time before March 31, 2020, by paying the above total less any unearned interest.

Return this letter and both certified funds to the WV State Auditor's Office. County Collections Divisio 1900 Kanawha Blvd East, Building 1, Room W-114 Charleston, West Virginia 25305 Questions please call 1-888-509-6568 option 2

1-21-3xb

NOTICE TO REDEEM

(2018-S-00000444-Doddridge County – CLARENCE & MARY MUTSCHELKNAUS) TO: LISA BARTON, LISA BARTON, STEVEN SCHRECKENGOST, KIMBERLY Y WRIGHT, MARY STANLEY, CAROLINE WHITE, DONALD HANSEN HEIRS OF CLARICE STONEKING, SW2 MINERALS LLC, SW2 MINERALS LLC, BRAXTON MINERALS III LLC, MASTER MINERAL HOLDINGS II LP, AN-CIENT ENERGY LTD, RED STONE RESOURCES LLC. CONSOLIDATED MINERALS LLC. DAVID WILLIAMS, EDWIN WILLIAMS, PATSY SAMS KIS-ER, HEIRS OF FREDIA SHEPLER, HEIRS OF W H WILLIAMS, or heirs at law, devisees, creditors, repre-sentatives, successors, assigns, all known heirs, guardians, conservators, fiduciaries, administrators, lienholders co-owners, other parties having an undivided interest in the delinquent property, and other parties that may have any interest in the subject property. You will take notice that CLARENCE & MARY

MUTSCHELKNAUS, the purchaser of the tax lien(s) on the following real estate, Certificate of Sale: 2018-S-00000444, 1/9 OF 1/7 O&G 387A CABIN RUN, located in CENTRAL, which was returned delinquent in the name of FLEMING ARVILLA HRS, and for which the tax lien(s) thereon was sold by the sheriff of Doddridge County at the sale for the delinquent taxes made on the 17th day of October, 2018, has requested that you be notified that a deed for such real estate will be made to him or her on or after April 1, 2020, as provided by law, unless before that day you redeem such real estate. The amount you will have to pay on the last day, March 31, 2020 will be as follows:

Legal Ads

interest from following the sheriff's sale to March 31, 2020.. \$869.00

Total Amount Payable to Sheriff - cashier check, money order or certified check must be made payable to the The Honorable Mike Headley, Sheriff and Treasurer Doddridge County. ...\$1,870.19

Cost of Certification of Redemption - cashier check money order or certified check must be made payable to the The Honorable John B. McCuskey, State Audi-..\$35.00 toi

You may redeem at any time before March 31, 2020, by paying the above total less any unearned interest.

Return this letter and both certified funds to the WV State Auditor's Office. **County Collections Division**

1900 Kanawha Blvd East, Building 1, Room W-114 Charleston, West Virginia 25305 Questions please call 1-888-509-6568 option 2

1-21-3xb

NOTICE TO REDEEM (2018-S-00000447-Doddridge County - CLARENCE

& MARY MUTSCHELKNAUS) TO: TWILA ALLES, TWILA ALLES, CYNTHIA PARSEIL, BRYAN STROTHER, JAMES GORDON STROTHER C/.O MCGLINCHEY LAW FIRM, RIDGE-TOP ROYALTIES LLC, or heirs at law, devisees, creditors, representatives, successors, assigns, all known heirs, guardians, conservators, fiduciaries, administrators, lienholders, co-owners, other parties having an undivided interest in the delinquent property, and other parties that may have any interest in the subject property. You will take notice that CLARENCE & MARY MUTSCHELKNAUS, the purchaser of the tax lien(s) on the following real estate, Certificate of Sale: 2018-S-00000447, ¼ OF 1/3 OF ½ O&G 80 AC HUGHES RUN, located in GREENBRIER, which was returned delinquent in the name of ALLES TWILA P. and for which the tax lien(s) thereon was sold by the sheriff of Doddridge County at the sale for the delinquent taxes made on the 17th day of October, 2018, has requested that you be notified that a deed for such real estate will be made to him or her on or after April 1, 2020, as provided by law, unless before that day you redeem such real estate. The amount you will have to pay on the last day, March 31, 2020 will be as follows:

Amount equal to the taxes and charges due on the date of the sale, with interest, to

March 31, 2020..... \$96.64 Amount of subsequent years taxes paid on the property, since the sale, with interest to

March 31 2020 .\$6.66 Amount paid for the Title Examination and

preparation of the list to be served and for preparation and service of notice with interest from January 1, 2019 following the sheriff's sale to March 31, 2020. \$737.29

Amount paid for other statutory costs with interest from following the sheriff's sale to March 31 2020 \$520.60

Total Amount Payable to Sheriff - cashier check, money order or certified check must be made payable to the The Honorable Mike Headley, Sheriff and Treasurer of Doddridge County ..\$1.361.19

Cost of Certification of Redemption - cashier check money order or certified check must be made payable to the The Honorable John B. McCuskey, State Audi-..\$35.00 tor

You may redeem at any time before March 31, 2020, by paying the above total less any unearned interest.

Return this letter and both certified funds to the WV State Auditor's Office, County Collections Division

1900 Kanawha Blvd East, Building 1, Room W-114 Charleston, West Virginia 25305 Questions please call 1-888-509-6568 option 2

1-21-3xb

NOTICE TO REDEEM (2018-S-00000449-Doddridge County – CLARENCE & MARY MUTSCHELKNAUS)

TO: BRYAN STROTHER, BRYAN STROTHER, TWI-LA ALLES, CYNTHIA PARSEIL, JAMES GORDON STROTHER C/O MCGLINCHEY LAW FIRM, RIDGE-TOP ROYALTIES LLC, or heirs at law, devisees, creditors, representatives, successors, assigns, all known heirs, guardians, conservators, fiduciaries, administrators, lienholders, co-owners, other parties having an undivided interest in the delinquent property, and other parties that may have any interest in the subject property.

