

139 East Fourth Street, R. 25 At II P O. Box 960 Cincinnati, Ohio 45201-0960 Tel 513-287--3601 Fax. 513-287-3810 John.FinniganJr@duke-energy.com

John J. Finnigan, Jr. Senior Counsel

VIA FAX AND OVERNIGHT DELIVERY

June 5, 2006

Ms. Elizabeth O'Donnell Executive Director Kentucky Public Service Commission 211 Sower Boulevard P.O. Box 615 Frankfort, Kentucky 40602-0615 RECEIVED

JUN 06 2006 PUBLIC SERVICE COMMISSION

Re: Application of The Union Light, Hat and Power Company d/b/a Duke Energy Kentucky, Inc. for a Certificate of Convenience and Necessity to Apply for and Obtain a Franchise to Provide Natural Gas Service in the City of Owenton, Kentucky Case No. 2006- ひのチリレ

Dear Ms. O'Donnell:

I have enclosed an original and twelve copies of The Union Light, Heat and Power Company d/b/a Duke Energy Kentucky Inc.'s Application in the above-referenced case.

Please date stamp the two extra copies of the Application and return in the enclosed, selfaddressed envelope.

If you have any questions, please do not hesitate to contact me at (513) 287-3601.

Sincerely,

Anni gun Min

John J. Finnigan, Jr. Senior Counsel

JJF/sew

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

)

)

In the Matter of:

RECENED

Application of The Union Light, Heat and) Power Company d/b/a Duke Energy Kentucky, Inc. for a Certificate of Convenience) and Necessity to Apply for and Obtain a) Franchise to Provide Natural Gas Service) in the City of Owenton, Kentucky

JUN 06 2006

Case No. 2006-20 246

PUBLIC SERVICE COMMISSION

APPLICATION

Pursuant to KRS 278.040(4) and 807 KAR 5:001 Section 9, The Union Light, Heat and Power Company d/b/a Duke Energy Kentucky, Inc. ("Duke Energy Kentucky") applies for a certificate of convenience and necessity authorizing it to apply for and obtain a franchise to provide natural gas service for the City of Owenton, Kentucky. In support of this application, Duke Energy Kentucky states as follows:

1. Duke Energy Kentucky is a corporation organized and existing under the laws of the Commonwealth of Kentucky. Duke Energy Kentucky's principal office and principal place of business is 1697 A Monmouth Street, Newport Shopping Center, Newport, Kentucky 41071, and its mailing address is P.O. Box 960, Cincinnati, Ohio 45201. Pursuant to 807 KAR 5:001 Section 8(3), a certified copy of Duke Energy Kentucky's articles of incorporation is on file with the Commission in Case No. 2005-00042 and is incorporated by reference.

2. Duke Energy Kentucky purchases, sells, stores and transports natural gas in Boone, Campbell, Gallatin, Grant, Kenton and Pendleton Counties, Kentucky. Duke Energy Kentucky also generates electricity, which it distributes and sells in Boone, Campbell, Grant, Kenton and Pendleton Counties, Kentucky. Duke Energy Kentucky is a "utility" as defined in KRS 278.010(3) and is subject to the Commission's jurisdiction pursuant to KRS 278.040.

3. The City of Owenton is located in Owen County, Kentucky. The City passed a motion on or about May 2, 2006 authorizing the City to solicit bids for a franchise to provide natural gas service in the City. A copy of the motion is at Attachment A.

4. On or about May 17, 2006, the City caused to be published in *The News Herald*, a local newspaper, a legal notice that the City was soliciting bids for the franchise and that the deadline for submitting bids was June 16, 2006. A copy of the legal notice is at Attachment B.

5. KRS 278.020(4) provides:

278.020 Certificate of convenience and necessity required for construction of utility service or of utility --Exceptions -- Approval required for acquisition or transfer ownership - - Public hearing on proposed transmission line - - Severability of provisions. * * *

(4) No utility shall apply for or obtain any franchise, license, or permit from any city or other governmental agency until it has obtained from the commission, in the manner prescribed in subsection (1) of this section, a certificate of convenience and necessity showing that there is a demand and need for the service sought to be rendered. * * *

When a utility seeks a certificate of convenience and necessity to apply for and bid on a franchise to provide utility service, the statute provides that relevant inquiry is whether a demand and need for the service exists.

