

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                     |   |          |
|-------------------------------------|---|----------|
| INVESTIGATION INTO THE ALLEGED      | ) |          |
| UNAUTHORIZED TRANSFER OF STOCK AND  | ) |          |
| OWNERSHIP OF B.L.S.T., INC. FROM    | ) | CASE NO. |
| JERRY L. TYLER TO MIKE AND TIM      | ) | 90-266   |
| MONTGOMERY AND ALLEGED DEFICIENCIES | ) |          |
| IN THE SYSTEM                       | ) |          |

O R D E R

On January 30, 1992, Brightleaf Estates Subdivision Sewage Treatment Cooperative, Inc. ("Brightleaf"), in compliance with ordering paragraph 2 of the Commission's Order of January 27, 1992 in Case No. 91-442,<sup>1</sup> filed a copy of the Deed of Conveyance transferring ownership of B.L.S.T. to Brightleaf (attached hereto as Appendix A).

In view of the filing of the Deed of Conveyance and the fact that Brightleaf will serve only residents and businesses in its subdivision and will not be treating sewage for the public for compensation, the Commission finds that the sewage treatment facility is no longer a utility within the meaning of KRS 278.010(f). Accordingly, the matters arising out of this investigation will no longer fall under the Commission's jurisdiction.

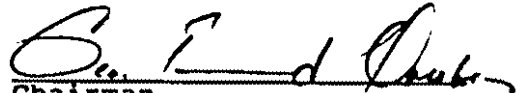
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<sup>1</sup> Case No. 91-442, The Application for Transfer of Sewer System by B.L.S.T., Inc. to Brightleaf Estates Subdivision Sewage Treatment Cooperative, Inc.

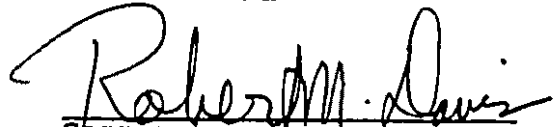
IT IS THEREFORE ORDERED that Case No. 90-266 shall be and it hereby is closed and removed from the Commission's docket.

Done at Frankfort, Kentucky, this 18th day of February, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 90-266 DATED 2/18/92

174

DEED TAX PAID

DATE 12-13-91

DEED OF CONVEYANCE

BOOK 237 PAGE 374

This DEED OF CONVEYANCE made and entered into on this, the 25 day of November, 1991, by and between B.L.S.T., INC., a Kentucky corporation, 1680 Danville Road Harrodsburg, Mercer County, Kentucky 40310, hereinafter Grantor; and BRIGHTLEAF ESTATES SUBDIVISION SEWAGE TREATMENT COOPERATIVE, INC., a Kentucky non-profit corporation, 304 Main Street, Harrodsburg, Mercer County, Kentucky, hereinafter Grantee.

RECEIVED

W I T N E S S E T H :

That for and in consideration of the sum of One Dollar (\$1.00) and pursuant to a Plea Agreement entered into by and between the United States of America and B.L.S.T. Inc., and Jerry Tyler, an individual, in the United States District Court for the Eastern District of Kentucky, Lexington Division, in criminal action 89-11 styled "United States of America vs. B.L.S.T., Inc., a Kentucky corporation and Jerry Tyler, an individual", the GRANTOR does hereby alien and convey unto the GRANTEE, in fee simple, its successors and assigns forever, all of Grantor's right, title and interest in the following described real property located in Mercer County, Kentucky, to-wit:

BEING all of Lot Three (3), Block B, Brightleaf Estates Subdivision, Jefferson Street, shown as to location and dimension on a plat thereof at P.S. 4, page 10, amended in P.S. 5, page 4, Mercer County Clerk's Office records.

BEING the same property conveyed to B.L.S.T., Inc., by Master Commissioner's Deed dated December 30, 1987 and recorded in D.S. 224, page 083, records of the Mercer County Clerk's Office. B.L.S.T., Inc. then conveyed the property to B.S.T., Inc., a Kentucky corporation, by deed dated July 19, 1990 and recorded in D.S. 232, page 083, records of the Mercer County Clerk's Office; and B.S.T., Inc., then reconveyed the property to B.L.S.T., Inc., by a subsequent deed dated October 18, 1990 and recorded in D.S. 238, page 389, records of the Mercer County Clerk's Office.