You will take notice that CLARENCE & MARY MUTSCHELKNAUS, the purchaser of the tax lien(s) on the following real estate, Certificate of Sale: 2018-S-00000449, ¼ OF 1/3 OF ½ O&G 80 AC HUGHES RUN, located in GREENBRIER, which was returned delinquent in the name of STROTHER GLEN A. and for which the tax lien(s) thereon was sold by the sheriff of Doddridge County at the sale for the delinquent taxes made on the 17th day of October, 2018, has requested that you be no-tified that a deed for such real estate will be made to him or her on or after April 1, 2020, as provided by law, unless before that day you redeem such real estate. The amount you will have to pay on the last day, March 31, 2020 will be as follows

Legal Ads

WARDS PROPERTIES LTLD, BRAUN/MEYER, LLC, ADVANTA FRO DONALD BONNETTE #6615801 DEWITT BOICE, TTEE, ONWARD L BIRKHIMER SCOTT & HOLLY BEHAN TRUST, OREST BEDRIJ, ROBERT BATEY, SUZENNEARNES, LAWRENCE ARENS, ALM HOLDINGS, LLC-LARRY MACPHALE, AFFORDABLE WEAVER. ADVANTA IRA TRUST LLC FBO WM A. TRAVERSJR., ADVANTA FBO TODD ESKRA, ADVANTA TRUST IRA FBO PHILLIP C. KIRKGAARD, ADVANTA IRA TRUST IRA FBO FIIILLIF JOHN MCAFEE #6897201, ADVANTA FBO JAMES E. KNAPP. ADVANTA FBO ED WESCHE. ADVANTA FBO DEANNE TAYLOR #7207801, ADVANTA FBO CHRISTINA BONNETTE #6766403, ADVANTA FBO AAMER SHABBIR, E.P. ADAMS, JOY B. ADAMS, VINCERNT K. ABBLEY, SHANE K. ABBLEY, ALL FOR HIM INVESTMENT, LLC, BREITLING ROYAL-TIES CORPORATION, WILLIAM BRENT MAXWELL, CLAUDE BRENT MAXWELL, WINIFRED MAX-WELL SAWYER, L.E. SAWYER JR., or heirs at law, devisees, creditors, representatives, successors, assigns, all known heirs, guardians, conservators, fiduciaries, ad-ministrators, lienholders, co-owners, other parties having an undivided interest in the delinquent property, and other parties that may have any interest in the subject property, and other you will take notice that H3 LLC, the purchaser of the tax lien(s) on the following real estate, Certificate of Sale: 2018-S-00000110, MINERAL INTEREST, located in SOUTHWEST, which was returned delinquent in the name of BREITLING ROYALTIES CORP, and for which the tax lien(s) thereon was sold by the sheriff of Doddridge County at the sale for the delinquent taxes made on the 17th day of October, 2018, has requested that you be notified that a deed for such real estate will be made to him or her on or after April 1, 2020, as provided by law, unless before that day you redeem such real estate. The amount you will have to pay on the last day, March 31, 2020 will be as follows:

Amount equal to the taxes and charges due on the date of the sale, with interest, to

March 31, 2020.

Amount of subsequent years taxes paid on the property, since the sale, with interest to March 31, 2020.... ..\$1.450.40

\$2,838.19

Amount paid for the Title Examination and preparation of the list to be served and for preparation and service of notice with interest from January 1, 2019 following the sheriff's sale to March 31, 2020.... \$1,234.15

Amount paid for other statutory costs with interest from following the sheriff's sale to March 31, 2020. \$2.668.52

Total Amount Payable to Sheriff - cashier check, money order or certified check must be made payable to the **The Honorable Mike Headley, Sheriff and Treasurer of** Doddridge County. ..\$8.191.26

Cost of Certification of Redemption - cashier check money order or certified check must be made payable to the **The Honorable John B. McCuskey**, **State Audi**tor .\$35.00

You may redeem at any time before March 31, 2020, by paying the above total less any unearned interest.

Return this letter and both certified funds to the WV State Auditor's Office, County Collections Division 1900 Kanawha Blvd East, Building 1, Room W-114 Charleston, West Virginia 25305 Questions please call 1-888-509-6568 option 2

1-21-3xb

NOTICE TO REDEEM (2018-S-00000452-Doddridge County – CLARENCE & MARY MUTSCHELKNAUS)

TO: HEIRS OF GARRY CARR C/O NATALIE CARR, ROBERT STACEY DINGESS, TRESSA BARKER, DELILAH ESKINS. MARY BETH MORGAN, VIDA MARIE BELCHER, REBECCA MOORE, HANK DIN-GESS, THE HEIRS OF A.M. GUM JR, HEIRS OF AU-BRA MINTER GUM JR, HEIRS OF MARTHA ANN GUM, HEIRS OF GARY CARR, NATALIE CARR, ROBERT STACEY DINGESS. TRESSA BARKER. DE-LILAH ESKIN, MARY BETH MORGAN, VIDA MARIE BELCHER, REBECCA MOORE, HANK DINGESS, or heirs at law, devisees, creditors, representatives, succes-sors, assigns, all known heirs, guardians, conservators, fiduciaries, administrators, lienholders, co-owners, other parties having an undivided interest in the delinquent property, and other parties that may have any interest in the subject property.

will take notice that CLARENCE & MARY MUTSCHELKNAUS, the purchaser of the tax lien(s) on the following real estate, Certificate of Sale: 2018-S-00000452 ¹/₄ OF 1/6 O&G 60 AC MEATHOUSE FORK located in NEW MILTON, which was returned delinquent in the name of GUM A M JR, and for which the tax lien(s) thereon was sold by the sheriff of Doddridge County at the sale for the delinquent taxes made on the 17th day of October, 2018, has requested that you be notified that a deed for such real estate will be made to him or her on or after April 1, 2020, as provided by law, unless before that day you redeem such real estate. The amount you will have to pay on the last day, March 31, 2020 will be as follows:

Amount equal to the taxes and charges due

on the date of the sale, with interest, to March 31, 2020..... \$97.65

Legal Ads

Return this letter and both certified funds to the WV State Auditor's Office, **County Collections Division**

