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AREA CODE 502

June 30, 1981

RECEIVED

Office of Secretary of State  
Capitol Building  
Frankfort, KY 40601

JUL 02 1981

SECRETARY OF STATE  
COMMONWEALTH OF KY.

Attention: Mr. Eugene Harrell  
Land Office

Re: City of ST. MATTHEWS, KENTUCKY


Dear Mr. Harrell:

Pursuant to KRS 81.045, please find enclosed statement of the City of St. Matthews, Kentucky, listing the name of the City, year of its incorporation, present classification and present boundaries.

Please acknowledge receipt of this document on the enclosed copy of this letter.

Yours very truly,

DOUGHERTY & HAUNZ

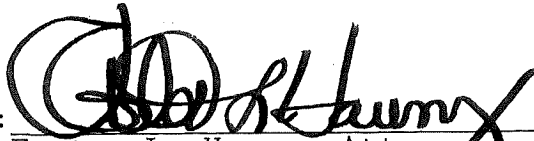
  
Foster L. Haunz  
Attorneys for City of  
ST. MATTHEWS

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enc:3

REGISTRATION OF CITY WITH SECRETARY OF STATE

1. Name of City CITY OF ST. MATTHEWS, KENTUCKY
2. Date of Incorporation March 22, 1950
3. Present Classification: Fourth Class
4. Present Boundaries: See Attached Shown in Green

SUBMITTED:



JUN 29 1981

Foster L. Haunz, Attorney  
1603 Kentucky Home Life Building  
Louisville, KY 40202  
Phone: 583-2807

Attorney for City of St. Matthews

CERTIFIED COPY OF RECORD  
OF JEFFERSON CIRCUIT COURT

# 228470

PAULIE MILLER, CLERK

BY *Maureen Jones* D.C.

RECEIVED

AUG 13 1981

SECRETARY OF STATE  
COMMONWEALTH OF KY.

NOS. 228470 )  
80CI10728 )  
81CI00375 )

Consolidated

JEFFERSON CIRCUIT COURT

FIRST DIVISION

CITY OF ST. MATTHEWS

PETITIONER

-vs-

JUDGMENT

SHELTON B. ARTERBURN, et al.

REMONSTRANTS

\* \* \* \* \*

This cause having come before the Court on various motions of the parties in actions styled:

- (a) Civil Action No. 228470, Jefferson Circuit Court, First Division, styled City of St. Matthews, Petitioner v. Shelton B. Arterburn, et al., Remonstrants v. Fiscal Court of Jefferson County, Kentucky, party, originally an ex parte petition by the City of St. Matthews to annex the property described therein, which action is sometimes hereinafter referred to as St. Matthews v. Arterburn", and
- (b) Civil Action NO. 80CI10728, Jefferson Circuit Court, Fifth Division, styled Herman Gellings, Plaintiff v. Jefferson County, Kentucky, Jefferson County Board of Elections, City of St. Matthews, Kentucky, and Bernard F. Bowling, Mayor of the City of St. Matthews, Defendants, originally an election contest challenging the results of an election held within the annexation area, which suit is sometimes hereinafter referred to as Gellings v. St. Matthews, and
- (c) Civil Action NO. 81CI00375, Jefferson Circuit Court, Eighth Division, styled Louisville Shopping Center, Inc., Executive Park, Inc., Greenland Vistas, Inc., and Building Seven, a Limited Partnership, Plaintiff, v. City of St. Matthews, Kentucky and Bernard Bowling, Mayor, Defendants, which action is basically a

declaratory judgment action seeking to have the Court hold unconstitutional the provisions of House Bill 20 enacted by the 1980 session of the Kentucky General Assembly and to nullify the proposed annexation by the City of St. Matthews, which action is sometimes hereinafter referred to as Louisville Shopping Center, Inc., et al. v. City of St. Matthews, et al.,

and all of the foregoing actions having been referred to this Court for hearing and determination, and the Court having considered all pending motions, the oral argument of the parties at pre-trial conference, and the briefs and memorandums filed herein, and this Court having filed its Memorandum, Findings of Fact and Conclusions of Law and Order herein on June 29, 1981, and the Court being otherwise sufficiently advised,

IT IS ORDERED AND ADJUDGED as follows:

1. That the Findings of Fact and Conclusions of Law filed herein on June 29, 1981, be, and the same are hereby incorporated herein by reference and made a part hereof as if fully copied herein.

2. That the motion of Louisville Shopping Center, Inc., et al., for leave to file amended answer and counterclaim and third-party complaint in Jefferson Circuit Court Action NO. 228470 (St. Matthews v. Arterburn, et al.) be, and the same is hereby overruled.