6. The City of Owenton does not have access to natural gas service. The demand and need for natural gas service is established by: (1) the City's lack of access to natural gas service; (2) the City's ordinance soliciting bids for a franchise to provide such service; and (3) the legal notice soliciting bids for the franchise.

7. Duke Energy Kentucky does not request any finding regarding: (1) its qualifications as a bidder; (2) the validity of any of the provisions of the franchise offered by the City; (3) the manner in which any franchise fee is to be treated for rate purposes; or (4) any authorization to construct utility facilities in the City. Duke Energy Kentucky states that, if it wins the franchise, it will file a separate application seeking a certificate of convenience and necessity authorizing it to construct utility facilities in the City or, in the alternative, requesting a finding that no such certificate is required.

8. If Duke Energy Kentucky is successful in acquiring the franchise, it will file one copy with the Commission, as required by 807 KAR 5:001 Section 9(d).

WHEREFORE, Duke Energy Kentucky respectfully requests that the Commission grant it a certificate of convenience and necessity authorizing it to apply for and obtain a franchise to provide natural gas service in the City of Owenton, Kentucky.

Respectfully submitted,

DUKE ENERGY KENTUCKY

A John J. Finnigan, Jr. (86657)

Senior Counsel P. O. Box 960 Room 2500, Atrium II 139 East Fourth Street Cincinnati, Ohio 45201-0960 Phone: (513) 287-3601 Fax: (513) 287-3810 e-mail: John.FinniganJr@duke-energy.com

KyPSC Case No. 2006-Attachment A Page 1 of 1

CITY OF OWENTON

220 South Main Street Owenton, Kentucky 40359-1431 Phone (502) 484-2322 Fax (502) 484-5156

EXCERPT OF MINUTES OF A REGULAR MEETING OF THE OWENTON CITY COUNCIL ON TUESDAY, MAY 2, 2006

"Motion by Marc Duvall, second by Larry Perry, authorizing the placement of an advertisement for a franchise for natural gas for the City of Owenton. was unanimously approved."

Attas. Freda C. Prather

City Clerk-Treasurer

nouse door in Owenton, Owen for sale to the highest and best ty for the tax year 2005, by the ng cost not included in amount

Amariat

the plaintiff herein. Failure of the purchaser as follows: under but chall ontitle

Commissioner of the Said real estate is situat- shall remain and be a Public Notice Owen Circuit Court or ed in Owen County. Kentucky, and bounded paid. The purchaser the Owen County budto effect such insurance Lying and being in Owen of paying all or part of to include unanticipated shall not affect the valid- County, Kentucky, and ity of the sale or the pur-lying on the South side chase price prior to the sources in the amount of chaser's liability there- of Old Scott's Mill 30 day period. It is fur-

lien on the property until An ordinance amending shall have the privilege get for fiscal year 05-06, the balance of the pur- receipts from various

\$95,385.00 and increasled that the ing expenditures in the old contains area of various sources nprovements was adopted by the cessful bid-Owen County Fiscal sale shall, at Court on 5-9-06. A copy pense, pro- of the adopted ordiy of fire and nance with full text is surance cov- available aid improveinspection at the office amount of of ed value, or Executive during normal balance of business hours. ase price. i less, as a

5.17 vith a loss NOTICE use to the ier of the The City of Owenton is

it Court of

soliciting bids for the iff herein. franchise to provide natshall not affect the validunder, but shall entitle, but not require the plaintiff to effect said insurance and furnish the policy, evidence or to thereof the desires, and the premipurchaser by commis- transferred sioner's deed. The aforesaid real property shall be sold free and clear of any and all liens and claims except the followa. All State and County estate

real payable on the property for 2006 and thereafter; b. Easements, restrictions and stipulations of record;

c. Assessments for pubagainst the property; survey of the property may disclose. For further information, Judgment, the to record in the Office of any additional informaCase No. 2006-Attachment B Page 1 of 1

