



Jaguars held hitless, finish runner-up to Bulldogs

■ Sports, 1B



CHRONICLE & TIMES

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Southern Water, PCUC discuss 'complete unwinding'

By MARY MEADOWS
STAFF WRITER

The Southern Water and Sewer District and the Prestonsburg City Utilities Commission are negotiating the "com-

plete unwinding" of an asset transfer that was approved in 2017, according to testimony provided in Frankfort by Southern Water Chairman Jeff Prater and comments made during an inter-

view with PCUC Interim Superintendent Brian K. Music. The hearing was held in a Kentucky Public Service Commission case in which Southern Water is seeking an emergency rate increase of 32.3

percent because of what officials say is a "dire" financial need. Prater testified about the state of the district's financials when he and the other four commissioners were appoint-

ed to the commission in February.

"The district's losing \$40,000 to \$50,000 a month, or taking in \$40,000 to \$50,000 less

See WATER, Page 5A



Eric C. Conn

Court rules in favor of former Conn clients

A FLOYD CHRONICLE AND TIMES STAFF REPORT

Some former clients of disbarred attorney Eric C. Conn got a favorable ruling in Floyd Circuit Court last week.

Floyd County Circuit Judge Johnny Ray Harris issued an order granting a partial summary judgment in a class action lawsuit seeking payment from Conn's malpractice

See CONN, Page 5A

A hero's welcome



Floyd Chronicle and Times photo by Elaine Belcher

Kenneth Howard and his mother Samantha Moore meet Batman, portrayed by John Buckland of the Heroes 4 Higher, on Saturday during the Floyd County Community Early Childhood HEART Fair at Big Sandy Community and Technical College. The 22-month-old went missing from his home near the Magoffin-Floyd County line on May 12 and was found after an extensive search on May 15. For more photos and information about the fair, see Page 11A.

Walkers sought for veterans march

By MARY MEADOWS
STAFF WRITER

Local residents are invited to join a march that is geared to raise awareness about veteran suicide during Memorial Day weekend.

Auxier DAV Post 18 and its Commander Danny Shepherd decided to coordinate this event through another local non-organization he leads, the Veterans Coalition for Quality Healthcare, to raise awareness about suicide among veterans.

"We have a problem with veterans suicide. We're trying to bring



Floyd Chronicle and Times photo by Mary Meadows

Auxier DAV Post 18 and its Commander Danny Shepherd salute during the National Anthem, which was performed at the Big Sandy Senior Games on May 17.

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Hundreds participate in Big Sandy Senior Games

By **MARY MEADOWS**
STAFF WRITER

Hundreds of senior citizens from the Big Sandy area competed in Floyd County on May 17 during the 34th Annual Big Sandy Senior Games.

Event coordinator Stacy Hall said 258 senior citizens from 17 senior citizens centers in Floyd, Pike, Johnson, Martin and Magoffin counties traveled to the Dewey Dam Spillway Recreational Area to participate this year.

Hall, who has been coordinating the Big Sandy Senior Games for the Big Sandy Area Development District for at least 10 years, said the seniors "get pretty competitive" at this event.

They practice prior to the event at their senior citizens centers, she said.

She said they "kind of like to give each other a hard time."

Big Sandy Area Development Director Ben Hale joked with the seniors when he thanked a long list of sponsors who made the Big Sandy Senior Games possible.

"Happy competition," he told them. "There'll be no hair-pulling, no spitting, no hitting below the belt, no cussing, none of that stuff."

Seniors competed in cornhole, horseshoes, softball toss, football tosses, lawn bowling, basketball shoot, basketball free throw, shuffleboard and archery. Winners will be honored

during a banquet that will be held later this month at Jenny Wiley State Resort Park.

Hall said coordinating the Big Sandy Senior Games is a rewarding job.

"We love it. We love to do this for the local senior citizens in our Big Sandy region, in our area. They love these games. They love to compete. They practice at their own senior citizen centers to get ready," she said. "Also, they love to come to Jenny Wiley to the awards banquet, get fed, and try to win some medals."

She said the senior games help seniors stay active and socialize. That's true for Sharon Bartley and Glema Stiltner, who visit the Elkhorn Senior Citizens Center nearly every weekday in Pike County.

They both got involved with that center after their husbands died.

"It gets me out of the house. I would be sitting at home otherwise. We get out and we go places and we have a lot of fun ... Companionship with everybody, that's what so good about it," Stiltner said.

She said it gives her "something to look forward to."