3. That the motion by Remonstrants in Jefferson Circuit Court Action NO. 228470 (St. Matthews v. Arterburn, et al.) to consolidate said action with the case of Gellings v. St. Matthews, et al., and Louisville Shopping Center, Inc., et

al., v. St. Matthews, et al., be, and the same is hereby sustained. Likewise, the motion of Louisville Shopping Center, Inc., et al., to consolidate Louisville Shopping Center, Inc., et al. v. St. Matthews, et al., with St. Matthews v. Arterburn, et al., be, and the same is hereby sustained, and the motion of Herman T. Gellings filed in Gellings v. St. Matthews, et al., to consolidate said action with St. Matthews v. Arterburn, et al., be, and the same is hereby sustained, all three cases hereinabove described, and all issues raised therein, be considered together by this Court.

4. That the motion of Bluegrass Manor, Inc. filed in Louisville Shopping Center, Inc., et al., v. City of St. Matthews, et al., on February 19, 1981, for leave to intervene, be, and the same is hereby overruled, no new issues being presented thereby in view of the consolidation of the three cases.

5. That the motion of Bluegrass Manor, Inc., filed on February 12, 1981, to file an amended answer and counterclaim and third party complaint in City of St. Matthews v. Arterburn, et al., be, and the same is hereby overruled, said amended answer, counterclaim and third party complaint presenting no new issues in view of the consolidation of all three cases.

6. That the motion of Louisville Shopping Center, Inc., Executive Park, Inc., Greenland Vistas, Inc., and Building Seven, a Limited Partnership, to intervene in Gellings v. St. Matthews et al., be, and the same is hereby overruled, said

intervening complaint presenting no new issues in view of the consolidation of all three cases.

7. That the motion of Herman Gellings, filed on January 14, 1981, for leave to amend complaint in Gellings v. St. Matthews, et al., be, and the same is hereby overruled, said amended complaint presenting no new issues in view of the consolidation of all three cases.

8. That the motion of Herman Gellings filed on January 21, 1981, pursuant to CR 59 in Gellings v. City of St. Matthews, et al., to alter, amend or vacate the Judgment of January 16, 1981, be, and the same is hereby overruled. The Court further holds that said Judgment entered by Judge Earl O'Bannon dated January 16, 1981, is a final judgment and there is no just reason for delay.

9. That Plaintiff's motion for Judgment on the pleadings filed in Louisville Shopping Center, et al., v. City of St. Matthews, et al., pursuant to CR 12.03, by reason of the consolidation of the three actions herein, is treated as a motion filed under Civil Rule 56. Judgment is hereby granted denying Plaintiff's motion for judgment on the pleadings and in favor of the City of St. Matthews, this Court finding and holding that an actual controversy exists within the meaning of KRS 418.040 et seq.; that KRS 81A.420 et seq. is not unconstitutional either because of its alleged retroactive application to pending cases or its requirement that if less than 75% of the qualified voters in the area to be annexed oppose annexation, the unincorporated territory shall

become a part of the city; that the Certificate of Election issued by the Jefferson County Board of Elections was issued in accordance with law and correctly lists the results of such election; that KRS 81A.420 requires that 75% or more of all the qualified voters in the area to be annexed to vote in opposition to the annexation, not 75% of those actually voting, in order to defeat the annexation by the City of St. Matthews; that certifying this action as a class action is improper.

10. No legal impediment has been established herein to the annexation by the City of St. Matthews of this particular annexation area, and the said City is entitled to have annexed the property in question under the law and has met the criteria announced under KRS Chapter 81A.

11. That City of St. Matthews recover its costs herein expended from the Defendants, Louisville Shopping Center Inc., Executive Park, Inc., Greenland Vistas, Inc., Building Seven, a Limited Partnership, Bluegrass Manor, Inc., and Herman T. Gellings.

12. This is a final appealable judgment adjudicating all the rights of all parties in the consolidated action and there is no just reason for delay.

ENTERED IN COURT

AUG 10 1981

By Paulie Milner Clerk

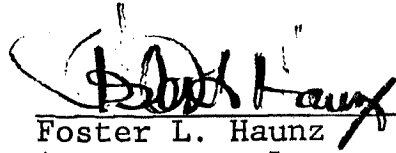
Deputy Clerk

St. Paul Hatcher  
JUDGE

Aug 10 1981  
Date

TENDERED:

DOUGHERTY & HAUNZ



Foster L. Haunz  
Attorney at Law  
1603 Kentucky Home Life Building  
Louisville, KY 40202  
Phone: 583-2807

ATTEST: PAULIE MILLER, CLERK  
JEFFERSON CIRCUIT COURT  
LOUISVILLE KENTUCKY

BY  D.O.

OVERSIZE MAP INCLUDED WITH  
SUBMISSION.

To research the map, contact the  
Office of Secretary of State  
or the County Clerk.