

101530

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

DC CHAPMAN VENTURES, INC.,
a West Virginia corporation,

Plaintiff/Petitioner,

vs.

Civil Action No. 05-C-195

J.D HOPKINS, individually.

Defendant/Respondent.

2010-05-11 9:28

ORDER ESTABLISHING BOUNDARY OF ADVERSELY POSSESSED TRACT

On the 3rd day of May, 2010 came the Plaintiff, by counsel, Gregory W. Sproles, along with D. Craig Chapman and came Defendant, J.D. Hopkins in person and by counsel, Stephen Hastings, for a hearing upon the Plaintiff's Motion to Compel Defendant to Perform an Accurate Survey in accordance with the Court's prior Order.

Thereupon, the Court did review its Final Order, all matters of record and did further consider the argument of counsel. At the conclusion of which the Court does hereby find that it was the Court's intent, in its Order Following Bench Trial, to establish the area surrounding the building known as the "40's" building, to which the Defendant is entitled by virtue of adverse possession, to be a perimeter of ten feet (10') surrounding such building and a contiguous second area, the outer boundary of this second area beginning at a point ten feet (10') to the east of the front right corner of the 40's building, as one faces the 40's building, and runs in a straight line to a rebar, the rebar being located 26.19 feet, generally in a northwestern direction, from the corner of the tract owned by Ben and Freda Taylor as depicted on the Dunlap survey (Plaintiff's Exhibit

Number 1) and on the line depicted on the Dunlap Survey (Plaintiff's Exhibit Number 1) with a bearing of N 36° 24' 24"W.

It is therefore ORDERED and ADJUDGED that the area to which the Defendant was found to be entitled to use by virtue of adverse possession is an area ten foot (10') surrounding the building known as the 40's building and a contiguous second area the outer boundary of which runs from a point ten feet (10') to the east of the front right corner of the 40's building, as one faces the 40's building, to a rebar located 26.19 feet generally in a northwestern direction from the corner of the tract owned by Ben and Freda Taylor as depicted on the Dunlap survey (Plaintiff's Exhibit Number 1) and on the line depicted on the Dunlap Survey (Plaintiff's Exhibit Number 1) with a bearing of N 36° 24' 24"W. It is further ORDERED that the adversely possessed tract's generally southeastern corner shall be located at said rebar, the rebar being located 26.19 feet generally in a northwestern direction from the corner of the tract owned by Ben and Freda Taylor as depicted on the Dunlap Survey (Plaintiff's Exhibit Number 1) and on the line depicted on the Dunlap Survey (Plaintiff's Exhibit Number 1) with a bearing of N 36° 24' 24"W.

It is further ORDERED that the Defendant shall immediately cause a survey to be performed of the tract referred to above and shall provide a copy of such survey to counsel for the Plaintiff. It is further ORDERED that such survey shall be lodged with the Clerk of this Court and shall be recorded in the Office of the Clerk of the County Commission of Nicholas County, West Virginia and indexed in the Orders file of such Clerk, the maps in such Clerk's office and indexed in the Grantor index in said Clerk's office.

To all adverse rulings the parties object and except.

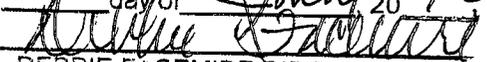
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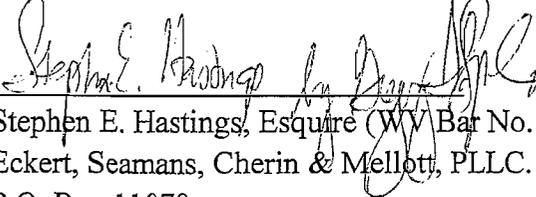

JUDGE GARY L. JOHNSON

Prepared jointly by:



Gregory W. Sproles (WVSB #3540)
Breckinridge, Davis, Sproles & Chapman, PLLC
509 Church Street
Summersville, WV 26651

A true copy, certified this 9th day of July, 2010

DEBBIE FACEMIRE CIRCUIT CLERK
Nicholas County Circuit Court
Summersville, WV 26651



Stephen E. Hastings, Esquire (WV Bar No. 9065)
Eckert, Seamans, Cherin & Mellott, PLLC
P.O. Box 11070
Charleston, WV 25339

By _____ Deputy

SUPREME COURT OF APPEALS OF WEST VIRGINIA

No. _____

DC CHAPMAN VENTURES, INC.,

A West Virginia Corporation,

Plaintiff-Respondent,

v.

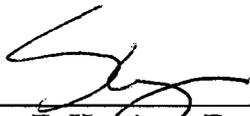
J.D. HOPKINS and DAVID HOPKINS,

Defendants- Petitioners.

CERTIFICATE OF SERVICE

I, Stephen E. Hastings, counsel for Defendants-Petitioners, do hereby certify that on this 9th day of November 2010, I served the foregoing **“Docketing Statement”** by hand-delivering a true and exact copy thereof upon the following counsel of record:

Gregory Sproles, Esquire
Breckenridge Davis Sproles & Chapman, PLLC
509 Church Street
Summersville, WV 26651



Stephen E. Hastings, Esquire (WV Bar No. 9065)
Eckert, Seamans, Cherin & Mellott, PLLC.
P.O. Box 11070
Charleston, WV 25339
Phone: (304) 346-5500
Fax: (304) 346-5515
shastings@eckertseamans.com