

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF

RECEIVED  
NOV 18 2009  
PUBLIC SERVICE  
COMMISSION

JAMES S. WAYNE, INDIVIDUALLY AND AS )  
TRUSTEE OF THE JAMES S. WAYNE )  
LIVING TRUST )  
COMPLAINANTS )

CASE NO. 2009-0264

vs. )

HENRY COUNTY WATER DISTRICT #2 )  
DEFENDANT )

**RESPONSE TO COMPLAINANT'S FIRST SET OF  
INTERROGATORIES and REQUEST FOR PRODUCTION OF DOCUMENTS**

Comes the Defendant, Henry County Water District #2, and for its Response to Complainant's First Set of Interrogatories and Request for Production of Documents served upon Defendant pursuant to Kentucky 400 KAR 1:040, states as follows:

**ANSWERS TO INTERROGATORIES**

INTERROGATORY No. 1: Please identify [See Instruction #17] the person(s) who is answering these Interrogatories for the Defendant

ANSWER: James T. Simpson; Home address: 2440 Sunnyside Road, Eminence, Ky. 40019; Present Business address, employer and employment classification: Chief Operating Officer, Henry County Water District # 2, 8955

Main Street, P.O. Box 219, Campbellsburg, KY 40011; Home phone number, (502)  
; Business phone number, (502) 532-6280

INTERROGATORY No. 2: Please identify [See Instruction #17] all persons known to  
you who have knowledge of the facts and transactions that are the subject of this  
proceeding.

ANSWER: (1) James T. Simpson; Home address: 2440 Sunnyside Road, Eminence,  
Ky. 40019; Present Business address, employer and employment classification: Chief  
Operating Officer, Henry County Water District # 2, 8955 Main Street, P.O. Box  
219, Campbellsburg, KY 40011; Home phone number, (502) 845-5588; Business  
phone number, (502) 532-6280. (2) Gene K. Powell, Home address: 3201 Hwy 146,  
Lagrange, Kentucky 40031; Present business address, employer and employment  
classification: Retired, Former Superintendent; Henry County Water District No. 2;  
Home phone number (502) 222-4782; (3) Larry Congleton; Home address: 5502  
Campbellsburg Road, Campbellsburg, Kentucky 40011; Home phone number: (502)  
532-6016; (4) Jay Armstrong; Home address: 52 College Court, Campbellsburg,  
Kentucky 40011; Present Business address, employer and employment classification:  
Distribution Foreman, Henry County Water District #2; 8955 Main Street, P.O. Box  
219, Campbellsburg, KY 40011; Home phone number, (502) 532-6561; Business  
phone number, (502) 532-6280; (5) Trevor Brown; Home address: 160 Cane Run  
Road, Turners Station, Kentucky 40075; Present Business address, employer and  
employment classification: Distribution Operator, Henry County Water District #2;  
8955 Main Street, P.O. Box 219, Campbellsburg, KY 40011; Home phone number,  
(502) 777-0442; Business phone number, (502) 532-6280; (6) Chris Troxell; Home

address: P.O. Box 671, New Castle, KY 40050; Present Business address, employer and employment classification: Laborer, Henry County Water District #2; 8955 Main Street, P.O. Box 219, Campbellsburg, KY 40011; Home phone number, (502) 777-0881; Business phone number, (502) 532-6280; (7) James (Jim) S. Wayne; Home address: 1280 Royal Avenue, Louisville, Kentucky 40204; Home phone number, (502) 451-8262; (8) Clarence Davis, Home address: 500 Ethridge Lane, Glencoe, Kentucky 41046; Home phone number, (859) 643-3310.

INTERROGATORY No. 3: Please identify [See Instruction #17] the witnesses you intend to call at the hearing of this matter, including a detailed summary of the testimony of each witness

ANSWER: (1) James T. Simpson; Home address: 2440 Sunnyside Road, Eminence, Ky. 40019; Present Business address, employer and employment classification: Chief Operating Officer, Henry County Water District # 2, 8955 Main Street, P.O. Box 219, Campbellsburg, KY 40011; Home phone number, (502) 845-5588; Business phone number, (502) 532-6280. (2) Larry Congleton; Home address: 5502 Campbellsburg Road, Campbellsburg, Kentucky 40011; Home phone number: (502) 532-6016; (3) Jay Armstrong; Home address: 52 College Court, Campbellsburg, Kentucky 40011; Present Business address, employer and employment classification: Distribution Foreman, Henry County Water District #2; 8955 Main Street, P.O. Box 219, Campbellsburg, KY 40011; Home phone number, (502) 532-6561; Business phone number, (502) 532-6280; (4) James (Jim) S. Wayne; Home address: 1280 Royal Avenue, Louisville, Kentucky 40204; Home phone number, (502) 451-8262;

(5) Clarence Davis, Home address: 500 Ethridge Lane, Glencoe, Kentucky 41046;  
Home phone number, (859) 643-3310.

INTERROGATORY No. 4: To your knowledge, who constructed the Private Water Line, how much did it cost and who paid for such construction?

ANSWER: To my knowledge the 3" water line was constructed by Peewee Robinson, a contractor hired by the former property owner, Clarence Davis. I have no knowledge as to the cost of the water line, or who paid for the construction.

INTERROGATORY No. 5: When the Private Water Line was constructed, where was the Original Water Meter located?

ANSWER: The original water meter was located on Mr. Congleton's property on Highway 421 in Henry County.

INTERROGATORY No. 6: When the Private Water Line was constructed who purchased the Original Water Meter, who paid the Tap-on Fee, and what did each cost?

ANSWER: The original purchase and payment was by Ray Powell. The total fee paid was \$350.00.

INTERROGATORY No. 7: To your knowledge, did Larry Congleton give permission to allow the Private Water Line, with the Original Water Meter, to be constructed on his property and used for water delivery to the Wayne Farm from 1997 through 2007? If your answer is anything other than Yes, please explain. Please provide all documentation of your answer.

ANSWER: Yes. See, Attachment 1: Account history summaries for June 1997 through August 2000 showing active service for Ray Powell/Clarence Davis and

account history summary for September 2000, which is the beginning month for Complainant's active service.

INTERROGATORY No. 8: Do you agree that a private water line to access a municipal or public water supply is an improvement to real property, in the nature of a fixture, and that it passes with the real property to subsequent purchasers of that real property? If your answer is No, please explain your answer with the legal basis and authority you rely upon.