PSC (

public

Judge-

the

for

County

Printed in The News-Herald May 17, 2006 \$30 \$1.2 \$11 \$1.3 \$36 \$68 \$6.5 \$26 Received 5/19/2006 \$10 \$1.E \$2.4 \$45 GAS COMMORCIAL OPORATION S

adjuc feet 2 36 on it: e = prope iron intere

Lake V 81 from o an court costs and attor-57 E neys fees. iron the The real estate shall be

of lot the ne S the et to payable within 30 days, nina. except that the deposit against the property; pres. shall be waived if plainct to tiff is the successful bid-1 the conder. Any purchaser, other Olds husrequired to execute a see deed bond, with surety thereand band ated and to secure the unpaid balance of the purchase 3ook price, and said bond MASTER also)ropshall bear interest at the lckie rate of 12% per annum OWEN from the date of the sale COURT n, by R. until paid, and shall have the same force and 'son. effect as a judgment and 992.)eed shall remain and be a lien on the property until) All paid. The purchaser NOTICE OF SALE erein ls in shall have the privilege PLAINTIFF untv the balance of the pur- LOANS, INC. The chase price prior to the VS be be 1 this 30 day period. It is further provided that the s 8.73 property sold contains insurable improvements lintiff and the successful bidthe with bidder's expense, prothe iem. extended insurance covuntil

erage on said improve-

the unpaid balance of

28

intiff

1 the

with

the

rate of 8% per annum, any and all liens and inch Oak at a distance of Failure of the purchaser ural gas service to pri-December 21, claims except the follow- 270.41 feet; thence with 2004 until paid, plus ing: a. All State and the center of said turn-County real estate taxes pike S 24 15 W 115.50 payable on the property for 2006 and thereafter: sold on the terms of b. Easements, restric-10% cash at the time of tions and stipulations of

record: sale, with the balance c. Assessments for public improvements levied d. Any facts which an inspection and accurate survey of the property may disclose. than plaintiff shall be For further information, the Judament. Order and pleadings on on acceptable to the record in the Office of Clerk's Office. Master Commissioner, the Circuit Clerk of amount of money to be Owen County MARK R. COBB SIONER 5-24

CIRCUIT OWEN COURT CIVIL ACTION # 06-C1-00028 of paying all or part of COUNTRYWIDE HOME

ETAL DEFENDANTS By virtue of a Judgment and Order of Sale rencure a policy of fire and day of April, 2006 I will Commissioner, the appraised value, or the Owen the purchase price, of 10:00

feet, S 46 33 W 77.52 feet to the place of beginning, containing 1.03 acres, more or less. Being the same property conveyed to James E. Williams and Kimberly Lynn Williams, husband and wife from Viola M. Williams, a single person, by deed dated April 26, 1997 and recorded on April 28, 1997 in Deed Book 183, page 719 in the Owen County The raised and for which this sale is being made is the COMMIS- sum of \$85,395.22 adjudged due to plaintiff CIRCUIT on its first lien on the property, together with ina: interest thereon at the rate of \$11.89 per day, from March 9, 2006 until paid. The real estate shall be sold on the terms of 10% cash at the time of the sale, with the balance payable within 30 days, except lic improvements levied that the deposit shall be JAMES E. WILLIAMS, waived if plaintiff is the d. Any facts which an successful bidder. Any inspection and accurate purchaser, other than plaintiff shall be required to execute a bond, with der at said sale shall, at dered in the Owen surety thereon accept- see Circuit Court on the 18th able to the Master Order and pleadings on sell at public auction to secure the unpaid bal- the Circuit Clerk of tion contact Mayor David the highest and best bid- ance of the purchase Owen County. ments in the amount of der on the front steps of price, and said bond MARK R. COBB County shall bear interest at the MASTER Courthouse, at the hour rate of 12% per annum COMMISSIONER a.m., on from the date of the sale OWEN CIRCUIT

to effect such insurance marily local industry in Owenton. A gas transity of the sale or the pur- mission line will be conchaser's liability there- structed by the City as Phase I. This line will be approximately 20 miles in length, built to 500 lbs. p.s.i. pressure and operated at 150 lbs. p.s.i. This will be a welded 6 Commissioner If it so inch steel pipe. Phase II will include natural gas um thereon or a proper service to the City of portion thereof shall be Owenton, which currentcharged to the purchas- ly does not have natural er as purchaser's costs. gas available. The trans-When the purchase mission line will initially price is paid in full, title be owned by the City of will be conveyed to the Owenton but may be to provider at a later date. The successful bidder will provide-all service to the transmission line, including, but not limited to connections along the route as well as maintetaxes nance, billing, collecting and any service required. The contract with the successful bidder shall also include a 3% franchise fee to the City of Owenton based on the total revenue received from the utilization of the transmission line as well as any other connections from this line. Bids will be opened

at 10:00 a.m. E.D.T. at the Owenton City Hall on June 16, 2006. For Wotier, City of Owenton.