When asked what she'd do without her local senior citizens center, Bartley said, "I don't know. I'd just be sitting at the house, thinking of things, you know, just depressed. I'd be de-



Floyd Chronicle and Times photo by Mary Meadows

Competitions included lawn bowling, archery, football toss, shuffleboard and others.

pressed. I was really depressed because I just lost my husband, and I had done all I could do to the house, and I was just sitting there and somebody suggested I should go," she said.

Friday marked Bartley's second attempt and the Big Sandy Senior Games, and it marked the third year for Stiltner. She was eyeing her second cornhole tournament title, having won it last year.

Hale said the Big Sandy Senior Games would not be possible without its sponsors.

"You need to understand that if they did not help us and commit to the funding of this, this



would be very hard for us to do. We really, truly thank our sponsors for this. We aggravate them every year ... and they're always just happy to help with this event," he said.

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Financial Focus

with Sarah Lange Hyden

Take a Closer Look at Myths Surrounding 529 Plans

If you want to help pay for your children's college educations, you might want to consider contributing to a 529 plan. With this plan, your earnings grow federally tax-free, as long as the withdrawals are used for qualified higher education expenses such as tuition and room and board. Yet, you may have heard some things about 529 plans that are keeping you from investing in one. However, these concerns may be more myth than reality - so let's take a look at a few of them.

- **"I need a lot of money to contribute to the plan."** This myth has essentially no truth to it. Typically, only a modest amount is required to open your 529 plan, and you can generally transfer small sums to it from your checking or savings account.
- **"If my child doesn't go to college, I lose out on the money I've put in."** This myth runs counter to one of the 529 plan's greatest benefits: flexibility. If you've named one child (or grandchild) as a beneficiary of a 529 plan, and that child or grandchild decides against pursuing higher education, you can simply change the beneficiary to another eligible family member. Furthermore, if none of your intended beneficiaries will need the 529 plan, you can name yourself the beneficiary and use the money to take classes or receive some other type of qualified education opportunity. In a worst-case scenario, in which the money is never used for education, you will be taxed on the earnings portion of the withdrawals - but had you never contributed to a 529 plan, the funds would have been taxed, anyway. (However, you might be subject to a 10% penalty tax, in addition to regular income taxes, again on the earnings portion of the withdrawals.)
- **"I have to invest in my own state's plan."** Not true. You're free to invest in the 529 plan of any state, no matter where you live. But it could be advantageous for you to invest in your own state's plan, as you might receive some tax breaks for state residents. (The tax issues for 529 plans can be complex, so you'll want to consult with your tax advisor about your situation.) Investing in your own state's plan also might provide access to financial aid and scholarship funds, along with possible protection from creditors.
- **"A 529 plan will destroy my child's chances for financial aid."** While a 529 plan could affect your child's financial aid prospects, it might not doom them. And the benefits of building significant assets in a 529 plan could outweigh the potential loss of some needs-based financial aid.

Before investing in a 529 plan, you'll want to explore it thoroughly, as you would any investment. You can find details about a 529 plan's investment options, share classes, fees, expenses, risks and other information in the plan's program description or offering statement, which you should read carefully before making any purchasing decisions. But, in any case, don't let "myths" scare you off from what could be one of your best college-savings vehicles.

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MAKING SENSE OF INVESTING

Wayland backing out of Quest lease, again

By **MARY MEADOWS**
STAFF WRITER

The City of Wayland is ending its lease again with a coal company that is removing coal from an old coalmine site in the city.

During a meeting last week, Wayland Mayor Jerry Fultz and City Attorney Tyler Green reported sending a letter to Quest Energy, informing the company that the commission voted not to extend the lease agree-

ment. The letter notes that the current lease will terminate on July 11.

Quest has been mining coal from an old refuse site in Wayland since June 2018.

This marks the second time in recent months that the Wayland City Commission voted to end its lease with Quest.

In December 2018, the commission voted to end it after hiring a Pikeville company, Jigsaw Enterprises, to survey the former coalmine site the

city owns to determine how much coal Quest has removed. Prior to that, city officials complained about late payments and reports from Quest.

The following month, Quest officials apologized for those issues at a city meeting.

The company negotiated a new agreement with the city, agreeing to pay \$10,000 upfront to Wayland prior to coal being removed from the site and

The new lease re-

quires Quest to pay Wayland \$10,000 up front for removal of coal and gives Quest the right to "fully recoup" all advanced royalty payments by removing coal from the site.