ANSWER: OBJECTION. The answer to this question requires a legal opinion as to whether a water line is a fixture that can be conveyed by deed. Furthermore, pursuant to 400 KAR 1:040, undersigned counsel submits that the interrogatory should not be required to be answered until after designated discovery has been fully completed, particularly in regard to the Complainant's basis for asserting the water line was conveyed to him by the prior owner.

INTERROGATORY No. 9: Did you ever take any action to assert ownership of the Private Water Line from the time it was constructed and in service in 1997 through 2007, and before a leak was discovered in the Private Water Line? If you did, please provide complete details of such action and provide all documentation.

ANSWER: No.

INTERROGATORY No. 10: Were you aware that when Wayne discovered a water leak in the Private Water Line in early 2008, that he [or his farm manager] sought access to fix the leak on the Larry Congleton property but such access was refused and that Mr. Congleton made threatening statements to the farm manager of the Wayne Farm? Do you

dispute the truth of this statement? If you were aware of this refusal, what steps, if any did you take to stop the water leak?

ANSWER: I was made aware that Mr. Congleton refused Mr. Wayne's contractor access to the property, but I have no knowledge of any threatening statements. I have no personal knowledge of any conversations between Mr. Wayne, Mr. Congleton and/or Mr. Wayne's farm manager. I cannot confirm or deny the truth of the statements made. The meter was checked to confirm reading and the meter service line to the meter was visually checked for any leaks. No leaks were found on Henry District's side of the meter. No repairs were made by Henry District on Congleton's side of the meter until after the Henry District obtained an easement and took over the line.

INTERROGATORY No. 11: Were you aware that when Wayne was denied access to the Larry Congleton property to fix the leak in the Private Water Line, that he (through his farm manager) turned the water off at the Original Water Meter to stop the leak, and Wayne then contacted the Water District to request that service be discontinued until the leak could be fixed? Do you dispute the truth of this statement?

ANSWER: I am aware that Mr. Wayne contacted the water district to have service discontinued because he could not get the leak repaired. I was made aware that Mr. Congleton refused Mr. Wayne's contractor access to the property. I have no knowledge as to what actions taken by his farm manager.

INTERROGATORY No. 12: When did the Water District first take action to assert control over and ownership of the Private Water Line? What action(s) was/were taken? Provide all documentation of such action.

ANSWER: After Mr. Wayne discontinued service, Mr. Congleton requested the service in his name in March 2008 and subsequently offered an easement to the Henry District. On July 23, 2008 a letter was sent to Mr. Wayne telling him that Mr. Congleton had made an easement offer to District for the 3” water line. The easement was obtained in September 2008.

INTERROGATORY No. 13: What did the Water District pay for the Private Water Line and when and to whom was such sum paid?

ANSWER: The Henry District did not pay any amounts for the easement. The water line was existing.

INTERROGATORY No. 14: Does the Water District claim it has the right to take ownership of a Private Water Line that it never paid for, without the prior consent of the person who paid for that construction (here Davis), or the person who purchased such improvement to realty (here Wayne)? If the Water District claims it has such right or authority, please provide the legal and factual basis for such claim.

ANSWER: The Henry District proceeded through its normal course of business. The Henry District was granted an easement by the property owner on which the 3” water line is physically located. See: Attachment 2- Letter to Jim Wayne with attached statement from Clarence Davis; Attachment 3- Letter to Jim Wayne dated November 19, 2008; and, Attachment 4- Recorded Right of Way easement for #3 water line on Congleton property.

INTERROGATORY No. 15: Please explain why the action of the Water District to take control and ownership of the Private Water Line to the Wayne Farm without paying for it and without the consent of Wayne, as owner of the Wayne Farm is not a “taking” of

property without just compensation. Provide the complete legal and factual basis for your answer. Provide all documents the you rely upon in your answer.

ANSWER: See Answer to Interrogatory No. 15 above.

INTERROGATORY No. 16: Will you agree to supplement these answers as you learn or discover new relevant facts and documents that are responsive to these interrogatories?

ANSWER: Yes.

#### **REQUEST FOR PRODUCTION OF DOCUMENTS**

1. Please produce all documents requested above or referred to in the above answers.

RESPONSE: Attachments 1-9.

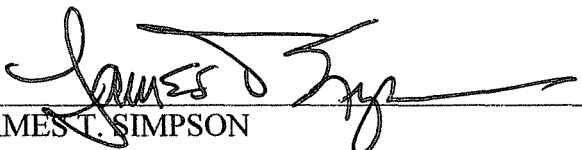
2. Please produce all documents that you intend to introduce at the hearing in this matter.

RESPONSE: Attachments 2-4 and 6-9.

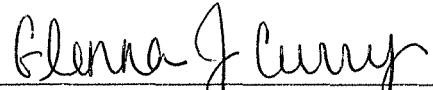


COMMONWEALTH OF KENTUCKY  
COUNTY OF OLDHAM

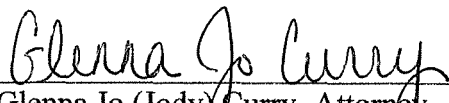
Comes James T. Simpson, Chief Operating Officer, Henry County Water District No. 2,  
and after first being duly sworn states that the foregoing **RESPONSE TO COMPLAINANT'S  
FIRST SET OF INTERROGATORIES and REQUEST FOR PRODUCTION OF  
DOCUMENTS** are true and accurate to the best of his knowledge, information and belief  
formed after a reasonable inquiry.

  
\_\_\_\_\_  
JAMES T. SIMPSON

Subscribed and sworn to before me by James T. Simpson this 16<sup>th</sup> day of November,  
2009.