5-17



FAX



DATE:	June 5, 2006	
то:	Kentucky Public Service Commission Docketing - Charla	
COMPANY:	Duke Energy	Case No. 2006-00246
FAX:	502-564-3460	RECEIVED
PHONE:	502-564-3940	JUN 0 5 2006
FROM:	John J. Finnigan	PUBLIC SERVICE COMMISSION
FAX:	513-287-3810	
PHONE:	513-287-3601	

NO. OF PAGES: 8

COMMENTS:

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AT THE NUMBER LISTED ABOVE.

RECEIVED

COMMONWEALTH OF KENTUCKY

CINERGY LEGAL DEPT

JUN 0 5 2006 PUBLIC SERVICE COMMISSION

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Application of The Union Light, Heat and)Power Company d/b/a Duke Energy)Kentucky, Inc. for a Certificate of Convenience)and Necessity to Apply for and Obtain a)Franchise to Provide Natural Gas Service)in the City of Owenton, Kentucky)

Case No. 2006-<u>DO</u>J40

APPLICATION

Pursuant to KRS 278.040(4) and 807 KAR 5:001 Section 9, The Union Light, Heat and Power Company d/b/a Duke Energy Kentucky, Inc. ("Duke Energy Kentucky") applies for a certificate of convenience and necessity authorizing it to apply for and obtain a franchise to provide natural gas service for the City of Owenton, Kentucky. In support of this application, Duke Energy Kentucky states as follows:

1. Duke Energy Kentucky is a corporation organized and existing under the laws of the Commonwealth of Kentucky. Duke Energy Kentucky's principal office and principal place of business is 1697 A Monmouth Street, Newport Shopping Center, Newport, Kentucky 41071, and its mailing address is P.O. Box 960, Cincinnati, Ohio 45201. Pursuant to 807 KAR 5:001 Section 8(3), a certified copy of Duke Energy Kentucky's articles of incorporation is on file with the Commission in Case No. 2005-00042 and is incorporated by reference.

1

2003

2. Duke Energy Kentucky purchases, sells, stores and transports natural gas in Boone, Campbell, Gallatin, Grant, Kenton and Pendleton Counties, Kentucky. Duke Energy Kentucky also generates electricity, which it distributes and sells in Boone, Campbell, Grant, Kenton and Pendleton Counties, Kentucky. Duke Energy Kentucky is a "utility" as defined in KRS 278.010(3) and is subject to the Commission's jurisdiction pursuant to KRS 278.040.

3. The City of Owenton is located in Owen County, Kentucky. The City passed a motion on or about May 2, 2006 authorizing the City to solicit bids for a franchise to provide natural gas service in the City. A copy of the motion is at Attachment A.

4. On or about May 17, 2006, the City caused to be published in *The News Herald*, a local newspaper, a legal notice that the City was soliciting bids for the franchise and that the deadline for submitting bids was June 16, 2006. A copy of the legal notice is at Attachment B.

5. KRS 278.020(4) provides:

278.020 Certificate of convenience and necessity required for construction of utility service or of utility --Exceptions -- Approval required for acquisition or transfer ownership - - Public hearing on proposed transmission line - - Severability of provisions. * * *

(4) No utility shall apply for or obtain any franchise, license, or permit from any city or other governmental agency until it has obtained from the commission, in the manner prescribed in subsection (1) of this section, a certificate of convenience and necessity showing that there is a demand and need for the service sought to be rendered. * * *

187855

2004

When a utility seeks a certificate of convenience and necessity to apply for and bid on a franchise to provide utility service, the statute provides that relevant inquiry is whether a demand and need for the service exists.

6. The City of Owenton does not have access to natural gas service. The demand and need for natural gas service is established by: (1) the City's lack of access to natural gas service; (2) the City's ordinance soliciting bids for a franchise to provide such service; and (3) the legal notice soliciting bids for the franchise.

