

Commonwealth of Kentucky  
Court of Justice

CERTIFICATION

Secretary of State

Circuit \_\_\_\_\_ Court  
Fleming \_\_\_\_\_ County

SECRETARY OF STATE  
RECEIVED  
NOV 13 1979

COMMONWEALTH OF KENTUCKY

I, Jean Fleming Clerk of the Circuit Court,  
do certify that the following are true and correct copy(s) of the  
Findings of Fact, Conc. of Law and Judgment on C.A. 79-CI-101,  
Marion Cannon, et al vs Ex Parte

as recorded in the Office of the Circuit Clerk of Fleming County.

In TESTIMONY WHEREOF witness my hand as Clerk aforesaid, this the  
12th day of November, 1979

Jean Fleming  
Clerk  
By: Nancy B. Taylor D. C.

COMMONWEALTH OF KENTUCKY  
FLEMING CIRCUIT COURT  
CIVIL ACTION NO. 79-CI-101

MARION CANNON, et al

PLAINTIFFS

VS.

EX PARTE

FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGEMENT

A Petition for Incorporation of Ewing, Kentucky, pursuant to KRS 81.040, et seq., having been filed, a hearing being held in open Court on November 9, 1979, and the Court having been sufficiently advised, makes the following Findings of Fact, Conclusions of Law and Judgement.

1. The Petition includes the signatures of 76 persons purporting to be registered voters of the area to be incorporated. They patently appear proper.

2. The Petition alleges that there are 87 registered voters residing in the area to be incorporated, and more than 125 residents of the area.

3. There is a map attached to the petition purporting to be square and each boundary is alleged to be one-half mile in each direction. The Petition sets forth a legal description purportedly describing the one-half mile area to be incorporated. They patently appear to be accurate.

*Filed  
29 Oct. 79  
137-101-180*

*6*

4. Notice of the hearing was published twice in the Flemingsburg Gazette and Times-Democrat, newspapers of general circulation published in Fleming County, Kentucky, as required by KRS 424.120.

5. An affidavit as to such publication of notice was filed with the Court pursuant to KRS 424.170 and is prima facie evidence of such publication.

6. The following persons volunteering to serve as the trustees are all residents of the area to be incorporated and are registered voters of the area to be incorporated

Marion Cannon  
Nancy A. Donovan  
Charles Rolph  
Robert G. Turner  
Robert T. Christie

7. There are no adverse pleadings of record.

8. KRS 81.060 provides as follows:

"At the hearing the Court shall, if the proper notice has been given or publication made, and no defense is interposed, enter a Judgement establishing a town in accordance with the prayer of the Petition, ..."

Based upon the statute, the requirements of KRS 81.040 are traversed.

9. The Court has jurisdiction of the subject matter.

10. Pursuant to KRS 81.050, five (5) Trustees should be appointed by the Court to hold their respective offices until the next election at which such officers may be elected.

11. Pursuant to KRS 81.070, the proposed area for incorporation should be subject to all of the laws pertaining

to cities of the sixth class, until the Kentucky General Assembly has assigned it to the class to which it belongs.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. That the area proposed for incorporation is hereby incorporated to the extent as provided in KRS 81.040 through KRS 81.090. The area incorporated is hereby named Ewing, Kentucky, pursuant to KRS 81.060, and is described by metes and bounds as follows:

BEGINNING at the base of the Northwest corner of the house proper, exclusive of the porch, belonging to Rondall and Dorothy Jolly, and located in Ewing, Kentucky, on the South side of Ky. 165 opposite the intersection of Ky. 165 and Metclafe Mill Road being the dwelling on the property conveyed to said owners by Champ Clarke, thence running N 30°30' E 1587.8 feet to a point; thence running S 59°30' E 2555 feet to a point; thence running S 30°30' W 1700 feet to a point; thence running N 59°30' W 2555 feet to a point; thence running N 30°30' E 112.2 feet to the place of beginning.

2. That pursuant to KRS 81.070, the incorporated area is hereby subject to all of the laws pertaining to cities of the sixth class, until the Kentucky General Assembly has assigned it to the class to which it belongs.

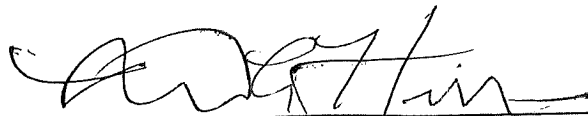
3. That pursuant to KRS 81.050, the Court hereby appoints the following Trustees:

Marion Cannon  
Nancy A. Donovan  
Charles Rolph  
Robert G. Turner  
Robert T. Christie

All of the above such officers shall hold their respective offices until the next election at which such officers may be elected.

4. That the Fleming Circuit Court Clerk is hereby directed to send a certified copy of this Judgement to the Secretary of State within 10 days after the date hereof, as provided in KRS 81.060.

Entered this 9th day of November, 1979.

A handwritten signature in cursive script, appearing to read "Richard L. Hinton", written over a horizontal line.

RICHARD L. HINTON, JUDGE  
Fleming Circuit Court  
19th Judicial Circuit