  
\_\_\_\_\_  
Notary Public, State at Large  
My Commission expires: 10-7-11

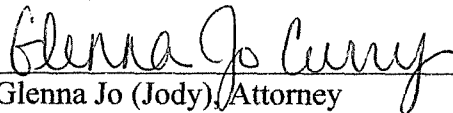
Respectfully submitted,

  
\_\_\_\_\_  
Glenna Jo (Jody) Curry, Attorney  
1900 East Mt. Zion Road  
Crestwood, Kentucky 40014  
(502) 222-9808  
Facsimile (502) 225-0924  
COUNSEL FOR HENRY COUNTY  
WATER DISTRICT NO. 2

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing **RESPONSE TO COMPLAINANT'S FIRST SET OF INTERROGATORIES and REQUEST FOR PRODUCTION OF DOCUMENTS** was mailed, US mail, postage prepaid to the following this 17<sup>th</sup> day of November, 2009:

W. Henry Graddy, Attorney  
W. H. Graddy & Associates  
P. O. Box 4307  
Midway, KY 40347

  
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Glenna Jo (Jody), Attorney

## ATTACHMENT 1

Microsoft Word

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File Edit View Configure Remote Transfer Help

11/16/09

TERMINAL: 3 HENRY COUNTY WATER DISTRICT #2  
 Version 3.9 ACCOUNT HISTORY SUMMARY - 1997

ACCOUNT: G0-0078 RAY POWELL class: C owner: OWNER  
 HWY 421 ss/id #:  
 svc codes: W CAMPBELLSBURG KY 40011 certificate #:

service: W WATER	JUN(6)	JUL(7)	AUG(8)
month:	B	B	B
rate table:	06/10	07/10	08/10
read/svc date:	53.5	71.7	101.8
meter reading:	53.5	18.2	50.1
usage/units:	0	0	0
meter changes:	1	1	1
multiplier:	2	2	2
master meter:	N	Y	A
estimation:	-139.10	-97.65	-78.17
prev balance:	41.45[30]	19.48[31]	26.94[29]
billing chgs:	-139.10(1)		
late charges:	10		
payments:	-41.45(1)	-19.48(1)	-26.94(1)
day last pay:			
other ar:			

VALID CODES

- A. OLDER AGE
- B. NEWER AGE
- C. NEXT ACCOUNT
- D. NEW ACCOUNT
- E. PREVIOUS SERVICE
- F. NEXT SERVICE
- G. BILLING DETAIL
- H. PAYMENTS DETAIL
- I. OTHER A/R DETAIL
- J. CURRENT STATUS
- K. EXIT

PROCESS CODE: .

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Microsoft Word

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Page: 1 of 1

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TERMINAL: 3 HENRY COUNTY WATER DISTRICT #2 11/16/09  
Version 3.9 ACCOUNT HISTORY SUMMARY - 1997

ACCOUNT: G0-0078 RAY POWELL class: C owner: OWNER  
HWY 421 ss/id #:  
svc codes: W CAMPBELLSBURG KY 40011 certificate #:

Service: W WATER	SEP(9)	OCT(10)	NOV(11)	VALID CODES
month:	B	B	B	A. OLDER AGE
rate table:	09/03	10/10	11/10	B. NEWER AGE
read/svc date:	115.0	133.6	152.2	C. NEXT ACCOUNT
meter reading:	13.2	18.6	18.6	D. NEW ACCOUNT
usage/units:	0	0	0	E. PREVIOUS SERVICE
meter changes:	1	1	1	F. NEXT SERVICE
multiplier:	2	2	2	G. BILLING DETAIL
master meter:	N	Y	Y	H. PAYMENTS DETAIL
estimation:	-151.23	-133.76	-114.03	I. OTHER A/R DETAIL
prev balance:	17.47[30]	19.73[31]	19.73[28]	J. CURRENT STATUS
billing chgs:	-100.00(1)			K. EXIT
late charges:	04			PROCESS CODE: .
payments:	-17.47(1)	-19.73(1)	-19.73(1)	
day last pay:				
other ar:				

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TERMINAL: 3 HENRY COUNTY WATER DISTRICT #2 11/16/09  
 Version 3.9 ACCOUNT HISTORY SUMMARY - 1997

ACCOUNT: GO-0078 RAY POWELL class: C owner: OWNER  
 HWY 421 ss/id #:  
 svc codes: W CAMPBELLSBURG KY 40011 certificate #:

service: W WATER month: DEC(12) rate table: B read/svc date: 12/10 meter reading: 170.8 usage/units: 18.6 meter changes: 0 multiplier: 1 master meter: 2 estimation: Y prev balance: -94.30 billing chgs: 19.73[31] late charges: payments: day last pay: other ar: -19.73(1)	<b>VALID CODES</b> A. OLDER AGE B. NEWER AGE C. NEXT ACCOUNT D. NEW ACCOUNT E. PREVIOUS SERVICE F. NEXT SERVICE G. BILLING DETAIL H. PAYMENTS DETAIL I. OTHER A/R DETAIL J. CURRENT STATUS K. EXIT  PROCESS CODE: .
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TERMINAL: 3 HENRY COUNTY WATER DISTRICT #2 11/16/09  
Version 3.9 ACCOUNT HISTORY SUMMARY - 1998

ACCOUNT: G0-0078 RAY POWELL class: C owner: OWNER  
HWY 421 ss/id #:  
svc codes: W CAMPBELLSBURG KY 40011 certificate #:

Service: W WATER	JAN(1)	FEB(2)	MAR(3)	VALID CODES
month:	B	B	B	A. OLDER AGE
rate table:	B	B	B	B. NEWER AGE
read/svc date:	01/10	02/10	03/10	C. NEXT ACCOUNT
meter reading:	189.4	208.0	226.6	D. NEW ACCOUNT
usage/units:	18.6	18.6	18.6	E. PREVIOUS SERVICE
meter changes:	0	0	0	F. NEXT SERVICE
multiplier:	1	1	1	G. BILLING DETAIL
master meter:	2	2	2	H. PAYMENTS DETAIL
estimation:	Y	Y	Y	I. OTHER A/R DETAIL
prev balance:	-74.57	-54.84	-35.11	J. CURRENT STATUS
billing chgs:	19.73[30]	19.73[27]	19.73[31]	K. EXIT
late charges:				PROCESS CODE: .
payments:				
day last pay:				
other ar:	-19.73(1)	-19.73(1)	-19.73(1)	

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TERMINAL: 3 HENRY COUNTY WATER DISTRICT #2 11/16/09  
Version 3.9 ACCOUNT HISTORY SUMMARY - 1998

ACCOUNT: GO-0078 RAY POWELL class: C owner: OWNER  
HWY 421 ss/id #:  
svc codes: W CAMPBELLSBURG KY 40011 certificate #:

Service: W WATER	APR(4)	MAY(5)	JUN(6)	VALID CODES
month:	B	B	B	A. OLDER AGE
rate table:	B	B	B	B. NEWER AGE
read/svc date:	04/10	05/10	06/19	C. NEXT ACCOUNT
meter reading:	245.2	263.8	256.0	D. NEW ACCOUNT
usage/units:	18.6	18.6	-7.8	E. PREVIOUS SERVICE
meter changes:	0	0	0	F. NEXT SERVICE
multiplier:	1	1	1	G. BILLING DETAIL
master meter:	2	2	2	H. PAYMENTS DETAIL
estimation:	Y	Y	A	I. OTHER A/R DETAIL
prev balance:	-15.38	4.75	-175.52	J. CURRENT STATUS
billing chgs:	19.73[30]	19.73[29]	3.08[30]	K. EXIT
late charges:		.40[12]		PROCESS CODE: █
payments:			-200.00(1)	
day last pay:			05	
other ar:	-15.98(1)		-3.08(1)	

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Account: HENRY CO...  
 Location: UNIX MultiView 2005 Terminal  
 Last Name: HENRY COUNTY WATER DISTRICT #2  
 First Name: Version 3.9  
 Service: ACCOUNT HISTORY SUMMARY - 1999  
 Address: ACCOUNT: GO-0073 RAY POWELL class: C owner: OWNER  
 City St Zip: HWY 421 ss/id #: CAMPBELLSBURG KY 40011 certificate #:  
 svc codes: W

services: W WATER	JAN(1)	FEB(2)	MAR(3)
month:	8	8	8
rate table:	01/10	02/19	03/05
read/svc date:	157.4	205.4	205.4
meter reading:	21.3	48.0	.0
usage/units:	0	0	0
meter changes:	1	1	1
multiplier:	2	2	2
master meter:	Y	A	N
estimation:	-23.96	-2.54	38.93
prev balance:	21.42[29]	38.20[26]	17.47[31]
billing chgs:			3.27[12]
late charges:			
payments:			
day last pay:	-21.42(1)	-2.54(1)	
other ar:			

**VALID CODES**

- A. OLDER AGE
- B. NEWER AGE
- C. NEXT ACCOUNT
- D. NEW ACCOUNT
- E. PREVIOUS SERVICE
- F. NEXT SERVICE
- G. BILLING DETAIL
- H. PAYMENTS DETAIL
- I. OTHER A/R DETAIL
- J. CURRENT STATUS
- K. EXIT

PROCESS CODE: █

Document: Microsoft Word

File Edit View Configure Remote Transfer Help

Terminal: 3 HENRY COUNTY WATER DISTRICT #2 11/16/09  
 Version 3.9 ACCOUNT HISTORY SUMMARY - 1999

ACCOUNT: G0-0078 RAY POWELL class: C owner: OWNER  
 HWY 421 ss/id #:  
 svc codes: W CAMPBELLSBURG KY 40011 certificate #:

service: W WATER	APR(4)	MAY(5)	JUN(6)	VALID CODES
month:	B	B	B	A. OLDER AGE
rate table:	04/05	05/10	06/14	B. NEWER AGE
read/svc date:	205.6	205.7	240.1	C. NEXT ACCOUNT
meter reading:	-2	.1	34.4	D. NEW ACCOUNT
usage/units:	0	0	0	E. PREVIOUS SERVICE
meter changes:	1	1	1	F. NEXT SERVICE
multiplier:	2	2	2	G. BILLING DETAIL
master meter:	N	N	N	H. PAYMENTS DETAIL
estimation:	.00	.00	-80.93	I. OTHER A/R DETAIL
pravg balance:	17.47[26]	17.47[27]	29.64[29]	J. CURRENT STATUS
billing chgs:	1.60[13]	1.60[13]	1.60[12]	K. EXIT
late charges:	-56.40(2)	-19.07(1)	-100.00(1)	PROCESS CODE: .
payments:	12	24	28	
day last pay:			-29.64(1)	
other ar:				

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TERMINAL: 3 HENRY COUNTY WATER DISTRICT #2 11/16/09  
 Version 3.9 ACCOUNT HISTORY SUMMARY - 1999

ACCOUNT: GO-0078 RAY POWELL class: C owner: OWNER  
 H/WY 421 ss/id #:  
 svc codes: W CAMPBELLSBURG KY 40011 certificate #:

Service: W WATER	JUL(7)	AUG(8)	SEP(9)	VALID CODES
month:	B	B	B	A. OLDER AGE
rate table:	B	B	B	B. NEWER AGE
read/svc date:	07/14	08/12	09/28	C. NEXT ACCOUNT
meter reading:	280.8	338.5	362.5	D. NEW ACCOUNT
usage/units:	40.7	57.7	24.0	E. PREVIOUS SERVICE
meter changes:	0	0	0	F. NEXT SERVICE
multiplier:	1	1	1	G. BILLING DETAIL
master meter:	2	2	2	H. PAYMENTS DETAIL
estimation:	N	N	Y	I. OTHER A/R DETAIL
prev balance:	-51.29	-17.69	28.57	J. CURRENT STATUS
billing chgs:	33.60[28]	43.86[27]	23.12[28]	K. EXIT
late charges:			2.40[14]	
payments:				
day last pay:				
other ar:	-33.60(1)	-17.69(1)		PROCESS CODE: .

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Henry County Water District #2  
ACCOUNT HISTORY SUMMARY - 1999 11/16/09

TERMINAL: 3  
Version 3.9

ACCOUNT: G0-0078 RAY POWELL class: C owner: OWNER  
HWY 421 ss/id #:  
CAMPBELLSBURG KY 40011 certificate #:

svc codes: W

service: W WATER	OCT(10)	NOV(11)	DEC(12)
month:	B	B	B
rate table:	10/11	11/08	12/07
meter reading:	405.5	448.0	487.7
usage/units:	43.0	42.5	39.7
meter changes:	0	0	0
multiplier:	1	1	1
master meter:	2	2	2
estimation:	A	N	N
prev balance:	.00	3.21	3.18
billing chgs:	35.06[27]	34.73[26]	52.98[28]
late charges:	2.12[15]	3.21[12]	3.18[18]
payments:	-53.81(1)	-35.06(1)	-37.94(1)
day last pay:	16	13	18
other ar:			