1900 Kanawha Blvd East, Building 1, Room W-114 Charleston, West Virginia 25305 Questions please call 1-888-509-6568 option 2

NOTICE TO REDEEM (2018-S-00000245-Doddridge County – P 7 J REAL ESTATE LLC) TO: NATHAN G. FOX, CHERYL DARLENE FOX, or heirs at law, devisees, creditors, representatives, successors, assigns, all known heirs, guardians, conservators fiduciaries, administrators, lienholders, co-owners, oth-er parties having an undivided interest in the delinquent operty, and other parties that may have any interest in

the subject property. You will take notice that P & J REAL ESTATE LLC, the purchaser of the tax lien(s) on the following real estate, Certificate of Sale: 2018-S-00000245, ROBINSON 10168 FT .23AC, located in MCCLELLAN, which was returned nquent in the name of FOX NATHAN G & CHER-YL DARLENE and for which the tax lien(s) thereon was sold by the sheriff of Doddridge County at the sale for the delinquent taxes made on the 17th day of October, 2018, has requested that you be notified that a deed for such real estate will be made to him or her on or after April 1, 2020. as provided by law unless before that day you redeem such real estate. The amount you will have to pay on the last day, March 31, 2020 will be as follows:

Amount equal to the taxes and charges due on the date of the sale, with interest, to March 31, 2020.....

Amount of subsequent years taxes paid on the property, since the sale, with interest to

Amount paid for the Title Examination and

preparation of the list to be served and for

Amount paid for other statutory costs with interest from following the sheriff's sale to

norable Mike Headley, Sheriff and Treasurer

Doddridge County ...\$1,222.39 Cost of Certification of Redemption - cashier check, money order or certified check must be made payable to

the The Honorable John B. McCuskey, State Auditor \$35.00

You may redeem at any time before March 31, 2020, by paying the above total less any unearned interest

Return this letter and both certified funds to the WV State Auditor's Office, County Collections Division

1900 Kanawha Blvd East, Building 1, Room W-114 Charleston, West Virginia 25305 Questions please call 1-888-509-6568 option 2

1-21-3xb

TRUSTEE'S SALE OF VALUABLE REAL ESTATE

The undersigned Substitute Trustee by virtue of the an thority vested in him by that certain Deed of Trust, dated December 12, 2014, and duly recorded in the Office of the Clerk of the County Commission of Doddridge County, West Virginia, in Document No. 217758, in Book No. 202, at Page 461, Austin Delozier and Aubrey P Delozier did convey unto Vance Golden, Trustee(s), certain real property described in said Deed of Trust; and the beneficiary has elected to appoint Seneca Trustees, Inc., as Substitute Trustee by a Substitution of Trustee dated December 23. 2019, and recorded in the aforesaid Clerk's office; and default having been made under the aforementioned Deed of Trust, and the undersigned Substitute Trustee having been instructed by NewRez LLC d/b/a Shellpoint Mortgage Servicing to foreclose thereunder, will offer for sale at public auction at the front door of the Doddridge County Courthouse in West Union, West Virginia, on

February 12, 2020 at 11:00 AM

the following described real estate, together with its improvements, easements and appurtenances thereus belonging, situate in 05-McClellan District, Doddridge County, West Virginia, and more particularly described as follows:

All of the following described real estate together with the improvements and appurtenances thereunto belonging situate on the south side of West Virginia Secondary Route 55/14 and on the waters of Elkhorn Run, McClellan District, Doddridge County, West Virginia, and more particularly described as follows:

Beginning at a point in the center of West Virginia Sec ondary Route 55/14, corner to SECOND TRACT of the survey of the Bessie I. Truax 101.74 acre parcel, thence with the center of said road for Five lines, thence S. 69 degrees E. 35.61 feet to a point; thence S. 63 degrees 59° E. 155.61 feet to a point; thence S. 57 degrees 14° E. 158.16 feet to a point; thence S. 62 degrees 00 E. 156.59 feet to a point; thence S. 53 degrees 54° E. 48.94 feet to a point corner to FOURTH TRACT of said survey: thence leaving said road and with said FOURTH TRACT for one line, S. 24 degrees 55' W. Passing through a 5/8 inch iron

Legal Ads

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

Legal Ads

Case No. 1:18-cv-26 (Keeley)

DOMINION ENERGY TRANSMISSION, INC., F/K/A DOMINION TRANSMISSION, INC. Plaintiff,

1-21-3xb

3.71 ACRES, MORE OR LESS, IN DODDRIDGE COUNTY, WEST VIRGINIA, et al., Defendants.

NOTICE OF FILING OF MEMORANDUM OPINION AND ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR SUMMARY JUDGMENT [DKT. NO. 129] AND JUDGMENT IN A CIVIL ACTION

To: Dessie Cochrane; Debra S. Wagner; Henry E. Norwood; the Unknown Heirs, Successors, and Assigns of Stephen L. Yerkey; the Unknown Heirs, Successors, and Assigns of Virgil Dale Williams; and Any Unknown Owners who may own an interest in that certain tract of land described as Parcel Identification No. 09-03-10002400000000, composed of 50 acres, more or less, located in Doddridge County, West Virginia, and being more particularly described in General Warranty Deed in Book 15, Page 459, of the public records of said County.

