

14-1261

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

KAREN TOWNSEND, Legal
Guardian of Ronald Ray Townsend,
an infant,
Petitioner,

FILED
OCT 10 2014 AM 10:38
CATHY S. JENSEN, CLERK
KANAWHA COUNTY CIRCUIT COURT

and
RONALD RAY TOWNSEND,
an infant,
Respondent.

CIVIL ACTION NO. 99-MISC-431
(Hon. James C. Stucky, Judge)

ORDER

This matter came before the Court on October 1st, 2014 for hearing on a Contempt Petition. Upon careful examination of the Petition, the entirety of the record, the applicable legal authority, and for good cause shown, this Court hereby finds United Bank is in Contempt of the Court's Order, and **ORDERS, DECREES, and ADJUDGES** Respondent United Bank to conform its conduct in compliance with the Final Order of the Court originally establishing a certificate of deposit for the benefit of Ronald Ray Townsend. The Court does hereby make the following findings:

1. This Court entered a *Final Order Establishing a Certificate of Deposit* ("Final Order") for Ronald Ray Townsend that prohibited the release of any funds, principal or interest, until the infant reached the age of eighteen.

2. The second paragraph on page three (3) of this Court's *Final Order* made it clear that no monies from the certificate of deposit (hereafter "CD") were to be released "...until the minor reaches the 18 years of age" and further that "[t]he principal and interests shall not be spent without court approval."

3. The CD was established at United Bank for the benefit of Ronald Ray Townsend pursuant to this Court's Order.

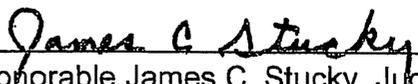
4. On multiple occasions United Bank, Inc. distributed the infant's funds and entirely depleted the CD before the minor child, Ronald Ray Townsend, reached the age of eighteen.

5. This Court's *Final Order* specifically prohibited the release of any principal or interest without obtaining the Court's approval. United Bank never received this Court's approval.

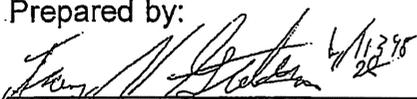
WHEREFORE, the Court further Orders: United Bank to open a certificate of deposit in the name of Ronald Ray Townsend forthwith in the amount that the CD would have been valued if originally left undisturbed, including principal and interest, which shall accrue until compliance with this Order. The Clerk of the Court shall send copies of this Order to all counsel of Record.

The objection of any aggrieved party is noted for the Record.

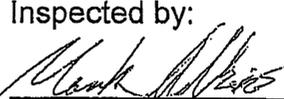
Entered this 13 day of ^{Nov}~~October~~, 2014

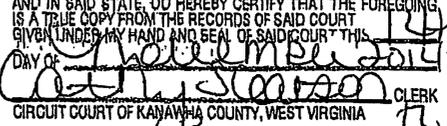

Honorable James C. Stucky, Judge
Thirteenth Judicial Circuit

Prepared 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
DAY OF November 2014

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

1cc to T.G 11-13-14 CP

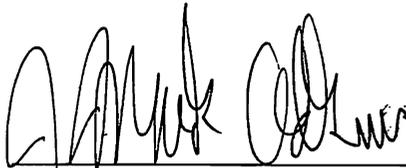
CERTIFICATE OF SERVICE

I, J. Mark Adkins, counsel for United Bank, Inc., do hereby certify that a true and correct copy of the attached *Notice of Appeal* was forwarded, via U.S. mail, upon counsel of record, postage prepaid and addressed as indicated, on this the **2nd day of December 2014**.

Tony N. Giatras, Esquire
Matthew Stonestreet, Esquire
The Giatras Law Firm, PLLC
118 Capitol Street, Suite 400
Charleston, West Virginia 25301

The Honorable James C. Stucky
Kanawha County Circuit Court
Judicial Annex
111 Court Street
Charleston, West Virginia 25301

Cathy S. Gatson, Clerk
Circuit Court of Kanawha County
Judicial Annex Building
111 Court Street
Charleston, West Virginia 25301



J. Mark Adkins (WVSB 7414)