Officials explained that if Quest hits its \$10,000 worth of coal mined from the site prior to the end of the 60-day term, the company will pay Wayland overage of \$1 per clean ton that's mined from the site after that point.

Fultz reported last

week that Quest is again behind on its payments.

"We have not been paid for April," Fultz said. "We have not gotten, that I'm aware of, unless we got it today, the \$10,000 pre-payment that should have come to us before the 11th of this month."

He voiced concerns about overage payments not being made recently.

Green mentioned sending the company a notice making it aware that it is in breach of its agreement with the city

— a recommendation that was unanimously approved.

In other news, the commission also:

- Approved the financial report and bills, showing the city had \$41,000 in its road aid fund and \$115,000 in its general fund.

- Reported that with no bids submitted for the Henegar property, the city can negotiate a price with anyone who offers a reasonable amount.

MARCH Continued From Page 1A

awareness to that problem," he said. "We have 22 veterans who commit suicide each and every day. That's one in every 65 minutes. A lot of people don't know that."

He referred to a study the U.S. Department of Veterans Affairs released in September 2018, which reported that although veterans account for about one percent of the U.S. population, they account for between eight and nine percent of the suicide rate. He said the study was "alarming."

"This was a study done in 2015 with the VA and it was kind of alarming when I read it, especially when I, when you account for veterans being less than one percent of the population, yet they account for between eight and nine percent of the suicide level. There's something there that we're not seeing," he said.

He said veterans are trained to hold back their emotions.

"I've always known that veterans have been, like, passed under, you know, passed through and stuff, and just overlooked and everything. You know, we've got problems just like anybody else, it's just we've been trained to kind of not come in contact with our feelings and just ease the pain and what they call ... embrace the suck, is what they used to call it. No matter what the pain you have, you embrace it, you keep on going. And that's the kind of mentality a lot of veterans have. You know, whatever ails them, whatever hurts them, they just keep on going. ... That's the training that you get in the military. That's what they teach you. They push you to the limits and they expect you to keep on going. And a lot of us carry that on through our civilian lives."

He said a lot of veterans have post-traumatic stress disorder and they don't know it. He hopes the march will raise awareness for veterans and their family and friends, who could recognize the signs of depression.

"Which, the VA has put in a lot of money towards, you know, mental health issues and stuff like that, but, you know, there's a lot of veterans that's not even in the VA system," Shepherd said. "So, they're getting just, they're getting skipped

over. So this is kind of our way to bring awareness in case somebody knows a veteran that is probably suffering from depression or something like that and they're not seeing the signs. Maybe they can start looking for the signs and possibly refer them to maybe a suicide hotline or even have them join one of these organizations."

He explained that a lot of veterans are afraid to ask for help.

"A lot of veterans are very proud and some of them don't even want to ask for help," Shepherd said. "Some of them suffer from things that I couldn't even explain to you, but they don't want no help because they don't want to — in their mind, it shows weakness, and they just suffer from it, and that lingers on and we have a problem after that. So this way, hopefully, we can bring awareness, get them to join some organizations, get them to join our march, you know, get them to understand some of the problems they might be facing and try to talk to somebody."

The march is open to any person, including veterans, their families and any person who want to help raise awareness about veteran suicide.

Registration for this three-mile march will be held from 8 a.m. and 10 a.m. on Saturday, March 25, on Starfire Hill in Paintsville. The march will start in that area between 10 a.m. and 11 a.m., Shepherd said, and end at the intersection of Ky. 40 and Ky. 321, where the Fallen Heroes Memorial Highway is located. The march will be led by local law enforcement and motorcyclists are also invited to join. Shepherd said there will

be a trailer available for people who aren't able to walk the full three miles.

The Huntington VA

will set up a booth on Starfire Hill, Shepherd said, to offer informational resources on mental

health and answer questions for veterans.

Shepherd said free T-shirts are available for

those who march and Little Caesar's is providing pizza for marchers.



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EDITORIAL

Thanking our local heroes

Men and women of local volunteer fire departments are the backbone of our community.

They work and live amongst us. They are our neighbors, co-workers and friends.

But in addition to carrying on their lives, they have a second life in which they perform acts of heroism and bravery that most of us don't even see occurring. They risk everything, put their lives on the line and step in where others fear to tread.

We've made no secret of the appreciation we have for our first responders. We've seen time and time and again

the work they do locally, protecting property, maintaining community safety and saving lives.

Last week, hundreds of them went above and beyond the call in the massive search for 22-month-old Kenneth Howard, who wandered into the hills on Sunday, Mother's Day, and wasn't found until Wednesday afternoon.