PLEASE TAKE NOTICE that on January 20, 2020, the United States District Court for the Northern District of West Virginia in the above-captioned matter entered the following "Memorandum Opinion and Order Granting Plaintiff's Unopposed Motion for Summary Judgment [Dkt. No. 129]" [Dkt. No. 137]: The plaintiff, Dominion Energy Transmission, Inc. ("Dominion"), previously obtained immediate access to

and possession of certain temporary and permanent easements that it had sought to condemn in order to construct a natural gas pipeline (Dkt. No. 44). Dominion has moved for summary judgment as to the amount of just compensation due for the portions of this property owned by the remaining defendants, including Gary Lester Batton, Roland D. Batton; Martin E. Williams; Walt Ann Jacobson; Dessie M. Cochran; Lynda L. Hankins; Debra S. Wagner; William Jackson Curran, II; Shawn Curran; Lynda J. Curran; Henry E. Norwood; the Unknown Heirs, Successors, and Assigns of Stephen L. Yerkey; the Unknown Heirs, Successors, and Assigns of Virgil Dale Williams; and Any Unknown Owners (collectively, "the De-fendants") (Dkt. No. 129). For the reasons that follow, the Court GRANTS the unopposed motion (Dkt. No. 129). I. BACKGROUND [FN1]

[FN2] Citations to the FERC Certificate reference pagination of the FERC Certificate itself rather than CM/

On February 5, 2018. Dominion sought to exercise that authority over certain property located in the North-

ern District of West Virginia that it had been unable to acquire by agreement. It did so by filing a complaint pursuant to

the NGA and Fed. R. Civ. P. 71.1 (Dkt. No. 1). As required by Rule 71.1(c)(2), Dominion included a description of the property, as well as the interests to be taken (Dkt. Nos. 1 at 6-9; 1-4). On February 6, 2018, Dominion sought partial summary judgment as to its right to condemn the subject

property (Dkt. No. 3). It also sought a preliminary imputchin allowing it to possess the easements (Dkt. No. 4). After the Court conducted an evidentiary hearing, it granted Dominion's motion for order of condemnation and for preliminary

injunction on March 2, 2018, thereby authorizing Dominion to condemn and obtain immediate access to and possession of

owed to the Defendants (Dkt. Nos. 129, 130). Despite being served a Roseboro Notice (Dkt. Nos. 132, 133, 134, 135, 136), the Defendants (Dkt. Nos. 132, 133, 134, 135, 136).

[FN3] Although Dominion's motion for summary judgment is unopposed, the Court is nevertheless re-quired to thoroughly analyze the issue of just compensation. <u>Robinson v. Wix Filtration Corp.</u>, 599 F.3d 403, 409 n.8 (4th Cir. 2010) ("[I]n considering a motion for summary judgment, the district court 'must review the motion, even if unop-

besiden de transfering a motion to summary judgitent, au anothe court motion to the motion, even it anop posed, and determine from what it has before it whether the moving party is entitled to summary judgitent as a matter of law."" (emphasis in original) (quoting <u>Custer v. Pan Am. Life Ins. Co.</u>, 12 F.3d 410, 416 (4th Cir. 1993))).

Summary judgment is appropriate only "if the pleadings, depositions, answers to interrogatories, and ad-missions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the

moving party is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c). When ruling on a motion for summary judg-ment, the Court reviews all the evidence "in the light most favorable" to the nonmoving party. <u>Providence Square</u>, 211 F.3d

at 850. The Court must avoid weighing the evidence or determining its truth and limit its inquiry solely to a determination

at 850. The Court must avoid weighing the evidence or determining its truth and limit its inquiry solely to a determination of whether genuine issues of triable fact exist. <u>Anderson v. Liberty Lobby, Inc.</u>, 477 U.S. 242, 249 (1986). The moving party bears the initial burden of informing the Court of the basis for the motion and of establish-ing the nonexistence of genuine issues of fact. <u>Celotex Corp. v. Catrett</u>, 477 U.S. 317, 323 (1986). Once the moving party has made the necessary showing, the non-moving party "must set forth specific facts showing that there is a genuine issue

for trial." Anderson, 477 U.S. at 256 (internal quotation marks and citation omitted). The "mere existence of a scintilla of

evidence" favoring the non-moving party will not prevent the entry of summary judgment, the evidence must be such that a rational trier of fact could reasonably find for the nonmoving party. <u>Id</u>. at 248–52.

"Just compensation (DKL No. 130 at 1-2), "Just compensation' is that amount of money necessary to put a landowner in as good a pecuniary position, but no better, as if his property had not been taken." <u>United States v. 69.1 Acres of Land, More or Less, Situated in Platt</u> <u>Springs Twp., Ctv. of Lexington, State of S.C.</u>, 942 F.2d 290, 292 (4th Cir. 1991). "[I]t is well settled that in the event of a 'partial taking' – i.e., a case in which the [condemnor] has taken one part of a larger tract, leaving the remainder to the hadden better of the first of the fir

landowner - the measure of just compensation is the difference between the fair and reasonable market value of the land

The second se

it involves a temporary work space, "the value of the taking is what rental the marketplace would have yielded for the property taken." <u>Banisadr Bldg. Joint Venture</u>, 65 F.3d at 378.

W. Va. Mar. 9, 2009) (citing United States ex rel. and for Use of Tenn. Valley Auth. v. Powelson, 319 U.S. 273-74 (1943)).

the Court may use that evidence to determine the just compensation of the property and enter default judgment against defendant landowners and award the defendants their just compensation as determined by the condemnor. <u>Atl. Coast Pipeline, LLC v. 1.52 Acres</u>, No. 3:17-cv-814, 2019 WL 148402, at *7 (E.D. Va. Jan. 9, 2019). So too here.

Because the Defendants have not appeared, answered, or otherwise defended this case, the Court may consider Dominion's undisputed evidence in order to determine just compensation. <u>Id</u>.

According to Dominion's expert and certified appraiser, Wesley D. Woods ("Woods"), the property at issue is comprised of 50.00 total acres of land (Dkt. No. 130-1 at 3). This tract is encumbered by a permanent pipeline easement

totaling 1.49 acres and a temporary workspace easement totaling 2.05 acres. Id. As of the date of the taking, February 5, 2018, Woods determined that the total value of the permanent pipeline easement was \$1,453.00, and the total rental value

of the temporary easement was \$1,333.00, for a total value of \$2,786.00. Id. Because the Defendants own only a 0.1863903586% interest in the underlying property, they are entitled to 0.1863903586% of \$2,786.00, or \$519.28 (0.1863903586 X \$2,786.00 = \$519.28). [FN4]

[FN4] The Court declines Dominion's request to award the Defendants only nominal damages (Dkt. No. 130 at 7) because there is no evidence to suggest that the temporary and permanent easements here involve vacant and

abandoned property. See Columbia Gas. Transm., LLC v. An Easement to Construct, Operate and Maintain a 20-inch Gas Transm. Pipeline Across Props. in Allegheny Cty. Pa, No. 17-1191, 2018 WL 348844, at *6 (W.D. Pa. Jan. 10, 2018)

