

35128

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

FILED

VERNON THOMPSON,

Plaintiff,

2008 DEC 29 A 11:48

vs.

ABELL CHANDLER
CIRCUIT CLERK
CABELL COUNTY JUDGE JOHN L. CUMMINGS

ROBERT HATFIELD

Defendant.

ORDER

On the 19th day of September 2006, came the Plaintiff, Vernon Thompson, by and through counsel, James E. Spurlock and the Defendant, Robert Hatfield, by and through counsel, Jason A. Poling for a hearing on Plaintiff's *Motion for Summary Judgment* and Defendant's *Motion for Summary Judgment*. Upon review of the pleadings filed herein and hearing the arguments of counsel, this Court hereby Denies Plaintiff's *Motion for Summary Judgment* and Denies Defendant's *Motion for Summary Judgment*. This Court finds that the subject property shall be divided as follows: a 2/7 interest to Vernon Thompson; and a 5/7 interest to Robert Hatfield. This Court further finds that Mr. Thompson shall be granted a right of way by necessity to access his 2/7 interest in the subject property. Finally the Court finds that the parties shall split the costs of surveys and road improvement in proportion to each parties' respective interest in the subject property (Mr. Thompson shall be responsible for 2/7 of the costs and Mr. Hatfield shall be responsible for 5/7 of the costs). The Court Orders and directs that each party is responsible for their own attorneys fees and costs in this matter. As all matters are now resolved in this Action, this Court hereby Orders that this matter is dismissed from its active docket.

CABELL COUNTY CLERK
DEED
Date/Time: 01/05/2009 16:03
Text #: 301890
Book/Page: 1196- / 575-
Rec'd/Tax: 16.00 / .00
Clerk 02

WHEREFORE, this Court hereby ORDERS that Plaintiff's *Motion for Summary Judgment* and Defendant's *Motion for Summary Judgment* are DENIED and this matter is DISMISSED from the Court's active docket.

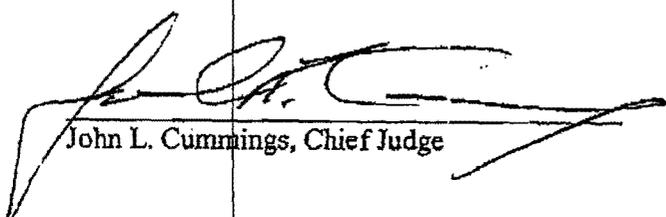
The parties' objections and exceptions to this ruling are noted and preserved.

The Circuit Clerk of Cabell County is directed to distribute a copy of this Order to the following:

James Spurlock
615 Sixth Avenue
Huntington, WV 25701

Jason Poling
637 7th Street
Huntington, WV 25701

Executed this 29th day of December 2008.



John L. Cummings, Chief Judge

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STATE OF WEST VIRGINIA
COUNTY OF CABELL
I, ADELL CHANDLER, CLERK OF THE CIRCUIT COURT FOR THE COUNTY AND STATE AFORESAID DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY FROM THE RECORDS OF SAID COURT ENTERED ON _____ GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS _____ 2008

Adell Chandler CLERK
CIRCUIT COURT OF CABELL COUNTY WEST VIRGINIA