

**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION**

FILED  
2015 SEP 11 AM 8:44

CATHY S. CLARK, CLERK  
KANAWHA COUNTY CIRCUIT COURT

**MARTIN N. HOLLEY, as Member and on behalf of  
WV LAND SERVICES, LLC**

**Plaintiffs/Counterclaim Defendant,**

**v.**

**CIVIL ACTION NO. 13-C-060  
BCD NO: 13-C-060KAN  
(Judge James H. Young, Jr.)**

**LYDIA M. BEIRNE, ELK MEADOW ENERGY, LLC,  
and G2 APPALACHIA, LLC,**

**Defendants/Counterclaim Plaintiff,**

**and**

**SAGA LAND SERVICES, LLC and  
SAGA FARMS, LLC**

**Counterclaim Defendants.**

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**ORDER**

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On August 17, 2015, this Court convened a hearing on the dissolution and winding up of WV Land Services, LLC and Saga Land Services, LLC. Appearing for the Plaintiff was James B. Lees, Jr., and appearing for the Defendants were Christopher S. Smith and Stephen P. Hoyer of Hoyer, Hoyer & Smith, PLLC. Prior to the hearing, the Court had directed the parties to submit a Joint Report on the Dissolution and Winding Up of the companies. The parties submitted such a report which identified the matters agreed upon and the matters which remained in dispute among the parties.

After hearing the testimony of witnesses and argument of Counsel, the Court does hereby FIND and ORDER as follows:

**A. MATTERS AGREED UPON:**

1. Pursuant to the parties' agreement and representations at the hearing, the real property at issue in this case has already been conveyed per their agreement to either Ms. Beirne or Mr. Holley as the case may be. Thus, the Stonegate Circle and Myrtle Beach properties shall remain the sole property of Ms. Beirne and the Ashton Place property shall remain the sole property of Mr. Holley.

2. The parties are in agreement with respect to the disposition of the Ford F-150 and 2009 Cadillac Escalade. Thus, the F-150 shall be the sole property of Mr. Holley and the 2009 Cadillac Escalade shall be the sole property of Ms. Beirne. The parties shall take the steps necessary, if any, to transfer title from WV Land to the appropriate party. The costs and expenses to transfer title, along with any outstanding taxes, per the parties agreement, shall be borne by the individual to whom the vehicle is transferred.

3. The parties agreed that Mr. Holley received the sum of \$133,161.98 after the trial from Saga Land Services and that Saga Land Services has a cash balance of \$2,649.32. The Court FINDS and ORDERS that Ms. Beirne is entitled to a credit equal to one-half of such amounts.

4. Counsel for Ms. Beirne represented that the amounts found by the Court to be due from Lydia Beirne to Martin Holley have been paid by Lydia Beirne to Martin Holley.

**B. MATTERS IN DISPUTE**

1. With respect to the computers, furniture and fixtures, and with respect to the Ms. Beirne's assertion that she should be entitled to a credit for the 2005 Silverado and the 2006 Tahoe and Mr. Holley's assertion that he should be entitled to a credit for any upgrade by Ms. Beirne's from the 2011 Audi attributed to her in the AFT Report, the Court finds that the value of the above items are a "wash". The Court therefor FINDS and ORDERS all such property shall remain in the possession and shall be the sole property of the party currently in possession of such item or items.

2. That with respect to the cash and bank accounts of WV Land Services, LLC, the Court finds, based upon the testimony and based upon the parties' agreement, that the amount of cash in bank accounts of WV Land Services, LLC, is \$67,927.32. The Court further FINDS and ORDERS that Mr. Holley and Ms. Beirne are each entitled to a credit equal to one-half of this amount subject to the resolution of the Gray, Griffith & Mays bill in the amount of \$11,302.50 discussed below.

3. That with respect to Ms. Beirne's request to pay the Gray, Griffith & Mays bill in the amount of \$11,302.50 from the funds held in the bank accounts described above by WV Land Services, LLC and Mr. Holley's objection thereto, the Court directs that Ms. Beirne provide to Mr. Holley, within fifteen (15) days of the date of this Order an itemized statement or other such statement from Gray, Griffith & Mays detailing the nature of services rendered relative to this invoice. Mr. Holley, if he so desires, may take the deposition of Gray, Griffith & Mays within fifteen (15) days thereafter. Further, the Court will issue an order relative to the accounting firm shall prepare and file amended tax returns for WV Land Services, LLC and Saga Land Services, LLC.

4. With respect to Ms. Beirne's assertion that additional monies belonging to Saga Land Services were diverted to another entity, the Court directs that if Ms. Beirne decides to proceed on this matter, she may schedule for hearing a previously filed Motion for Contempt and for Sanctions.

5. Upon resolution of the matters in Paragraphs 3 and 4, the Court will enter a final Order and Judgment.

ENTERED this 1 day September, 2015.

Date: 9/14/15  
Certified copies sent to:  
☒ counsel of record  
☐ parties  
☐ other  
By: (please indicate)  
☒ certified/1st class mail  
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Other directives accomplished:  
Full  
Deputy Circuit Clerk

Prepared by:

Stephen P. Hoyer, Esq.  
W.Va. Bar No. 5668  
HOYER, HOYER & SMITH, PLLC  
22 Capitol Street  
Charleston, West Virginia 25301  
304-344-9821 - 304-344-9519  
[sp\\_hoyer@gmail.com](mailto:sp_hoyer@gmail.com)

Amend. Young  
Judge James H. Young, Jr.

Inspected and Approved by:

James B. Lees, Jr., Esq.  
James B. Lees, Jr., Esq.  
W.Va. Bar No. 2176  
Hunt & Lees, LC  
2306 Kanawha Boulevard, E.  
Charleston, WV 25311  
304-344-9651 - 304-343-1916  
[jlees@huntlees.com](mailto:jlees@huntlees.com)

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James B. Lees, Jr., Esq.

Hunt & Lees

Post Office Box 2506

Charleston, West Virginia 25329-2506

Phone: 304-344-9651

Fax: 304-343-1916

Email: [jlees@huntlees.com](mailto:jlees@huntlees.com)

Stephen P. Hoyer, Esq. (Defendant)

Hoyer, Hoyer & Smith, PLLC

22 Capitol Street

Charleston, West Virginia 25301

Phone: 304-344-9821

Fax: 304-344-9519

Email: [sphoyer@gmail.com](mailto:sphoyer@gmail.com)