They wrestled through challenging terrain, day in and out, looking for this boy, and they exposed themselves to dangers during the search. One official talked about rescuers who had 40 or 50 ticks on him after a day of searching.

Prestonsburg firefighter Michael Tussey talked about the emotional toll this search had on him personally during a press conference last week, telling the nation how finding that boy made him cry.

It helps us understand the human side to these men and women, who put their lives on the line every day to help others.

Tussey and other firefighters do this work because they have a heart for it, because they care about their communities.

In the response to the search for Howard, in the response to the local fires, crashes, emergen-

cy medical calls and other kinds of emergencies, these men and women give everything and receive little in return more than a thanks.

Howard's story gripped the region and the nation. That attention will fade and the story will fall into the background, but the men and women who responded to this incident won't. They will continue to respond to the emergencies in their own communities, as well as lend a hand in other areas where needed, all because someone has to do it.

If you know someone who's a firefighter, thank him or her. Let

them know how much you appreciate the sacrifices and risks they take to keep us safe.

Regardless of whether you're sent a bill for fire department "dues" — sometimes the main method of support for these departments — contribute money to help them expand services and buy equipment. Sometimes those dues are just enough to keep the doors open.

And, if you're willing and able, volunteer with local fire departments. Fewer and fewer people are stepping up to stand in the gap between the worst and us. If you can, please do so. Yes, it's of-

ten a thankless job, and there is no pay, but it is a vital part of keeping our communities going.

Most of the responders who went into the mountains last week searching for Howard did not go because it was their job. They did not go because of any reward for themselves.

They went because it was their duty, because "someone" was needed, and they heeded the call. We're thankful for not just their work in this situation, but in all situations.

Thank you for stepping up. Thank you for showing us what service looks like.

GUEST COLUMN



FIVE SMOOTH STONES KENTUCKY

By
MARK WOHLANDER

Since May of 1868, Americans have commemorated the sacrifices of the heroes who have served and died on the fields of battle on Memorial Day.

In a speech at Arlington National Cemetery in 1986, President Ronald Reagan reminded us of the reason for Memorial Day when he said, "Today is the day we put aside to remember fallen heroes and to pray that no heroes will ever have to die for us again. It's a day of thanks for the valor of others, a day to remember the splendor of America and those of her children who rest in

this cemetery and others. It's a day to be with the family and remember."

While every Memorial Day should be a time to remember America's fallen heroes, this year has even more significance for our nation as we take a moment to remember the more than 7,000 heroes who have given the ultimate sacrifice on the battlefields fighting the Global War on Terror, the longest war America has ever fought, a war which was brought to our shores on September 11, 2001.

To borrow from, and to paraphrase the words of General George S. Patton, Jr., "It is foolish and

A time to remember our true American heroes

wrong to mourn the men [and women] who died. Rather, we should thank God that such men [and women] lived." It is because of the heroes of all of America's wars that we can loudly proclaim that America truly is the land of the free, because of the brave.

For me, Memorial Day has always had a special meaning. It is a day when I take time to remember not only the American heroes who have passed through my life, but the thousands of others who have served and paid the ultimate sacrifice to keep America free. If you have a minute this Memorial Day, take a moment to listen to the words of Trace Adkins' song, "Arlington." Take the time to reflect

on all of the heroes who have died to preserve our freedom. And take just a moment to quietly reflect on the words of the song and think about the meaning of the lyrics when he wrote,

*"We're thankful for those thankful
For the things we've done
We can rest in peace
'Cause we are the chosen ones
We made it to Arlington
Yeah, dust to dust
Don't cry for us
We made it to Arlington"*

Although it would be impossible to name each of the heroes of the Global War on Terror, or even