Grantor also hereby conveys to Grantee in fee all sewer lines, manholes, the two (2) sewer package plants including the pipes, lines, meters, pumps, fencing, chlorination basin, and all other accessories to the plant, and all

easements, right of ways and other property rights related to the sewer plant.

TO HAVE AND TO HOLD all of the above described real estate together with the improvements thereon and appurtenances thereunto belonging unto the Grantee, in fee simple absolute, its successors and assigns forever, with Covenant of General Warranty of Title, subject, however, to all easements, covenants, exceptions, restrictions or limitations appearing in the record chain of title hereto or apparent from visual inspection.

Possession is to be given with delivery of deed. Taxes for the year of 1991 are to be paid by Grantor, B.L.S.T., Inc.

There is no cash consideration for this conveyance, same being made pursuant to the Plea Bargain Agreement in the U.S. District Court as noted above.

IN TESTIMONY WHEREOF, WITNESS the hands of the parties hereto on the date and year first above written.

B.L.S.T., INC.

BY:

Jerry Tyler, Pres.  
JERRY TYLER, PRESIDENT

BRIGHT LEAF ESTATES  
SUBDIVISION SEWAGE TREATMENT  
COOPERATIVE, INC.

BY:

Larry Catlett  
LARRY CATLETT, PRESIDENT

COMMONWEALTH OF KENTUCKY

COUNTY OF MERCER

The foregoing Deed of Conveyance was produced and acknowledged before me by Jerry Tyler, President, B.L.S.T., Inc., a Kentucky corporation, in Harrodsburg, Mercer County, Kentucky, on this the 25th day of November 1991.

My commission expires: 9-30-95.

Jeanne Y. Singleton  
NOTARY PUBLIC ST. AT LARGE, KY.

COMMONWEALTH OF KENTUCKY

COUNTY OF MERCER

The foregoing Deed of Conveyance was produced and

acknowledged before me by Larry Catlett, President, Bright Leaf Estates Subdivision Sewage Treatment Cooperative, Inc., a Kentucky corporation, in Harrodsburg, Mercer County, Kentucky, on this the 25th day of November 1991.

My commission expires: 9-30-95

Joanne H. Singleton  
NOTARY PUBLIC ST. AT LARGE, KY.

CONSIDERATION CERTIFICATE

We, the undersigned, hereby certify that the fair cash value of the above described property is \$5,500.00. There is no cash consideration for this conveyance.

B.L.S.T., INC.

BY:

Jerry Tyler  
JERRY TYLER, PRESIDENT  
GRANTOR

BRIGHTLEAF ESTATES SUBDIVISION  
SEWAGE TREATMENT COOPERATIVE, INC.

BY:

Larry Catlett  
LARRY CATLETT, PRESIDENT  
GRANTEE

COMMONWEALTH OF KENTUCKY  
COUNTY OF MERCER

The foregoing Consideration Certificate was acknowledged and sworn to before me this 25th day of November, 1991 by Jerry Tyler, President, B.L.S.T., Inc., a Kentucky corporation, Grantor. My commission expires: 9-30-95

Joanne H. Singleton  
NOTARY PUBLIC ST. AT LARGE, KY.

COMMONWEALTH OF KENTUCKY  
COUNTY OF MERCER

The foregoing Consideration Certificate was acknowledged and sworn to before me this 25th day of November, 1991 by Larry Catlett, President, Bright Leaf Estates Subdivision Sewage Treatment Cooperative, Inc., a

Kentucky corporation, Grantee.

My commission expires: 9-30-95

*Marion K. Anderson*  
NOTARY PUBLIC ST. AT LARGE, KY.

PREPARED BY:  
*Larry Catlett*  
LARRY CATLETT  
ATTORNEY AT LAW  
304 NORTH MAIN STREET  
HARRODSBURG, KENTUCKY 40330

I, the undersigned, Clerk do hereby that  
the foregoing instrument was on this day, recorded  
in record, at 11:00 AM, which together with this  
and the foregoing certificate has been duly  
recorded in my office. Given under my hand this  
13 day of Dec. 1991  
Clerk By *James H. Hays* J.C.