(finding nominal damages appropriate "where the easements [were] . . . minimal [in] size and scope and over vacant and

The Defendants are also entitled to prejudgment interest on the amount of just compensation from the date of the taking, February 5, 2018, to the date of the judgment, January 10, 2020. See United States v. Eltzroth, 124 F.3d 632, 638 (4th Cir. 1997) ("The date of taking 'fixes the date as of which the land is to be valued and the Government's obligation

to pay interest accrues."" (quoting <u>United States v. Dow</u>, 357 U.S. 17, 22 (1958))). Federal law leaves to the Court's discretion the appropriate procedure to determine what rate of interes

applies. See Washington Metro. Area Transit Auth. v. One Parcel of Land in Montgomery Co., Md., 706 F.2d 1312, 1322

Generally, "the property owners bear the burden of proving the fair market value at trial." <u>Hardy Storage</u> <u>LLC v. Prop. Interests Necessary to Conduct Gas Storage Operations</u>, No. 2:07-cv-5, 2009 WL 689054, at *3 (N.D.

[i]f the condemnor is the only party to admit evidence to the Court of the value of the real property taken

The question at issue is the amount of just compensation due to the Defendants for their respective interests

the subject property (Dkt, No. 44). On April 2, 2019, Dominion moved for summary judgment on the remaining issue of just co

II. STANDARD OF REVIEW

III. DISCUSSION

A. Just Compensation for the Defendants

abandoned property")

B. Prejudgment Interest

However.

in the property taken by Dominion (Dkt. No. 130 at 1-2).

\$163.75

[FN1] As it must, the Court recites the facts in the light most favorable to the non-moving parties. See Providence Square Assocs., L.L.C. v. G.D.F., Inc., 211 F.3d 846, 850 (4th Cir. 2000). On October 13, 2017, the Federal Energy Regulatory Commission ("FERC") granted a Certificate to Do-on authorizing construction of 37.5 miles of natural-gas pipeline in West Virginia ("the Project") (Dkt. No. 1-2 at 7).

\$908.63

[FN2]

ECF pagination

March 31, 2020.... ..\$64.81

preparation and service of notice with interest from January 1, 2019 following the sheriff's sale to March 31, 2020.

March 31 2020 \$85.20

Total Amount Payable to Sheriff - cashier check, money order or certified check must be made payable to the The

Amount equal to the taxes and charges due on the date of the sale, with interest, to March 31, 2020... \$103.64

Amount of subsequent years taxes paid on the property, since the sale, with interest to March 31, 2020. ...\$9.14

Amount paid for the Title Examination and preparation of the list to be served and for preparation of the list to be served and for preparation and service of notice with interest from January 1, 2019 following the sheriff's sale to March 31, 2020.. \$1.066.45

Amount paid for other statutory costs with nterest from following the sheriff's sale to \$1,747.00 March 31, 2020....

Total Amount Payable to Sheriff - cashier check, money order or certified check must be made payable to the The Honorable Mike Headley, Sheriff and Treasurer Doddridge County... ...\$2,926.23

Cost of Certification of Redemption - cashier check, money order or certified check must be made payable to the The Honorable John B. McCuskey, State Auditor. ..\$35.00

You may redeem at any time before March 31, 2020, by paying the above total less any unearned interest.

Return this letter and both certified funds to the WV State Auditor's Office. **County Collections Division** 1900 Kanawha Blvd East, Building 1, Room W-114 Charleston, West Virginia 25305 Questions please call 1-888-509-6568 option 2

1-21-3xb

NOTICE TO REDEEM (2018-S-00000445-Doddridge County - CLARENCE & MARY MUTSCHELKNAUS)

TO: MARVIN B ROLLINS, DAVID E ROLLINS, STU-ART SCHWARTZ, HEIRS OF W H WILLIAMS, HEIRS OF MARTHA CARDER AKA MARTHA CONLEY, HEIRS OF MARTHA CARDER AKA MARTHA CON-LEY, HEIRS OF MARTHA CARDER AKA MARTHA CONLEY BARBARA JOHNSTON JAMES WATSON WILLIAM WATSON, RONALD WATSON, CURT WAT-SON, HEIRS OF JUANITA PERINE, HEIRS OF JUAN-ITA PERINE, HEIRS OF JUANITA PERINE, HEIRS OF MINNIE WILLILAMS, HEIRS OF BESSIE WATSON, or heirs at law, devisees, creditors, representatives, suc-cessors, assigns, all known heirs, guardians, conservators, fiduciaries, administrators, lienholders, co-owners, other parties having an undivided interest in the delinquent property, and other parties that may have any interest in

the subject property. You will take notice that CLARENCE & MARY MUTSCHELKNAUS, the purchaser of the tax lien(s) on the following real estate, Certificate of Sale: 2018-S-00000445, 2/9 OF 1/7 O&G 387A CABIN RUN, located in CENTRAL, which was returned delinquent in the name of WILLIAMS W H ET UX, and for which the tax lien(s) thereon was sold by the sheriff of Doddridge County at the sale for the delinquent taxes made on the 17th day of Oc tober, 2018, has requested that you be notified that a deed for such real estate will be made to him or her on or after April 1, 2020, as provided by law, unless before that day you redeem such real estate. The amount you will have to pay on the last day, March 31, 2020 will be as follows:

Amount equal to the taxes and charges due on the date of the sale, with interest, to March 31, 2020.... \$113.65 Amount of subsequent years taxes paid on the property, since the sale, with interest to March 31, 2020.....

Amount paid for the Title Examination and preparation of the list to be served and for preparation and service of notice with interest from January 1, 2019 following the sheriff's \$869.26 sale to March 31, 2020..

Amount paid for other statutory costs with

Amount equal to the taxes and charges due on the date of the sale, with interest, to March 31 2020 \$96.64

Amount of subsequent years taxes paid on the property, since the sale, with interest to March 31, 2020. .\$6.66

Amount paid for the Title Examination and preparation of the list to be served and for preparation and service of notice with interest from January 1, 2019 following the sheriff's \$737.29 sale to March 31, 2020...