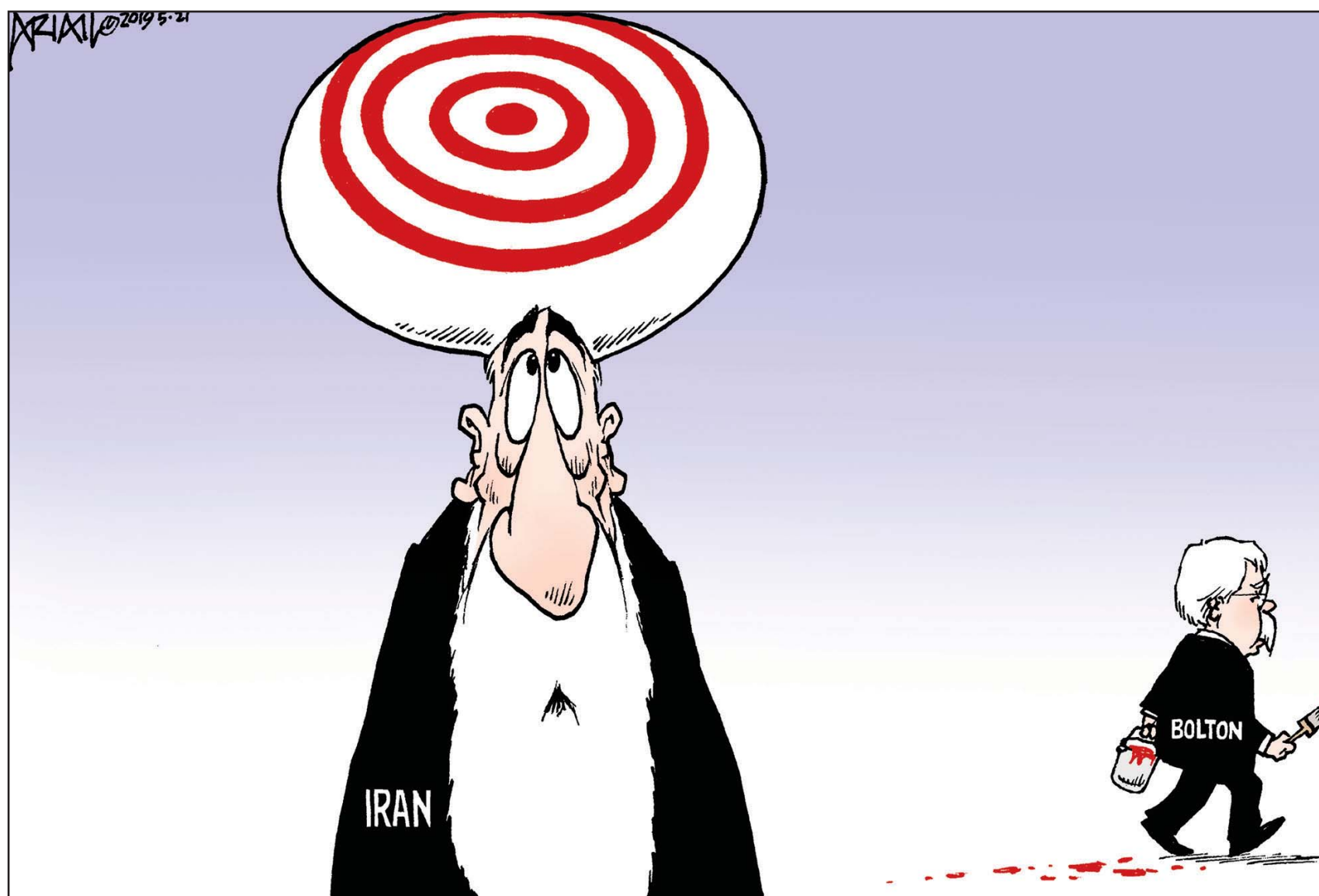
share just a glimpse of their stories, this Memorial Day we should pledge to finish the dream that began just a few years ago when U.S. Army veteran Andrew Brennan came up with the idea of a memorial when he bumped into a group of veteran motorcyclists on their way to D.C. for the annual Rolling Thunder ride in 2014.

In response to what began as an idea for a memorial from a small group of like-minded veterans, Congress unanimously passed the Global War on Terrorism Memorial Act which could soon make the dream of a memorial a reality and would provide a place where every American could visit and pay tribute

to those American heroes who have fought to preserve our freedom in the face of the global war on terror.

So, as I often do, I would invite each of you to join me on my imaginary mountaintop, only this time instead of asking you to shout loudly with me, I would ask each of you to take a moment to offer a silent prayer of thanks in honor of all of America's heroes who have served and died to make America the land of the free, because of the brave.

Mark Wohlander, a former FBI agent and federal prosecutor, practices law in Lexington, Kentucky and throughout the mountains of Eastern Kentucky. His other columns and Liberty prints are available online at, fivesmoothstonesky.com.



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WATER
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than the cost of operations, not even considering depreciation," Prater testified. "So, there was a negative cash flow, a lot of bills that had accumulated for various reasons and it just — the system was and still is in dire need of some additional cash flow to address various concerns that we have. You have to have adequate money to operate the district and there is just not enough revenue at this point to operate it."

