

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

ESTATE OF SYLVIA PEACE,  
BY AND THROUGH, TONY  
PEACE, EXECUTOR, AND  
E. PHILLIPS POLACK.

Plaintiffs,

v.

Civil Action: 21-C-143

ROBERT HOOFF.

Defendant.

ORDER


Whereupon on a previous day came the parties for a Status Conference. The Court engaged Counsel in a lengthy discussion regarding the issues in the case, the pending motions, and the property interest alleged to be involved. Following this discussion, the Court believes it is necessary to narrow some limited issues and allow the parties to investigate certain matters regarding the possibility of the location for the septic system and drainage field for the two homes located at 1210 Washington Farms Road, Wheeling, WV 26003 and 1230 Washington Farms Road, Wheeling, WV 26003.

Counsel for the Plaintiffs is instructed to make arrangements with a contractor to investigate the suitability of the area identified in the red outline on the attached Exhibit A on the property of Mr. Hooff, for installation of the drainage field for the septic systems. The contractor is to be informed that a percolation test may be done in conjunction with the Ohio County Health Department to determine the suitability of the property for the installatio of a traditional septic system. However, the percolation test and potential design of a new septic system is to be done in such a manner to cause the least amount of interference with Mr. Hooff's property and is to be done in such a manner to conserve as much of Mr. Hooff's property as possible.

The previous Order regarding the water supply to the homes located at 1210 Washington Farms Road, Wheeling, WV 26003 and 1230 Washington Farms Road, Wheeling, WV 26003 shall be extended indefinitely while the process detailed above is completed. The City of Wheeling Water Department and the Ohio County Health Department is specifically advised not to disconnect the water service to these residences until further order from this Court. The parties are to report back to the Court within thirty days following the contractor's evaluation. The Court notes the objections and acceptations of the Defendant's counsel.

The Circuit Clerk is directed to HAND DELIVER a copy of this order to Howard Gamble, MPH, Ohio County Health Department Administrator, Wheeling Ohio County Health Department, 1500 Chapline Street, Room 106, Wheeling, WV 26003 and The City of Wheeling Water Department c/o Rosemary Humway-Warmuth, Esq. Solicitor of the City of Wheeling, 1500 Chapline Street, Suite 304, Wheeling, WV 26003. The Clerk is directed to deliver copies of this order through the filing system to their attorneys.

ENTERED THIS 19 Day of JAN., 2023

  
Honorable Ronald E. Wilson, Judge

Respectfully prepared by:

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