

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

FILED

2006 OCT 30 AM 9:04

CATHY S. GATSON, CLERK
KANAWHA CO. CIRCUIT COURT

JERRY NEAL and
KAREN NEAL,

Plaintiffs,

v.

CIVIL ACTION NO. 04-C-2670

J.D. MARION, DAVID JORDAN,
BEVERLY JORDAN, SANDY KESSELL,
and LOMBARDO REALTY COMPANY
n/k/a NEW MILLENNIUM CORPORATION,

Defendants .

ORDER

The Court has reviewed the Plaintiff's MOTION TO ALTER OR AMEND THE COURT'S ORDER GRANTING DEFENDANT J.D. MARION'S MOTION FOR SUMMARY JUDGMENT in the above-styled matter. After careful and impartial consideration, the Court does hereby ORDER that the Motion be denied.

The Court preserves an objection and exception for any party aggrieved by this Order, and ORDERS the Clerk of this Court to send a certified copy of this Order to all counsel of record.

ENTERED this 27th day of October, 2006.



IRENE C. BERGER, CIRCUIT JUDGE

Thirteenth Judicial Circuit

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT. 30
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS
DAY OF October 2006
Cathy S. Gatson CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

FILED

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

2006 OCT 25 5 PM 2:12

CMB
KAROLYN L. HARRIS, CLERK
KANAWHA COUNTY CIRCUIT COURT

JERRY NEAL and
KAREN NEAL,

Plaintiff,

v.

CIVIL ACTION NO. 04-C-2670

J.D. MARION, DAVID JORDAN,
BEVERLY JORDAN, SANDY
KESSELL, LOMBARDO REALTY
COMPANY n/k/a NEW MILLENNIUM
CORPORATION, and THE CITY OF
CHARLESTON,

Defendant.

ORDER

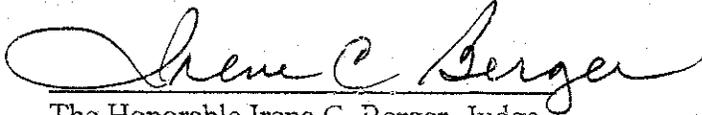
FILED AND PENDING before this Court is "J. D. Marion's Motion for Summary Judgment." After having reviewed and considered Defendant Marion's motion for summary judgment and memorandum in support thereof, and "Plaintiff's Memorandum of Law in Opposition to Defendant J. D. Marion's Motion for Summary Judgment," this Court makes the following **FINDINGS OF FACT** and **CONCLUSIONS OF LAW**:

1. There is no genuine issue of fact that the Defendant, J. D. Marion, constructed the house located at 522 Woodbridge Drive in Charleston, West Virginia, prior to February 23rd, 1994.
2. The Complaint herein was filed on October 1st, 2004.
3. The Plaintiffs' claims against Defendant Marion are time barred pursuant to *West Virginia Code* §55-2-6a.

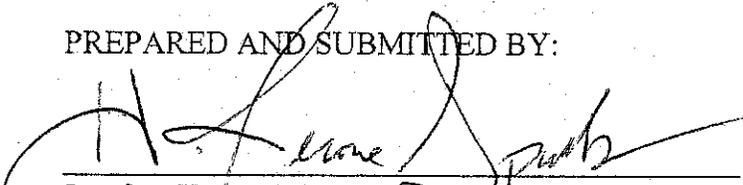
WHEREFORE, for the foregoing reasons, it is **ORDERED, ADJUDGED** and **DECREED** that Defendant Marion's motion for summary judgment is granted and all of the Plaintiff's claims against Defendant Marion are dismissed with prejudice, preserving the Plaintiffs' objections for the record.

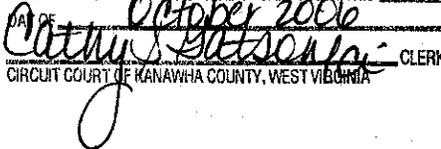
The Clerk is directed to mail a certified copy of this Order to all counsel of record.

Entered with 6th day of October, 2006.


The Honorable Irene C. Berger, Judge

PREPARED AND SUBMITTED BY:


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STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 10th
DAY OF October 2006

CATHY S. GATSON, CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

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