7. Duke Energy Kentucky does not request any finding regarding: (1) its qualifications as a bidder; (2) the validity of any of the provisions of the franchise offered by the City; (3) the manner in which any franchise fee is to be treated for rate purposes; or (4) any authorization to construct utility facilities in the City. Duke Energy Kentucky states that, if it wins the franchise, it will file a separate application seeking a certificate of convenience and necessity authorizing it to construct utility facilities in the City or, in the alternative, requesting a finding that no such certificate is required.

8. If Duke Energy Kentucky is successful in acquiring the franchise, it will file one copy with the Commission, as required by 807 KAR 5:001 Section 9(d).

WHEREFORE, Duke Energy Kentucky respectfully requests that the Commission grant it a certificate of convenience and necessity authorizing it to apply for and obtain a franchise to provide natural gas service in the City of Owenton, Kentucky.

187855

Respectfully submitted,

DUKE ENERGY KENTUCKY

nigange (866574 John J. Finnigan, Jr.

Senior Counsel P. O. Box 960 Room 2500, Atrium II 139 East Fourth Street Cincinnati, Ohio 45201-0960 Phone: (513) 287-3601 Fax: (513)287-3810 e-mail: John.FinniganJr@duke-energy.com CINERGY LEGAL DEPT CITY OF OWENTON

2006 PAGE 02

KyPSC Case No. 2006-Attachment A Page 1 of 1

CITY OF OWENTON

220 South Main Street Owenton, Kentucky 40359-1431 Phone (502) 484-2322 Fax (502) 484-5156

EXCERPT OF MINUTES OF A REGULAR MEETING OF THE OWENTON CITY COUNCIL ON TUESDAY, MAY 2, 2006

"Motion by Marc Duvall, second by Larry Perry, authorizing the placement of an advertisement for a franchise for natural gas for the City of Owenton. was unanimously approved."

Freda C. Prather

City Clerk-Treasurer

touse door in Owenton, Owen for sale to the highest and best ty for the tax year 2005, by the

Am~....+

\$30

feet,

2 36

ю =

iron

Lake

V 81

o an

57 E

iron

06/05/06 16:16 FAX 513 287 3810 CINERGY LEGAL DEPT the plaintiff herein. Failure of the purchaser as follows:

under but shall ontitio

4.4.6.8

Owen Circuit Court or ed in Owen County, lien on the property until An ordinance amending Kentucky, and bounded paid. The purchaser the Owen County budshall have the privilege get for fiscal year 05-06, to effect such insurance Lying and being in Owen of paying all or part of to include unanticipated ng cost not included in amount shall not affect the valid- County, Kentucky, and the balance of the pur- receipts from various Ity of the sale or the pur- lying on the South side chase price prior to the sources in the amount of chaser's llability there- of Old Scott's Mill 30 day period. It is fur-

surance covamount of of balance of business hours. lse price,

vith a loss use to the ier of the it Court of soliciting bids for the

i less, as a .iff hereif. franchise to provide natural gas service to primarily local industry in

plke S 24 15 W 115.50 ity of the sale or the purfeet, S 46 33 W 77.52 chaser's llability thereunder, but shall entitle, beginning, containing but not require the/plain-1.03 acres, more or less. tiff to effect said/insur-Being the same property ance and furnish the policy, or evidence thereof to the Commissioner If it so and wife from Viola M. desires, and the premi-Williams, a single per- um thereon or a proper son, by deed dated April portion thereof shall be 26, 1997 and recorded charged to the purchason April 28, 1997 in er as purchaser's costs. Deed Book 183, page When the purchase 719 in the Owen County price is paid in full, title will be conveyed to the raised and for which this sloner's deed. The aforesale is being made is the said real property shall be sold free and clear of adjudged due to plaintiff any and all liens and

> real estate payable on the property for 2006 and thereafter; b. Easements, restrictions and stipulations of

> c. Assessments for public Improvements levied against the property; d. Any facts which an

> inspection and accurate survey of the property may disclose. For further information,

see the record in the Office of Owen County. MARK R. COBB MASTER

007

\$95,385.00 and increasled that the ing expenditures in the old contains area of various sources nprovements was adopted by the cessful bld- Owen County Fiscal sale shall, at Court on 5-9-06. A copy pense, pro- of the adopted ordiy of fire and nance with full text is available for public ild improve- inspection at the office County Judgeid value, or Executive during normal