Southern serves about 5,400 customers in mostly Floyd County, and in 2017, the PSC approved a transfer of assets that transferred the sewer infrastructure Southern had in Wayland and Eastern and some water customers the district had along U.S. 23 in the Harold area to the Prestonsburg City Utilities Commission, with Prestonsburg paying more than \$2 million, as well as providing Southern Water some equipment.

Prater told the PSC that Southern Water is still collecting between \$8,000 and \$10,000 a month in revenue from

the sewage plants in Eastern and Wayland. That part of the asset transfer was completed last summer, PSC filings show, but Southern Water is still not transferring those funds to Prestonsburg, as required in the deal. Southern Water owes Prestonsburg more than \$130,000 for sewage collections, Prater testified.

Answering questions about the failure to transfer those funds, Prater told the PSC that the two entities are working toward the possibility of backing out of the transfer entirely.

"Prestonsburg City Utilities Commission and Southern Water and Sewer, we are currently negotiating the possibility of transferring all of those assets or a complete unwinding, if you will, of the entire deal," Prater said. "They have provided us with a lot of financial data that we're reviewing at this time. We're looking at operational costs and that financial data at this time, but we are negotiating with the possibility of unwinding the entire deal and Southern taking back the wastewater treatment and the water customers."

Music confirmed the negotiations on Monday, saying they are still in the "infancy" stage.

He reported that he and Prater have met several times to discuss an unwinding of the deal, attempting to come to a resolution that the boards of both water districts can approve.

"We are actually looking to see what an unwinding would look like," Music said. "So, we're kind of negotiating, kind of going back and forth, trying to see what it would look like for everybody to do that. Nothing is in stone right now, but that's the direction it is going."

He isn't sure how long the process will take, saying it's "pretty complicated," but he believes that it will benefit both utilities.

"It's been pretty complicated and complex, but I think we can come to a resolution that would be positive for both entities," Music said.

PSC Chairman Michael Schmitt reported in the hearing that the PSC did not hold a hearing when it approved the asset transfer in 2017, and he noted that was "probably the last time that this

commission will ever do anything like that without a hearing."

He voiced his frustration about the issues surrounding the asset transfer, explaining that there was sworn testimony on both sides and that a fair market value for the transfer of assets was agreed up, and then, in another rate case filed by Southern Water, the PSC learned the deal had not been finalized.

The same attorney, Schmitt pointed out, represented both PCUC and Southern Water in the asset transfer. He asked Southern Water officials to provide documents of any conflict of interest forms signed by both parties.

Schmitt said he is "disappointed that it happened," and shared his "own opinion" about alleged political pressure that led to the asset transfer in 2017. He said it "basically constitutes a fraud" on the PSC "to the detriment" of Southern Water. District officials have blamed the loss of customers in the Harold area for its financial problems.

Schmitt said the PSC must approve any potential "unwinding" of the

asset transfer.

"So if you get to the point where maybe you're unwinding something, maybe you ought to tell us or file something here so we can go through it in a public hearing and make sure that the public knows what's going on everybody can evaluate the benefits and the burdens to each system," Schmitt said.

Prater said Southern Water plans to reach an agreement with PCUC "in principal" and get PSC prior to moving forward.

He said part of the problem with the asset transfer was that U.S. Department of Agriculture's Rural Development wanted PCUC to absorb more of Southern's debt as part of the deal.

"We're working on the premise now of trying to unwind everything back to the original status where that Southern would be owner and operator of the three wastewater treatment plants and we would take back the operational and everything associated with the approximate 1,200 water customers," Prater said.

Schmitt asked whether the two systems have discussed the possibility

of merging, and Prater said there haven't been any talks about a merger between the two utilities.

He did say, however, that two companies, Kentucky American Water and a company from Virginia, have expressed interest in buying Southern Water.

The Southern Water commission discussed the possibility of a sale prior to hiring Utilities Management Group to manage the district in March.

Prater said commissioners sought a management contract instead of a sale because they wanted to see if they could "make it a viable organization."

Prater said the district would seek to procure another contract in the future, noting that it may be necessary to extend the UMG contract so the procurement process can be completed.

Prater said UMG has deferred its billing because of the district's financial problems. He said he believes UMG's work has "made an immediate impact" on cost savings in the district by reducing overtime and fuel costs and reorganizing work processes.

CONN
Continued From Page 1A

insurance company, United State Fire Insurance Company.

Conn pleaded guilty to numerous felonies in federal court in March 2017.

His former clients who were notified in May 2015 about redetermination hearings and lost their Social Security benefits after undergoing hearings without medical evidence filed the class action lawsuit in 2016. It has been amended several times since then.

