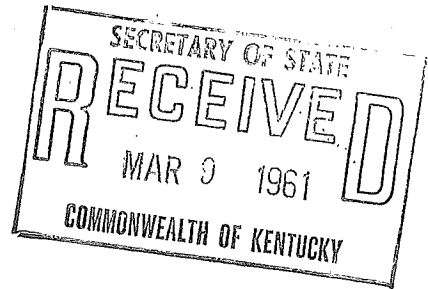


MARY LOU COLDIRON
CLERK HARLAN CIRCUIT COURT
HARLAN, KENTUCKY

March 7th, 1961

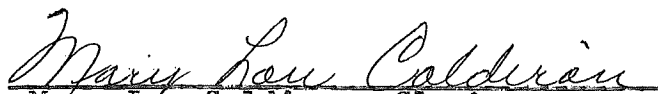
Hon. Henry H. Carter,
Secretary of State,
Frankfort, Kentucky



Dear Sir:

I enclose herewith an Order and Judgment, creating Benham as a city of the sixth class. This Order is duly certified. You will note that the Court has ordered you to properly file and index this Order as a permanent record in your office.

Very truly yours,


Mary Lou Coldiron, Clerk
Harlan Circuit Court

MARLAN CIRCUIT COURT

FILE NO. 3892.

CREED MORGAN, ET AL.,

PETITIONERS

ON PETITION TO THE MARLAN CIRCUIT COURT.

EX PARTE.

ORDER AND JUDGMENT.

This proceeding having come on to be heard on this the 7th day of March 1961, said date being the Second day of the March Term of this court, and the Court having considered the pleadings and having heard oral proof in open court is of the opinion that the petitioners are entitled to the relief sought in their petition.

It appearing that the petitioners have sought by their petition to have declared and established a City of the Sixth Class within the boundary or area which is bounded and described as follows.
to-wit:

BEGINNING at a point in the North right-of-way line of the Louisville and Nashville Railroad, said point coinciding with an extension of the West line of Maple Street; thence S 34 degrees 45' W 712.0 feet to a point in the International Harvester Company land; thence N 55 degrees 14' W 712.0 feet to a point in the International Harvester Company land; thence N 34 degrees 46' W to and coinciding with East alley line of Pine Street 712.0 feet to a point in the North right-of-way line of the Louisville and Nashville Railroad; thence S 55 degrees 14' E 712.0 feet with the North right-of way to the beginning.

It further appearing that notice of the petition filed herein, the boundary described in said petition, the relief sought by the petitioners and that this proceeding would be heard on today has been published in The Marlan Daily Enterprise, a daily newspaper of general circulation published in Marlan County, Kentucky, in its

February 13th, and 14th, issues, which fact is made to appear by the affidavit of Robert Springer Hoskins filed herewith.

It further appearing that the Court has made findings of fact and conclusions of law which are filed herewith, but not spread at large upon the Order Book of this court.

WHEREFORE, upon motion of petitioners by Counsel, it is ordered adjudged and declared by the Court that the boundary or area hereinbefore described be and it is hereby established as a City of the Sixth Class as provided under the Statutes and laws of the Commonwealth of Kentucky. The name of such City of the Sixth Class to be "Benham" and such City of the Sixth Class shall henceforth have all of the rights, powers and privileges enjoyed under the Statutes of the laws of the Commonwealth of Kentucky of other cities of the Sixth Class existing in the Commonwealth.

The Court does hereby appoint William Douglas, Ray Elliott, Robert King, Henry Rice and Homer Schubert as members of the Board of Trustees of the City of Benham, they to hold their office until the next regular November election.

The Court does hereby appoint Thomas J. Trammel as Police Judge of said City he to hold his office until the next regular November election.

The Court does hereby appoint Frank Marsh, as Town Marshal of said City, he to hold his office at the pleasure of the Board of Trustees heretofore appointed and their successors in office.

The Court does hereby appoint Delbert Fields, Tax Assessor for said City, he to hold his office at the pleasure of the Board of Trustees heretofore appointed and their successors in office.

William Douglas, Ray Elliott, Robert King, Henry Rice and Homer Schubert being present in open court accepted the office of members of the Board of Trustees of the City of Benham and were duly sworn by the Court as such.

Thomas J. Trammel being present in open court accepted the office of Police Judge and was duly sworn by the Court as such.

Frank Marsh being present in open court accepted the appointment as Town Marshal of said City and was duly sworn by the Court.

Delbert Fields being present in open court duly accepted the office of Tax Assessor for said City and was duly sworn by the Court as such.

The Court does hereby order and direct the Clerk of this Court to notify the Honorable Henry H. Carter, Secretary of State for the Commonwealth of Kentucky, of this Judgment and Order, send to the said Secretary of State a certified copy of this Judgment and Order and said Secretary of State is hereby ordered to properly index and file the certified copy of this order as a permanent record in his office.

Immediately upon the entry of this judgment the City of Benham shall be and remain a City of the Sixth Class under the Statutes and laws of the Commonwealth of Kentucky until such time as the General Assembly of the Commonwealth of Kentucky shall assign the said City to another class.

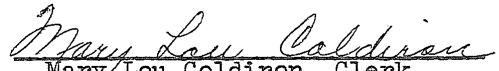
This March 7th, 1961.


Judge of the Harlan Circuit Court.

STATE OF KENTUCKY
COUNTY OF HARLAN

I, Mary Lou Coldiron, Clerk of the Harlan Circuit Court, in and for County and State aforesaid do hereby certify that the foregoing is a true and correct copy of the Order and Judgment in the foregoing styled case as the same appears of record in this office and recorded in Civil Order Book, No. 64, pages 501 & 502.

Given under my hand this 7th day of March, 1961.


Mary Lou Coldiron, Clerk
Harlan Circuit Court