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Public Service  
Commission

January 30, 2017

Cindy D. McCarty  
East Kentucky Network  
101 Technology Trail  
Ivel, Ky 41642

Re: Case No. 2016-00326

East Kentucky Network: Burning Fork

Dear Cindy D. McCarty  
In regard to your letter dated  
January 11, 2017.

Enclosed is a copy of a deed,  
Recorded in Deed Book 111 Page 223  
dated 1-22-1976. Magoffin County  
Court Clerk's Office Magoffin County  
Kentucky. This deed has a consideration  
of \$2,000.00 which my parents paid  
to my Uncle of which my mother  
helped pay for. I feel and have  
been advised this consideration  
gave my mother a Marital  
interest in this property. This  
deed was not mentioned in the  
Findings of Fact, Conclusion of Law

2nd Decree of Dissolution of Marriage dated August 4, 1992. I agree that if a spouse's name is on a deed and no consideration then it will be considered as non-marital however since there was a consideration of \$2,000.00 this gave my mother a marital interest in tract # 2 of the deeds mentioned. My mother nor none of her heirs have been compensated for this interest nor has her interest been conveyed to anyone.

The submitted deed is prior to deeds mentioned in chain of title. Why there was two later deeds recorded on this same property I have NO idea.

these being: Book 121 Page 139 5-4-81  
Book 124 Page 349 8-20-83

Reason Deed dated 6-2-1966  
Recorded 1-22-1976 Recorded  
in Deed Book 111 Page 223  
was not mentioned in Divorce  
Decree was due to attorney's

Not doing a title search  
on the properties. The judge  
did not see the submitted  
deed in his "Finding of Facts"

You know as well as I do  
that attorney's don't always do  
a thorough title search on  
properties especially in divorce  
cases and sometime they overlook  
or don't find defects in title.

I am well aware that you  
or Public Service Commission  
are not representing me or  
Eagle Well Service legally.

This matter will need to be  
settled in Magoffin County  
Circuit Court. I also have  
been advised that I probably  
will not be able to prevent  
East Kentucky Network from  
erecting a tower on this

property. Since you are already  
paying Eagle Well Service and  
will continue until a judge  
orders otherwise. Delaying  
erecting of the tower would

only affect East Kentucky Network and would not benefit us.

As advised in a previous letter to PSC this defect in title was brought to our attention when an attorney done a title search for the Kentucky Dept. of Highway.

Neither my brother or I are attorneys however we have been advised and we feel we have a vested interest in this property. which we plan to seek further legal Council in the future.

Thomas W. Keith  
319 Ramey Pk  
East Point, Ky 40126

cc: Executive Directors Office  
Public Service Commission of Kentucky  
P. O. Box 615  
Frankfort, Ky 40602



THIS DEED, between Harold Keith and Lothie Keith, his wife

1/2  
1/2

part ies of the first part, and Hershel Keeth and Geneva Keeth, his wife,

BK 111  
79 223

part ies of the second part, witnesseth: That said part ies of the first part, for and in consideration of the ~~xxxxxxx~~ division of land between the parties, and the further consideration of the payment of \$2,000.00 to Harold Keith and Lothie Keith, his wife, as follows:

Said amount to be paid in ten installments of \$200.00 each consecutive year the first payment to be paid within one year from date. A lien being retained on the property to secure the unpaid balance. If any yearly payments is not timely made, then interest will be charged at the rate of 6% per annum from the date due until paid. This balance is represented by a Cognovit Note dated April 4, 1966 and signed by Hershel Keeth and Geneva Keeth,

the receipt of which is hereby acknowledged, do hereby sell, grant and convey to the part ies of the second part their heirs and assigns the following described real estate, to-wit:

Certain tracts of land in Magoffin County, Kentucky, on the Burning fork of Licking River and more particularly described, to-wit:

TRACT NO. 1: Beginning at a concrete marker at the right-of-way on the southside of the eastern parkway at Station \_\_\_\_\_; thence a straight line a southern direction across the bottom to a concrete marker at Burning Fork Creek; thence to the center of said creek; thence down the creek with its meanders to Sam Preston's line; thence with said line, a southern direction up the point to the top of the ridge at Bascom Prater's line; thence around said ridge in an eastern direction to the line of the heirs of the Millard Caudill farm; thence down the hill with said Caudill's line a northern direction to the Burning Fork Creek; thence across the creek and with the Wireman's heirs line to its corner; thence turning a western direction with said Wireman's heirs' line back to the point of beginning.

TRACT NO. 2: Beginning on the north side of Ky. Highway 114 at its right-of-way and the line of the Wireman's heirs; thence up the point with said line back to the line of Lawrence Collinworth; thence around the ridge a northwesterly course with saidline to a pipe driven in the ground between the lands of Harold Keith and Hershel Keeth; thence down the meanders of the point a southern direction to the right-of-way of Ky. 114; thence in an eastern direction with said right-of-way line back to the point of beginning. This description includes the Cherry Tree Hollow.

Being a part of the same land conveyed from Alma Prater and Fannie Prater to Harold Keith and Lothie Keith & Hershel Keith & Geneva Keeth by Deed bearing date 19th day of June 1963, and of record in Deed Book No. 92 at Page 243 Magoffin County, Clerk's Office.

To have and to hold the same, together with all the appurtenances thereunto belonging unto the parties of the second part their heirs and assigns forever, with covenant of General warranty

In testimony whereof, witness our signature this 2ND day of June 19 66

This is to certify that this Deed was prepared by Marcus Mann, Attorney-at-Law, Salyersville, Ky. THIS, April 7, 1966.

Harold G. Keith  
Lothie Keith

Marcus Mann

STATE OF KENTUCKY

County of MAGOFFIN } Sci.

I, Alma Smith a Notary Public ~~Clerk of the County Court~~ for the County and State aforesaid

do certify that the foregoing Deed from Harold Keith and Lothie Keith, his wife,

to Hershel Keith and Geneva Keeth, his wife,

was on the 2nd day of June 19 66 produced to me in said County and acknowledged and delivered by Harold Keith and Lothie Keith, his wife,

parties grantors thereto to be their act and deed.

Given under my hand this 2nd day of June 19 66.

My Commission Expires August 2, 1969

Alma Smith  
NOTARY PUBLIC

(SEAL)

XXXXX

XXXXX

STATE OF KENTUCKY

County of MAGOFFIN } Sci.

I, HOWARD HENSLEY, Clerk of the County Court for the County and State aforesaid

certify that the foregoing Deed was on the 22 day of January 19 76

lodged in my office for record, whereupon the same with the foregoing and this certificate have been duly recorded in my office.

Given under my hand this 22 day of January 1976 .

HOWARD HENSLEY Clerk.

By Sharon Salyer D. C.

DEED TAX OF \$2.00 COLLECTED  
THIS THE 22 DAY OF Jan 1976  
Howard Hensley  
BY Sharon Salyer D.C.