Amount paid for other statutory costs with interest from following the sheriff's sale to March 31, 2020. \$550.60

Total Amount Payable to Sheriff – cashier check, money order or certified check must be made payable to the The Honorable Mike Headley, Sheriff and Treasurer of Doddridge County.....\$1,391.19

Cost of Certification of Redemption - cashier check, money order or certified check must be made payable to the The Honorable John B. McCuskey, State Audi-

You may redeem at any time before March 31, 2020, by paying the above total less any unearned interest.

1-21-3xb

Return this letter and both certified funds to the WV State Auditor's Office, County Collections Division 1900 Kanawha Blvd East, Building 1, Room W-114 Charleston, West Virginia 25305 Questions please call 1-888-509-6568 option 2

NOTICE TO REDEEM

(2018-S-00000110-Doddridge County – H3 LLC) TO: BREITLING ROYALTIES CORP, CRUDE ROY-ALTIES, LLC, THOMAS L. TAYLOR III, RECEIVER-SHIP FOR BREITLING-CRUDE ROYALTIES, VINCE K. ABBLEY, GUATAM M. PATEL, DIXIKA PATEL SUZANNE ARNESS, SHANE K. ABBLEY, BRENDA G. ABBLEY, ERNEST PAUL ADAMS, BRENT THIEL, LANCE MORRIS, AVIGDOR JOSEF PEMPER, JOHN H. MILLER, BRAD SCOTT MEYER, AARON LEE JOHNSON, CARLOLS C JIMENEZ, JEFFERY TODD COOK, JACQUE REYNOLDS, GREGORY WORSLEY, WILLIAM GEORGE JR, VOLTZ FAMILY TRUST, NANCY THIEL, DEAN E. TERRY, MORRIS TAY-LOR, RICHARD TABAKA, THEBEHARA FAMILY LP, FRANK SHAW SPECIAL ACCOUNT. SCHWIMMER LIVING TRUST, DUANE & DIANE SATHER LIVING TRUST, NICOLAS H. RUSSO, DMD, HIPOLITO RUIZ, LUZ RUIZ, JACK L. ROYAL AND JUDITH A. ROY-ALTRUST, ELISA M. ROYAL MCMINN LIVTRUST, PROST MARKETING, INC., PROFIT SHAR PLAN D PROST, TTEE, CYNTHIA PERRY, AVIGDOR J. PEM-PER, MARK RABINER, JOHN ,M. PARKE, HAMED OMAR, DANIEL E.& JUDITH A. OELKERS TRUST. NODDING DONKEY ROYALTIES, LLC, PAUL. NEL-SON. PAUL NASH. MASCOVICFAMILY TRUST. MICHAEL MOREHOUSE, MOON RIVER INVEST-MENTS, LLC (MACMANUS), WILLIAMC. MCGEE, RICHARD WILL MARINE JR 2004 TRUST JUNE LATTEA, KOHLS FAMILY TRUST, KENNETH KLINE, MILLENIUM TRUST FBO W45R1 PHILLIPP C. KIRKEGAARD, KIRK KIRKEGAARD PROFIT SHAR ING PLAN, JRJ INVESTMENTS, LLC, AARON JOHN-SON, RICHARD J JANSON, INVESTMENT PROPER-TY EXCHANGE, INC, GANG HAUNG, MILLENIUM TRUST LLC FBO LISA HILLGREEN IRA-38273. DAR-YL W. HENNICK, GUBIN FAMILY TRUST, HAROLD & SUSAN GERECHT TRUST, GEORGE FAMILY MINERALS GP, LLC, GDW PROPERTIES LLC, FLA-NAGAN REVOCABLE TRUST, LYNN J ERSKINE LIV TRUST, FAR HORIZONS ENTERPRISES LLC, ERDEN OIL & GAS LLC, JEFF EPSTEIN, B. EDWARDS, JIM-MY EASTUP, JOHN S DEWHIRST, TRUSTEE OF THE CAROLYNV DEWHIRST, 1995 REV TRUST, JOHN S DEWHIRST, DEWHIRST ENTERPRISES, INC. HUGH W CROUSE II. CM OIL INVESTMENTS HOLDINGS LLC, CIDER ROYALTIES LLC, NOEL CHIANTELLA,WILLIAM C CALDWELL, B&S ED-

Amount of subsequent years taxes paid on the property, since the sale, with interest to March 31, 2020..... ..\$3.87

Amount paid for the Title Examination and preparation of the list to be served and for preparation of the list to be served and for preparation and service of notice with interest from January 1, 2019 following the sheriff's sale to March 31, 2020... \$766.62

Amount paid for other statutory costs with interest from following the sheriff's sale to March 31, 2020... \$415.80

Total Amount Payable to Sheriff - cashier check, money order or certified check must be made payable to the The Honorable Mike Headley, Sheriff and Treasurer Doddridge County.... ...\$1,284.14

Cost of Certification of Redemption - cashier check, money order or certified check must be made payable to the The Honorable John B. McCuskey, State Audi-

You may redeem at any time before March 31, 2020, by paying the above total less any unearned interest.

