

IN THE CIRCUIT COURT OF GREENBRIER COUNTY, WEST VIRGINIA

**ELLA J. MONTGOMERY and
MARGARET C. BOWERS**

Plaintiffs,

v.

**CIVIL ACTION NO. 98-C-31
(JAMES J. ROWE, JUDGE)**

**WILLIAM H. CALLISON, JR. and
CECIL G. CALLISON,**

Defendants.

ORDER

On October 1, 2007, came the parties by counsel pursuant to a notice duly served for a hearing on Defendants' Motion for a Judgment as a Matter of Law and for a New Trial. After argument on the motion the court afforded defendants an additional five (5) days to respond to a specific issue.

On November 21, 2007 the court issued a letter opinion denying the motion and assigning the basis therefore and recognizing that additional grounds had been stated on the record at the aforesaid hearing.

Accordingly, it is hereby ORDERED that Defendants' Motion for a Judgment as a Matter of Law and for a New Trial is hereby denied for the reasons set out in the court's letter opinion of November 21, 2007, a copy of which is attached hereto, and for the additional grounds recited by the court during the hearing held thereon of October 1, 2007.

The exceptions of respective parties to all rulings of the court adverse to their

position are here noted and preserved to the extent that at the time of the ruling it was made known to the Court the action such party desired the court to take or the objection to the actions of the Court and the grounds therefore.

ENTER:

James J. Rowe
JAMES J. ROWE, JUDGE

February 12, 2008
DATE

PRESENTED BY:

Timothy N. Barber

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CIRCUIT COURT GREENBERG CO., W. VA.
FEB 12 2008
LOUVONNE ARBUCKLE, CLERK

IN THE CIRCUIT COURT OF GREENBRIER COUNTY, WEST VIRGINIA

**ELLA J. MONTGOMERY
and MARGARET C. BOWERS**

PLAINTIFFS

vs.

CIVIL ACTION NO. 98-C-31(R)

**WILLIAM H. CALLISON, JR.,
and CECIL G. CALLISON**

DEFENDANTS

JUDGMENT

This action came on for trial before the Court and a jury, the Honorable James J. Rowe presiding. The issues having been duly tried and the jury on August 22, 2007, having rendered a verdict in favor of the Plaintiffs and having found that the deeds hereinafter described were not properly delivered and were ineffective to convey the real estate described therein, it is ORDERED, ADJUDGED and DECLARED that the following deeds are hereby set aside and are of no force or effect:

1. That certain deed dated January 15, 1968, from W. H. Callison and Gladys M. Callison, his wife, to William H. Callison, Jr., recorded in the office of the Office of the Clerk of the County Commission of Greenbrier County, West Virginia, in Deed Book No. 441 at page 933;
2. That certain deed dated October 15, 1973, from W. H. Callison and Gladys M. Callison, his wife, to William H. Callison, Jr., recorded in the office of the aforesaid Clerk's Office in Deed Book No. 441 at page 930; and
3. That certain deed dated May 11, 1984, from W. H. Callison, widower, to Cecil G. Callison, recorded in the office of the aforesaid Clerk's Office in Deed Book No. 441 at page 937.

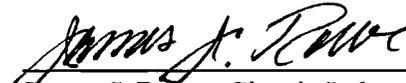
It is further ORDERED that the costs of this action be taxed against the Defendants.

The exceptions of the Defendants to all rulings of the Court adverse to their position are here noted and preserved, to the extent that at the time of the ruling they made known to the Court the action

which they desired the Court to take or their objection to the action of the Court and the grounds therefor.

The Clerk of this Court is directed to mail or otherwise deliver a certified copy of this Judgment upon entry to all counsel of record.

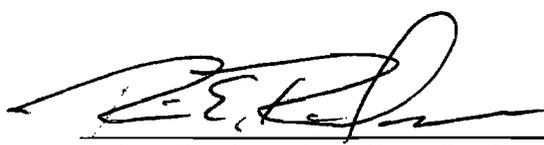
ENTER this 7th day of ~~August~~ September, 2007.

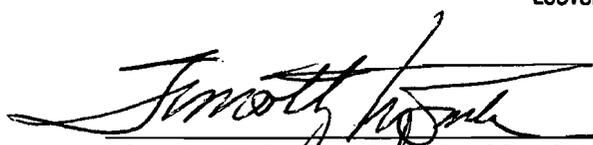

James J. Rowe, Circuit Judge

CIRCUIT COURT GREENBRIER CO., W.VA.
FILED
SEP 07 2007
LOUVONNE ARBUCKLE, CLERK

Prepared by:

Seen and inspected by:





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