VALID CODES

- A. OLDER AGE
- B. NEWER AGE
- C. NEXT ACCOUNT
- D. NEW ACCOUNT
- E. PREVIOUS SERVICE
- F. NEXT SERVICE
- G. BILLING DETAIL
- H. PAYMENTS DETAIL
- I. OTHER A/R DETAIL
- J. CURRENT STATUS
- K. EXIT

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TERMINAL: 3 HENRY COUNTY WATER DISTRICT #2 11/16/09  
 Version 3.9 ACCOUNT HISTORY SUMMARY - 2000

ACCOUNT: GO-0073 CLARENCE DAVIS/RAY POWEL class: C owner: OWNER  
 HWY 421 ss/id #:  
 svc codes: W CAMPBELLSBURG KY 40011 certificate #: 18990

service: W WATER	JAN(1)	FEB(2)	MAR(3)
month:	B	B	B
rate table:	01/12	02/09	03/06
read/svc date:	548.3	1084.9	1120.1
meter reading:	60.6	536.6	35.2
usage/units:	0	0	0
meter changes:	1	1	1
multiplier:	2	2	2
master meter:	N	N	N
estimation:	.00	.00	-109.27
prev balance:	45.52[27]	229.74[28]	30.15[29]
billing chgs:		4.17[14]	
late charges:	-36.16(1)	-49.69(1)	-229.74(1)
payments:	06	17	13
day last pay:			-139.42(2)
other ar:			

**VALID CODES**

- A. OLDER AGE
- B. NEWER AGE
- C. NEXT ACCOUNT
- D. NEW ACCOUNT
- E. PREVIOUS SERVICE
- F. NEXT SERVICE
- G. BILLING DETAIL
- H. PAYMENTS DETAIL
- I. OTHER A/R DETAIL
- J. CURRENT STATUS
- K. EXIT

PROCESS CODE: .

TERMINAL: 3 HENRY COUNTY WATER DISTRICT #2 11/16/09  
 Version 3.9 ACCOUNT HISTORY SUMMARY - 2000

ACCOUNT: GO-0078 CLARENCE DAVIS/RAY POWEL class: C owner: OWNER  
 HWY 421 ss/id #:  
 svc codes: W CAMPBELLSBURG KY 40011 certificate #: 18990

	APR(4)	MAY(5)	JUN(6)
service: W WATER			
month:	B	B	B
rate table:	04/25	05/17	06/12
read/svc date:	1406.0	1194.9	1242.8
meter reading:	285.9	-211.1	47.9
usage/units:	0	0	0
meter changes:	1	1	1
multiplier:	2	2	2
master meter:	Y	A	N
estimation:	-79.12	.00	-81.90
prev balance:	144.98[25]	-81.90[30]	38.13[28]
billing chgs:		-65.86(1)	
late charges:		06	
payments:			
day last pay:			
other ar:	-79.12(1)		-38.13(1)

**VALID CODES**

- A. OLDER AGE
- B. NEWER AGE
- C. NEXT ACCOUNT
- D. NEW ACCOUNT
- E. PREVIOUS SERVICE
- F. NEXT SERVICE
- G. BILLING DETAIL
- H. PAYMENTS DETAIL
- I. OTHER A/R DETAIL
- J. CURRENT STATUS
- K. EXIT

PROCESS CODE:

HP Color LaserJet CP1510 Series PCL 6 (HP Color LaserJet CP1510) Job sent to the printer

Microsoft Word - Document1 Job sent to the printer



Microsoft Word  
 MultiView 2000 Terminal  
 File Edit View Configure Remote Transfer Help  
 Normal

TERMINAL: 3 HENRY COUNTY WATER DISTRICT #2 11/16/09  
 Version 3.9 ACCOUNT HISTORY SUMMARY - 2000

ACCOUNT: 60-0078 CLARENCE DAVIS/RAY POWEL class: C owner: OWNER  
 HWY 421 ss/id #:  
 svc codes: W CAMPBELLSBURG KY 40011 certificate #: 18990

service: W WATER	JUL(7)	AUG(8)	SEP(9)	VALID CODES
month:	B	B	B	A. OLDER AGE
rate table:	07/14	08/16		B. NEWER AGE
read/svc date:	1281.5	1314.5		C. NEXT ACCOUNT
meter reading:	38.7	55.0		D. NEW ACCOUNT
usage/units:	0	0		E. PREVIOUS SERVICE
meter changes:	1	1		F. NEXT SERVICE
multiplier:	2	2		G. BILLING DETAIL
master meter:	N	N		H. PAYMENTS DETAIL
estimation:	-45.77	-11.42		I. OTHER A/R DETAIL
prev balance:	32.35[27]	28.77[29]		J. CURRENT STATUS
billing chgs:			-17.35(1)	K. EXIT
late charges:			07	PROCESS CODE: █
payments:				
day last pay:				
other ar:	-32.35(1)	-11.42(1)		

100

Microsoft Word Help  
 Show at startup

Page 1 Sec 1 UL Ac 1,1 Ln 2 Col 2

TERMINAL: 3 HENRY COUNTY WATER DISTRICT #2 11/16/09  
 Version 3.9 ACCOUNT HISTORY SUMMARY - 2000

ACCOUNT: GO-0078-01 JAMES & DEBRA WAYNE class: R owner: OWNER  
 C-BURG RD AT McCARTY LN ss/id #: 306541633  
 CAMPBELLSBURG KY 40011 certificate #: 18990

service: W WATER	JUL(7)	AUG(8)	SEP(9)	VALID CODES
month:			A	A. OLDER AGE
rate table:			09/12	B. NEWER AGE
read/svc date:			1315.4	C. NEXT ACCOUNT
meter reading:			.0	D. NEW ACCOUNT
usage/units:			0	E. PREVIOUS SERVICE
meter changes:			1	F. NEXT SERVICE
multiplier:			2	G. BILLING DETAIL
master meter:			N	H. PAYMENTS DETAIL
estimation:			.00	T OTHER A/R DETAIL
prev balance:			15.48(2)	NT STATUS
billing chgs:				CODE: .
late charges:				
payments:				
day last pay:				
other ar:				

Add network place...  
 Microsoft Word Help  
 Stop at startup

## ATTACHMENT 2

COPY

Mr. Jim Wayne  
1280 Royal Avenue  
Louisville, KY 40204

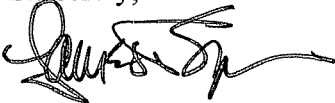
Dear Mr. Wayne:

Enclosed is a signed statement from Mr. Clarence Davis detailing the circumstances of how water service was supplied to his property. This is the same property that you purchased from Mr. Davis.