In April 2017, Harris signed an agreed judgment, which was not contested, holding Conn liable for malpractice.

Harris explained in last week's order that the plaintiffs "successfully obtained a judgment against Conn and his law office" for \$31 million, and the plaintiffs seek to recover some of those funds from Conn's malpractice insurance.

The former clients claimed that Conn's failure to preserve and submit medical records in his possession were acts, errors and omissions that should be covered under Conn's malpractice insurance, but the ruling states that the U.S. Fire Insurance Company has "denied coverage" and "offered various defenses, including a defense that Conn no longer had any duty" to these clients once he was paid by the Social Security Administration. The insurance company also argued to submitting medical records to the SSA is "not a professional service" under Conn's malpractice policy, Harris wrote in his order.

Harris ruled, however, that coverage does exist under Conn's malpractice policies in the aggregated amount of \$750,000 for each policy, or a total

of \$1.5 million.

Harris wrote, "The record contains plentiful evidence of Conn and his law office's routine negligence in failing to submit and preserve medical records for his clients' social security cases, as well as his failure to provide these records to clients before redetermination hearings."

He referenced Jamie Slone, a former Conn employee, who stated it was "routine practice" for Conn and his office to not submit medical records if the cases were assigned to Judge David B. Daugherty, who was charged criminally alongside Conn and others in federal court.

By not turning over the medical records, Harris ruled, Conn and his law firm committed professional negligence that is covered under his malpractice insurance.

"The court previously entered a judgment against (Conn) and Conn Law Firm, P.S.C., in the amount of (\$31 million)," Harris wrote. "In arriving at this figure, the Court notes what is obvious from the pleadings, more than 800 former clients of (Conn) lost their benefits, it is clear there is a subgroup of these individuals

known and unknown who have similar claims as to Robert Martin, James Craig Martin, Cheryl Martin and James Adkins in which there is documented evidence in this Court record that they likely lost their benefits due to the negligence of Conn in failing to submit and safeguard their records. This evidence appears to be totally refuted."

He reported that the agreed judgment of \$31 million is "easily supported" by the evidence, and four people who filed the lawsuit will likely have claims that exceed \$1.5 million allowed from the malpractice insurance policies.

"The court hereby makes a finding that the damage claims in this case greatly exceed the (\$1.5) million in coverage given the loss of benefits, loss of medical expenses and other damages suffered by the Plaintiffs and class members," Harris wrote. "The court herby finds, consistent with this opinion, that the defendant, United States Fire Insurance Company, is liable to the plaintiff and class members in the amount of coverage of (\$1.5 million), including pre-judgment interest in the amount of 6 percent

accruing from the date of the entry of the (\$31 million) judgment."

Harris noted in the ruling, however, that it's "unknown when and if the defendant will ever" receive funds from the insurance company.

"In the event such funds satisfying any judgment are tendered, it is the intention of the court to appoint a claims administrator to make recommendations to the court as to any proposed distribution."

Claims are also pending under the Unfair Claim Settlement Practices Act for bad faith denial

coverage on the part of the insurance company, Harris reported in the ruling.

The order is not final and may be appealed, he noted.

Prestonsburg attorney Ned Pillersdorf reported that Conn's insurance company "indicated they would appeal" the ruling.

He issued a warning to former Conn clients on Facebook, reporting that the last time a judgment was rendered in favor of Conn clients, "scammers immediately starting calling" former Conn clients, asking them to send

money to receive money from the "Conn Compensation Fund."

"The scammers were successful, and some lost money," Pillersdorf reported. "Do not send any money to these phone scammers."

He explained that, if money is awarded, it will be awarded through the court system.

He also reported that he filed an amended complaint in federal court in the class action lawsuit that's pending for people who lost benefits due to hearings that were held unconstitutionally.

GOVERNMENT FORECLOSURE SALE

WEDNESDAY, JUNE 19, 2019 10:00 A.M.

AT THE SITE OF THE BELOW DESCRIBED PROPERTY HOUSE AND LOT LOCATED AT 5051 SPURLOCK CREEK, PRESTONSBURG, KY 41653 IN FLOYD COUNTY, KENTUCKY



This is a three bedroom home on public water and septic. It is well located in a quiet neighborhood. It consists of three bedrooms, living room, kitchen, and one bath. This property is considered unsuitable for the Rural Development, Rural Housing Program. This would be an excellent buy for an investor interested in rental property or for resale after repairs.