> NOTICE The City of Owenton is

Owenion. A gas transmission line will be constructed by the City as Phase I. This line will be approximately 20 miles in length, built to 500 lbs. p.s.i. pressure and operated at 150 lbs. p.s.i. This will be a welded 6 inch steel pipe. Phase II will include natural gas service to the City of Owenton, which currently does not have natural gas available. The transmission line will initially be owned by the City of Owenton but may be transferred to the provider at a later date. The successful bidder will provide all service to the transmission line. including, but not limited to connections along the route as well as maintetaxes nance, billing, collecting and any service required. The contract with the successful bidder shall also include a 3% franchise fee to the City of Owenton based on the total revenue received from the utilization of the transmission line as well as any other connections from this line. Bids will be opened at 10:00 a.m. E.D.T. at Julgment, the Owenton City Hall Order and pleadings on on June 16, 2006. For any additional informathe Circuit Clerk of tion contact Mayor David Wotler, City of Owenton.

Vo. 2006-Attachment B ż. Case] KyPSC

Printed in The News-Herald \$12 \$11 \$1.9 May 17, 2006 Received 5/19/2006 \$36 \$68 \$6.5 \$26 \$10 \$1.6 \$2.4 \$45 GAS COMMORCIAL DRORATIONS adjuc on it: prope intere rate of 8% per annum, any and all liens and inch Oak at a distance of Fallure of the purchaser December 21, claims except the follow- 270.41 feet; thence with to effect such insurance 2004 until paid, plus ing: a. All State and the center of said turn- shall not affect the validcourt costs and attorneys fees.

the The real estate shall be of lot the ne S the sale, with the balance et to ning, payable within 30 days, cres. except that the deposit shall be waived if plainct to ; the tiff is the successful bidconder. Olds Any purchaser, other husdeed required to execute a bond, with surety thereand band ated to secure the unpaid baland ance of the purchase price, and said bond

30ok also shall bear interest at the SIONER)ronrate of 12% per annum OWEN 1ckie n, by from the date of the sale COURT until paid, and shall have 5-24 ' R. the same force and 'son, effect as a judgment and OWEN 992.)eed lien on the property until). Ali paid. The purchaser NOTICE OF SALE erein shall have the privilege PLAINTIFF ls in of paying all or part of untv the balance of the pur-The chase price prior to the VS. o be i this 30 day period. It is further provided that the 8.73 property sold contains insurable improvements By virtue of a Judgment plaintiff shall be required intiff the and the successful bidder at said sale shall, at with the bidder's expense, proiem, cure a policy of fire and until extended insurance coverage on said improve-. 28 ments in the amount of intiff 1 the the appraised value, or with the unpaid balance of

the the

County real estate taxes payable on the property for 2006 and thereafter; sold on the terms of b. Easements, restric-10% cash at the time of tions and stipulations of record: c. Assessments for public improvements levied against the property; d. Any facts which an inspection and accurate survey of the property may disclose. than plaintiff shall be For further information, see the Judgment, Order and pleadings on on acceptable to the record in the Office of Master Commissioner, the Circuit Clerk of Owen County. MARK R. COBB MASTER COMMIS-CIRCUIT

CIRCUIT shall remain and be a COURT CIVIL ACTION # 06-CI-00028 COUNTRYWIDE HOME LOANS, INC.

> JAMES E. WILLIAMS. ETAL.

DEFENDANTS and Order of Sale ren- to execute a bond, with dered in the Owen surety thereon accept-Circuit Court on the 18th able to the Master day of April, 2006 I will Commissioner, sell at public auction to secure the unpaid balthe highest and best bid- ance of the purchase der on the front steps of price, and said bond the Owen

feet to the place of conveyed to James E. Williams and Kimberly Lynn Williams, husband Clerk's Office, The amount of money to be purchaser by commissum of \$85,395.22 on its first lien on the claims except he followproperty, together with ing: Interest thereon at the a. All State and County rate of \$11.89 per day, from March 9, 2006 until pald. The real estate shall be sold on the terms of 10% cash at the time of the sale, with record: the balance payable within 30 days, except that the deposit shall be walved if plaintiff is the successful bidder. Any purchaser, other than to County shall bear interest at the Courthouse, at the hour rate of 12% per annum COMMISSIONER purchase price, of 10:00 a.m., on from the date of the sale OWEN CIRCUIT

5-17