From our previous conversations, it is still the desire of the Henry County Water District #2 to incorporate the water line in question into our system. This would allow other residents on McCarty Lane access to safe drinking water. This falls under former Governor Patton's plan to provide all Kentuckians access to safe drinking water by 2020. Upon approval from the Division of Water, the District would incorporate the water line into its system and maintain the line. The District would re-locate your meter to your property or terminate the line at your property if that is what you choose.

Larry Congleton has agreed to give the District an easement for the water line plus any service lines to other residents on McCarty Lane as it was intended when this line was installed. Initially, the line is located on the Congleton farm and he appears to have the right to execute an easement in favor of the District. Any dispute that you have concerning this should be addressed with Mr. Congleton.

Sincerely,



James T. Simpson  
Chief Operating Officer  
Henry County Water District #2

Office:  
8955 Main Street • P.O. Box 219  
Campbellsburg, KY 40011  
Telephones:  
(502) 532-6279 • (502) 532-6280  
1-800-256-2350  
Fax:  
(502) 532-0027



Water Treatment Plant:  
3278 Morton Ridge Road  
Bedford, Ky 40006  
Telephone:  
(502) 255-0126  
Fax:  
(502) 255-0347

**COPY**

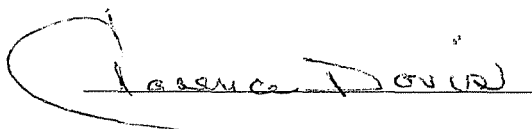
The following statement below is a true and accurate account of how water service came about on my farm on McCarty Lane in the year of 1997.

The meter was set in May 1997 in the name of Mr. Ray Powell. Shortly thereafter the account was transferred into the name of Mr. Clarence Davis. The meter was installed onto property owned by Mr. Larry Congleton. An unwritten agreement took place between Mr. Davis and Mr. Congleton giving permission to Mr. Davis to install a 3" water line from the meter through Mr. Congleton's property to Mr. Davis' property.

After the line was installed Mr. Davis and Mr. Congleton contacted Mr. Gene Powell, who was Superintendent of the Henry County Water District #2, about the District taking over the 3" line allowing other residents on McCarty Lane water service. Mr. Congleton agreed to sign an easement over to the District on the water line.

Mr. Powell agreed to take over the water line on behalf of the District once the District came off of the tap-on ban imposed by The Division of Water. Mr. Powell retired from the District shortly thereafter before an easement was signed.

As stated before, this is a true and accurate account of verbal agreements between all parties involved.

  
Clarence Davis

  
Witness

## ATTACHMENT 3

Office:  
8955 Main Street • P.O. Box 219  
Campbellsburg, KY 40011

Telephones:  
(502) 532-6279 • (502) 532-6280  
1-800-256-2350

Fax:  
(502) 532-0027



Water Treatment Plant:  
3278 Morton Ridge Road  
Bedford, Ky 40006

Telephone:  
(502) 255-0126

Fax:  
(502) 255-0347

COPY

11/19/08

Mr. Jim Wayne  
1280 Royal Avenue  
Louisville, KY 40204

RE: McCarty Lane Water Line

Dear Mr. Wayne,

The issue with the water line on McCarty Lane was discussed at our November 11, 2008 Board of Directors meeting. The history of events from start of service to present time was gone over in great detail including the letter from Mr. Davis. Additionally our counsel reviewed your deed which makes no mention of a water line. No condemnation is necessary since the District has a recorded easement from property owner Mr. Congleton. Your dispute is with him. They also agreed that based on the size of the water line that the original intent was for the District to take over ownership of the line. When you decide you want service again, we will install your meter on your property.

Sincerely,

James T. Simpson  
Chief Operating Officer  
Henry County Water District #2

ATTACHMENT 4



RIGHT OF WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS that Mr. LARRY CONGLETION RECEIVED  
HENRY COUNTY CLERK  
JUANITA LASHLEY  
2008 SEP 09 PM 12:11  
5502 Campbellsburg Rd. Campbellsburg Ky. 40011 hereinafter called Grantor(s), in consideration of ONE  
 DOLLAR (\$1.00) and other good and valuable consideration paid Henry County Water District No. Two,  
 Campbellsburg, KY 40011, hereinafter called Grantee, its successors and assigns, a right of way  
 easement with the right to erect, construct, install and lay and the right to construct service lines  
 perpendicular from the water main to the road right-of-way for the purpose of serving customers across the  
 road, thereafter use, operate, inspect, repair, maintain, replace and remove water lines, valves, fittings,  
 meters and accessories over and across the following land owned by Grantor(s) in HENRY  
 County, state of Kentucky:

Said property was acquired by Grantor(s) by \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_  
Book 209, page 377 of the records of the Office of the HENRY County Clerk.

Together with the right of ingress and egress over Grantor(s) adjacent lands for the purpose for which the  
 above-mentioned rights are granted. The easement hereby granted shall not exceed twenty (20) feet in  
 width, the centerline thereof to be located across said land as follows: DISTRICT ACQUIRING 3" WATER  
LINE THAT IS INSTALLED ON Mr. CONGLETION'S PROPERTY. THE LINE RUNS PARALLEL  
WITH Mc CARTY LANE. AN ATTACHED VIEW OF APPROX. LOCATION OF WATER LINE  
IS PROVIDED.