Return this letter and both certified funds to the WV State Auditor's Office. County Collections Division 1900 Kanawha Blvd East, Building 1, Room W-114 Charleston, West Virginia 25305 Questions please call 1-888-509-6568 option 2

NOTICE TO REDEEM (2018-S-00000263-Doddridge County - P 7 J REAL

ESTATE LLC) TO: ANNE B. SUMMERS C/O CHARLES SUMMERS, ANNE B. SUMMERS, CHARLES SUMMERS, or heirs at law, devisees, creditors, representatives, succ assigns, all known heirs, guardians, conservators, fiduciaries, administrators, lienholders, co-owners, other parties having an undivided interest in the delinquent property, and other parties that may have any interest in the subject property

You will take notice that P & J REAL ESTATE LLC, the purchaser of the tax lien(s) on the following real estate, Certificate of Sale: 2018-S-00000263, 1/20 O&G 4AC 16P TOMS FK, located in NEW MILTON, which was returned delinquent in the name of SUMMERS ANNE B, and for which the tax lien(s) thereon was sold by the sheriff of Doddridge County at the sale for the delinquent taxes made on the 17th day of October, 2018, has requested that you be notified that a deed for such real estate will be made to him or her on or after April 1, 2020, as provided by law, unless before that day you redeem such real estate. The amount you will have to pay on the last day, March 31, 2020 will be as follows:

Amount equal to the taxes and charges due on the date of the sale, with interest, to March 31 2020 \$96.64 Amount of subsequent years taxes paid on the

property, since the sale, with interest to March 31, 2020.... ..\$2.78

Amount paid for the Title Examination and preparation of the list to be served and for preparation and service of notice with interest from January 1, 2019 following the sheriff's sale to March 31 2020 \$893 97

Amount paid for other statutory costs with interest from following the sheriff's sale to March 31, 2020.... \$102.60

Total Amount Payable to Sheriff - cashier check, money order or certified check must be made payable to the The Honorable Mike Headley, Sheriff and Treasurer of Doddridge County.. ...\$1.095.99

Cost of Certification of Redemption - cashier check, money order or certified check must be made payable to the The Honorable John B. McCuskey, State Audi-...\$35.00 tor

You may redeem at any time before March 31, 2020 by paying the above total less any unearned interest.

rod set at 20 00 feet in all 2993 95 feet to a 5/8 inch i rod, set on Possom Hollow side of ridge, corner to Cork 80.50 acre tract and Miles 112.50 acre tract; thence with said Miles tract for one line, N. 18 degrees 22' W., 367.35 feet to a 5/8 inch iron rod, set on Possom Hollow sider of ridge, corner to SECOND TRACT of said survey; thence with said SECOND TRACT for one line; N. 18 degrees 44' E. Passing through a 5/8 inch iron rod, set, all 2762.64 feet, in all 2782.64 feet to the beginning, containing 26.14 acres, more or less.

Reference is made to a plat of survey of record in the Office of the Clerk of the County Commission of Doddridge County, West Virginia, in Large Plat Book 1-B at Page 3, and shown as THIRD TRACT on a plat titled "Plat of Survey for Bessie Truax Estate" for a more particular description of the 26.14 acre tract.

And being the same real estate conveyed to Grantors by Deed to be recorded contemporaneously herewith

Grantor further grant and convey to Grantee any and all right, title and interest they may have to any rights of ways or easements incident to their ownership of the above

described real estate. This conveyance is made subject to all valid exceptions. reservations, restrictions, conditions, easements, rights of way or other servitudes, if any, made retained or created in prior Deeds of record in the chain of title to the property

herein conveyed. At the time of the execution of the Deed of Trust, this property was reported to have an address of: 1000 Elkhorn

Run, Salem, WV 26426. The referenced real estate will be conveyed with no covenants of warranty, and subject to all covenants, restrictions, easements rights of way and reservations which may be a matter of record in the aforesaid Clerk's Office or visible upon the ground, all prior liens and encumbrances, including, without limitation, liens for real estate taxes, incinerator, sanitary and sewer charges. The purchasers at the sale shall be responsible for paying the recording costs and also the tax on the privilege of transferring real property (the cost of the tax stamp to be affixed to the deed) The purchasers shall be responsible for payment of all real

estate taxes. The subject property will be sold in "AS IS" condition. The Substitute Trustee shall be under no duty to cause any existing tenant or person occupying the subject property to vacate said property. TERMS: \$9000.00 in cash and/or certified funds as de-

posit at the time of sale with the balance due and payable a 30 days of the day of sale.

FEDERAL TAX LIEN: In the event that there are Federal Tax Liens against the property, the United States would have the right to redeem the property

within a period of 120 days from the date of such sale the period allowable for redemption under local law, whichever is longer. Pursuant to the Deed of Trust, the Trustee may postpone the sale by public announcement at the time and place designated or by posting a notice of the same, and act by agent in the execution of the sale. The parties secured by the Deed of Trust reserve the right to purchase the property at such sale SENECA TRUSTEES, INC. 5000 Coombs Farm Drive, Suite 104 Morgantown, WV 26508 (304) 413-0044 (304) 292-2918

Toll free: (888) 534-3132 Reference File No. 71350

To Brantlee Layne Witek

NAME CHANGE Please take Notice that on the 18th day of February, 2020,

PETITIONER

1-28-2xb

choice of an appropria "). Judges in the District have previously observed that, "in order to make the injured parties whole, the prejudgment interest should reflect the injured party's borrowing costs." <u>Dijkstra v. Carenbauer</u>, No. 5:11-CV-152, 2015 WL 12750449, at *7 (N.D. W. Va. July 29, 2015) (Bailey, J.) (quoting <u>Zerkel v. Trinity Resources, Inc.</u>, 2013 WL 3187077, at *2 (N.D. W. Va. June 20, 2013) (Stamp, J.)).

Applying this principle, the rate at which prejudgment interest is to be calculated should reflect the rate best representing the Defendants' borrowing cost during the period of the loss of use of the monies owed. To determine this, the Court will apply the average federal interest rate from February 2018. During that time, the federal interest rates for marketable interest-bearing debt averaged 2.17%. TreasuryDirect.gov, Average Interest Rates, February 2 0 1 8 https://www.treasurydirect.gov/govt/rates/pd/avg/2018/2018_02.htm (last visited Jan. 10, 2020). Accordingly, the Court will award prejudgment interest on the amount of just compensation, from February 5, 2018, to Insure 1.0, 2020, to be calculated at the rate of 2.1% pre nume

January 10, 2020, to be calculated at the rate of 2.17% per annum.

IV. CONCLUSION

For the reasons discussed, the Court:

GRANTS Dominion's unopposed motion for summary judgment (Dkt. No. 129); and DIRECTS Dominion to pay \$519.28 to the Defendants, plus prejudgment interest on this amount at the rate of 2.17% per annum.

It is so ORDERED.

The Court DIRECTS the Clerk to transmit copies of this Order to counsel of record and enter a separate judgment order in favor of Dominion. It further DIRECTS Dominion to provide copies of both Orders to the Defendants and file proof of service with the Court. DATED: January 10, 2020

/s/ Irene M. Keeley IRENE M. KEELEY UNITED STATES DISTRICT JUDGE

PLEASE ALSO TAKE NOTICE that on January 20, 2020, the United States District Court for the Northern District of West Virginia in the above-captioned matter entered the following "Judgment in a Civil Action" [Dkt. No. 138]: The court has ordered that: Dominion Energy Transmission, Inc.'s unopposed motion for summary judg-

ment (Dkt No. 129) is GRANTED. It is further DIRECTED that the plaintiff, Dominion Energy Transmission, Inc., pay the remaining defendants, Gary Lester Batton; Roland D. Batton; Martin E. Williams; Walt Ann Jacobson; Dessie M. Cochran; Lynda L. Hankins; Debra S. Wagner; William Jackson Curran, II; Shawn Curran; Lynda J. Curran; Henry E. Norwood; the Unknown Heirs, Successors, and Assigns of Stephen L. Yerkey; the Unknown Heirs, Successors, and Assigns of Virgil Dale Williams; and Any Unknown Owners, the amount of Five Hundred Nineteen Dollars and twenty-eight cents (\$519.28), plus prejudgment interest at the rate of 2.17%, per annum, and post judgment interest at the rate of 1.57% per um. This action was: decided by Judge Irene M. Keeley DATE: January 10, 2020

CLERK OF COURT Cheryl Dean Riley /s/ W. Riffle Deputy Clerk

By counsel for Dominion Energy Transmission, Inc. f/k/a Dominion Transmission, Inc.: William J. O'Brien (WV Bar #10549), Steptoe & Johnson PLLC, william.obrien@steptoe-johnson.com, 400 White Oaks Boulevard, Bridge-port, West Virginia 26330, (304) 933-8000; Lauren K. Turner (WV Bar #11942), Steptoe & Johnson PLLC, lauren.turner@ steptoe-johnson.com, 400 White Oaks Boulevard, Bridgeport, West Virginia 26330, (304) 933-8000; and Brooks Spears (WV Bar #12820), McGuireWoods LLP, bspears@mcguirewoods.com, 1750 Tysons Boulevard, Suite 1800, Tysons, Virginia 22102, (304) (703) 712-5000.

2/43xb

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA DOMINION ENERGY TRANSMISSION, INC., F/K/A DOMINION TRANSMISSION. INC. Plaintiff, Case No. 1:18-cv-25 (Keeley) 2.21 ACRES, MORE OR LESS, IN DODDRIDGE COUNTY, WEST VIRGINIA, et al., Defendants. NOTICE OF FILING OF MEMORANDUM OPINION AND ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR SUMMARY JUDGMENT [DKT. NO. 83] AND JUDGMENT IN A CIVIL ACTION Miranda Dawn Richardson: Jon T. Wilby: the Unknown Heirs, Successors, and Assigns of Leona Meredith:

To the Unknown Heirs, Successors, and Assigns of Ronald Allis Meredith; the Unknown Heirs, Successors, and Assigns of Frederick Lambert Strother; the Unknown Heirs, Successors, and Assigns of Lloyd Sward Strother; the Unknown Heirs. Successors, and Assigns of Earl W. Meredith; and Any Unknown Owners who may own an interest in that certain tract of land described as Parcel Identification No. 09-05-23000700000000, composed of 16.4 acres, more or less, located in Doddridge County, West Virginia and being more particularly described as Lot Three in General Warranty Deed in Book 91, Page 156, of the public records of said County.

PLEASE TAKE NOTICE that on January 20, 2020, the United States District Court for the Northern District of West Virginia in the above-captioned matter entered the following "Memorandum Opinion and Order Granting Plaintiff's Unopposed Motion for Summary Judgment [Dkt. No. 83]" [Dkt. No. 88]:

The plaintiff, Dominion Energy Transmission, Inc. ("Dominion"), previously obtained immediate access session of certain temporary and permanent easements that it had sought to condemn in order to construct a natural gas pipeline (Dkt. No. 29). Dominion has moved for summary judgment as to the amount of just compensation due for the portions of this property owned by the remaining defendants, including Miranda Dawn Richardson; Jon T. Wilby; the Unknown Heirs, Successors, and Assigns of Leona Meredith; the Unknown Heirs, Successors, and Assigns of Ronald Allis Meredith: the Unknown Heirs, Successors, and Assigns of Frederick Lambert Strother: the Unknown Heirs, Successors, and Assigns of Lloyd Sward Strother; the Unknown Heirs, Successors, and Assigns of Earl W. Meredith; and Any Unknown Owners (collectively, "the Defendants") (Dkt. No. 83).

For the reasons that follow, the Court GRANTS the unopposed motion (Dkt. No. 83).

I. BACKGROUND [FN1]

[FN1] As it must, the Court recites the facts in the light most favorable to the non-moving parties. See <u>Providence Square Assocs., L.L.C. v. G.D.F., Inc.</u>, 211 F.3d 846, 850 (4th Cir. 2000). On October 13, 2017, the Federal Energy Regulatory Commission ("FERC") granted a Certificate to Do-

Con't Page 7

IN THE CIRCUIT COURT OF DODDRIDGE COUNTY, WEST VIRGINIA IN THE MATTER OF: The Change of Name of

Brantlee Layne Witek-Stewart CASE NO. 20-P-3

CLASS I LEGAL NOTICE OF PUBLICATION FOR

at 2:45 o'clock am/pm, or as soon thereafter as this matter may be heard, the undersigned will apply by Petition to the Circuit Court of Doddridge County, West Virginia, for the entry of an Order changing the name of Brantlee Lavne Witek-Stewart to Brantlee Layne Witek, pursuant to the West Virginia Code Chapter 48, Article 25, Section 101, et seq., as amended 2003, at which time all parties having objections thereto may appear and be heard on this matter. Brianna M Witek