The consideration recited hereby shall constitute payment in full for all damages sustained by Grantor(s) by  
 reason of the installation of the structures referred to herein and the Grantee will maintain such easement in  
 a state of good repair and efficiency so that no unreasonable damages will result from its use to Grantor(s)  
 premises. The agreement together with other provisions of this grant shall constitute a covenant running  
 with the land for the benefit of the Grantee, its successors and assigns. The Grantor(s) covenant that they  
 are the owners of the above described lands and that said lands are free and clear of all encumbrances and  
 liens except the following:

IN WITNESS WHEREOF, the Grantor (s) have executed this instrument this 3 day of  
SEPTEMBER 2008  
 My commission expires: 1-23-11

Larry Congleton \_\_\_\_\_  
 \_\_\_\_\_

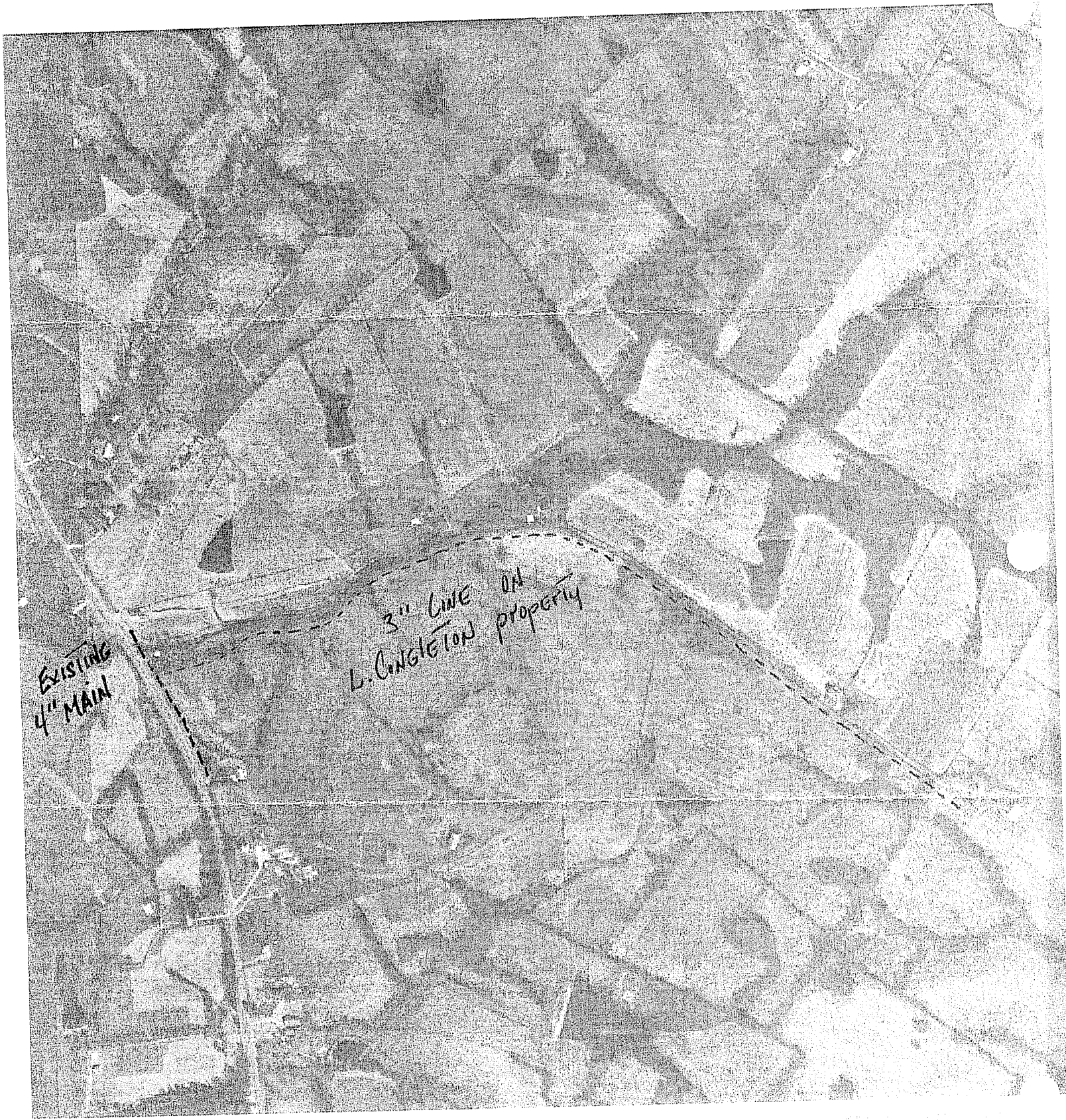
STATE OF KENTUCKY  
 COUNTY OF HENRY

Before me, the undersigned notary public, personally appeared Mr. Larry Congleton and  
 acknowledged the execution of the above and foregoing Easement for the uses and purposes set forth this  
3 day of SEPTEMBER  
 My commission expires: 1-23-11

Laurel Spurgeon  
 NOTARY PUBLIC STATE - AT - LARGE

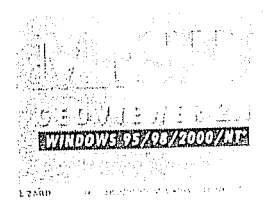
THIS INSTRUMENT WAS DRAFTED BY:  
D. Berry Baxter  
 117 West Main Street  
 LaGrange, KY 40031

DOCUMENT NO: 108529  
 RECORDED ON: SEPTEMBER 09, 2008 12:21:50P  
 TOTAL FEES: \$17.00  
 COUNTY CLERK: JUANITA LASHLEY  
 COUNTY: HENRY COUNTY  
 DEPUTY CLERK: BETH G HALL  
 BOOK D260 PAGES 620 - 621



EXISTING  
4" MAIN

3" LINE ON  
L. CONGLETON  
PROPERTY



**ATTACHMENT 5**

OCW	1/25	96	Crested Stone			350	00	
✓	4/26	96	Allen Woolley 23-0030	4/26/96		350	00	
✓	4/29	96	Daniel Richerson 29-0050	5/2/96		350	00	
✓						6,375	00	✓
	5/6	96	Thomas Fulton 34-0004	5/6/96		350	00	
OCW	5/6	96	Cecil Whitaker 06-0047	5/6/96		350	00	
✓	5/6	96	Cecil Whitaker 06-0041	7/6/96		350	00	
✓	5/16	96	Graham Hood 42-0123	5/22/96		350	00	
✓	5/16	96	Rodney Mullins 60-0432	5/19/96		350	00	
✓	5/16	96	Donald Osborne 60-1052	5/22/96		350	00	
✓	5/16	96	Vernon Webster 80-0342	5/17/96		350	00	
✓	5/16	96	Larry Jones 12-0106	5/24/96		350	00	
✓	5/16	96	Mark Padma A0-0271	5/21/96		350	00	
✓	5/20	96	Jennifer Brandy A0-0027	5/19/96		350	00	
✓	5/20	96	Karyn Williams A3-0105	5/24/96		350	00	
✓	5/20	96	Rebecca Stange 60-0124	5/17/96		350	00	
✓	5/22	96	John A. Walpert 24-0130	6/1/96		350	00	
	5/22	96	David Zett A11-0031	4/2/96		350	00	
	5/22	96	Shal Roberts 60-1333	5/24/96		350	00	
✓	5/28	96	Mildred Timbalake 80-0677	5/29/96		350	00	
	5/30	96	John Stuffer 40-0010	4/2/96		350	00	
	5/4	96	Kenneth G. Wampler 23-0003	5/21/96		350	00	✓
25.000000						6,300	00	
	6/3	96	Edward A. & Astoria D. Jungler 22-0063	6/21/96		350	00	
	6/3	96	John & Shelia Smith 119-0018	6/14/96		350	00	
	6/3	96	Raymond Overett 39-0013	6/6/96		350	00	
✓	6/3	96	George Beasley 61-0663	6/1/96		350	00	
✓	6/3	96	George May 504-0020	6/24/96		350	00	
*	6/3	96	Roy Powell 60-0078	5/6/96		350	00	
	6/4	96	Rosedy Morgan & Thelma Hobson 74-0112	4/19/96		350	00	
	6/4	96	Charlie Gethof 80-0238	4/21/96		350	00	

**ATTACHMENT 6**



24 March Monday

84/282 Easter Monday (C)

March							2008
S	M	T	W	T	F	S	
						1	
2	3	4	5	6	7	8	
9	10	11	12	13	14	15	
16	17	18	19	20	21	22	
23	24	25	26	27	28	29	
30	31						

7

SENT IN Hwy. Permit For

8 Hwy. 22

9 TALKED WITH GINNY SMITH @ PSC

10 TALKED WITH JEFF WOODS

11 SIGNED PLAT FOR BO MOODY FOR  
TRACT ON SEWELL ROAD

12

1

2

3

4

5

Evening

**ATTACHMENT 7**

HENRY COUNTY WATER DISTRICT #2 - Work Order 5539

**COPY**

CAMPBELLSBURG, KY 40011  
502-532-6280

JAMES & DEBRA WAYNE  
CAMPBELLSBURG RD  
CAMPBELLSBURG, KY 40011

ORDER NO: 5539  
ACCOUNT: 107608  
LOCATION: 06-18990

CLASS: HENRY

MID:  
ORDER TYPE: DISCONNECT

ISSUE DATE	BEGIN DATE	DATE CLOSED	PRINT DATE
3/5/2008		<i>3-6-08</i>	3/5/2008

Location Note: R6 SP FAR RS OF HS OVER FNCE STAKE

OLD METER ID	OLD READING	NEW METER ID	NEW READING
98325922	87422		
OLD SERIAL #		NEW SERIAL #	
	<i>874220</i>		

EXPENSE	DESCRIPTION	EXPENSE	AMOUNT
MATERIAL		MAT. \$	.00
EQUIPMENT		EQUIP. \$	.00
EMPLOYEES		LABOR \$	.00
LABOR HRS		TRAVEL \$	.00
MISC EXP		MISC. \$	.00

REMARKS: DISCONNECT WATER SERVICE

PLEASE DISCONNECT SERVICE CUSTOMER STATES THAT THEY HAVE A LEAK AND AREN'T SURE WHEN THEY WILL BE ABLE TO FIX.

Updated By: VC1 On: 3/5/2008 Taken By: *mkf*

Exhibit A



## ATTACHMENT 8

HENRY COUNTY WATER DISTRICT #2 - Work Order 5951

*Paid  
Called Matt*

CAMPBELLSBURG, KY 40011  
502-532-6280

JAMES & DEBRA WAYNE  
CAMPBELLSBURG RD  
CAMPBELLSBURG, KY 40011

ORDER NO: 5951  
ACCOUNT: 107608  
LOCATION: 06-18990  
MID:

**COPY**

CLASS: HENRY

ORDER TYPE:

ISSUE DATE	BEGIN DATE	DATE CLOSED	PRINT DATE
4/10/2008		<i>4-10-08</i>	4/10/2008

Location Note: R6 SP FAR RS OF HS OVER FNCE STAKE

OLD METER ID	OLD READING	NEW METER ID	NEW READING
98325922	87422	<i>95989-577</i>	<i>107590</i>
OLD SERIAL #		NEW SERIAL #	<i>Zeliger</i>

EXPENSE	DESCRIPTION	EXPENSE	AMOUNT
MATERIAL		MAT. \$	.00
EQUIPMENT		EQUIP. \$	.00
EMPLOYEES		LABOR \$	.00
LABOR HRS		TRAVEL \$	.00
MISC EXP		MISC. \$	.00

**REMARKS:**

NEW CUSTOMER:  
CONNECTION  
LARRY CONGELTON  
\$25.

Updated By: VSC On: 4/10/2008 Taken By: *MT*

**ATTACHMENT 9**

**HENRY COUNTY WATER DISTRICT #2 - Work Order 10380**

**COPY**

**CAMPBELLSBURG, KY 40011  
502-532-6280**

**JAMES & DEBRA WAYNE  
1054 MCCARTY LANE  
CAMPBELLSBURG, KY 40011**

**ORDER NO: 10380  
ACCOUNT: 107608  
LOCATION: 06-18990**

**CLASS: HENRY**

**ORDER TYPE: CONNECTION**

<b>ISSUE DATE</b>	<b>BEGIN DATE</b>	<b>DATE CLOSED</b>	<b>PRINT DATE</b>
11/2/2009		11/2/2009	11/16/2009

**Location Note: R6 SP FAR RS OF HS OVER FNCE STAKE**

<b>OLD METER ID</b>	<b>OLD READING</b>	<b>NEW METER ID</b>	<b>NEW READING</b>
98325922	10759		
<b>OLD SERIAL #</b>		<b>NEW SERIAL #</b>	

<b>EXPENSE</b>	<b>DESCRIPTION</b>	<b>EXPENSE</b>	<b>AMOUNT</b>
MATERIAL		MAT. \$	.00
EQUIPMENT		EQUIP. \$	.00
EMPLOYEES	BOBBY, BRANDON, JERRY	LABOR \$	.00
LABOR HRS		TRAVEL \$	.00
MISC EXP		MISC. \$	.00

**REMARKS: CONNECT METER FOR NEW SERVICE**

**METER ID# 39280920 READING: 29970  
NEW SETTER AND METER  
Updated By: VC4 On: 11/3/2009 Taken By: BS, BB, JR**