The minimum acceptable bid for this property is \$8,040.00.

An open house will be held on June 12, 2019 from 10:00 am to 11:00 am.

Payment of the current year's property taxes are the responsibility of the purchaser.

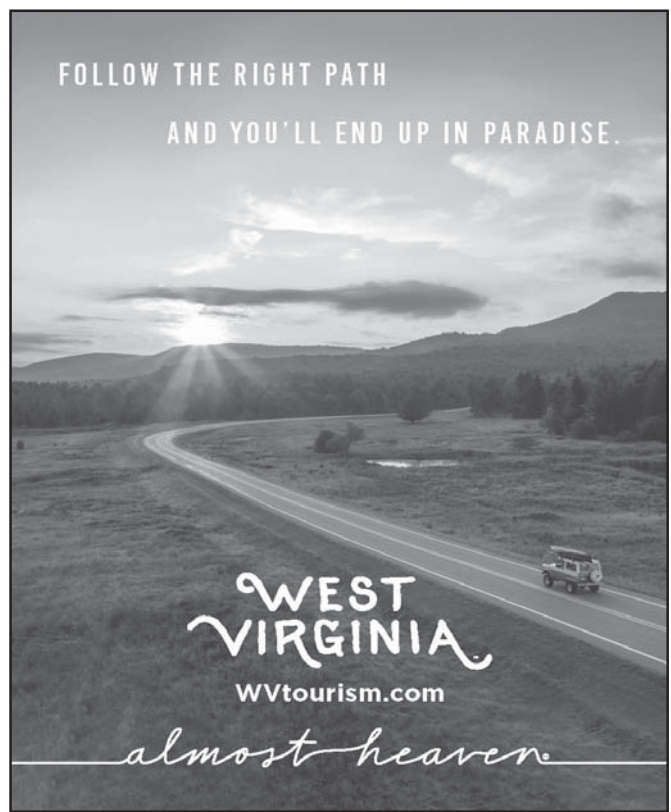
Clear title to this property is not warranted. The U.S. Marshal's Deed is not a general warranty deed. Buyers are advised to have the property's title examined. Written notification regarding encumbrances on the property must be made to the Paintsville Rural Development Office within 30 days of the date of sale.

Potential buyers are hereby put on notice of the presence of various molds of an unknown origin in this house. Some forms of mold have been known to result in serious illness in occupants of homes with existing mold conditions. Rural Development makes no warranties regarding the type of mold in the house and will not assume responsibility for removing the mold. Any persons entering the home for any purpose, including inspecting the property, are hereby made aware of the presence of mold and should take whatever actions they deem necessary to protect themselves while in the house. Rural Development does not recommend entering the home without proper protection. Removal of the mold will be the responsibility of the purchaser, as well as all costs and associated liabilities.

LEGAL NOTICE

Notice is hereby given that on Wednesday, June 19, 2019 at 10:00 am., at the property site, at 5051 Spurlock Creek, Prestonsburg, KY 41653 in Floyd County, Kentucky, in order to raise the principal sum of \$38,467.88, with accrued interest of \$10,515.26 through May 30, 2017, with a total subsidy granted of \$33,833.48, late charges of \$143.83, and fees assessed of \$1,974.67, for a total unpaid balance due of \$84,935.12 as of May 30, 2017. Interest is accruing on the unpaid principal balance at the rate of \$7.1784 per day after May 30, 2017, until the date of entry of Judgment as appears on the Affidavit of Rural Development Foreclosure Representative, Vickie Jones, previously filed herein, together with interest on the Judgment amount at the rate of 2.06 percent per annum, until paid in full, plus cost, disbursements, attorney's fees, and expenses pursuant to Judgment and Order of Sale, being Civil Action No. 7:17-cv-119-KKC on the Pikeville Division of the United States District Court for Eastern District of Kentucky, entered on March 7, 2018, in the case of the United States of America vs James Ed Scott, ETAl, the following described property will be sold to the highest and best bidder:

House and Lot located at 5051 Spurlock Creek, Prestonsburg, KY 41653, Floyd County KY Being the same property conveyed by Deed dated February 17, 1994, and in Deed Book 374, Page 264, in the Floyd County Clerk's Office
 Terms of Sale: Ten percent (10%) of the bid price (in the form of a Cashiers Check made payable to the U. S. Marshal) on the day of the sale with good and sufficient bond for the balance, bearing interest at the rate of 2.06% per annum until paid, due and payable in sixty (60) days and said bond having the effect of a Judgment. Upon a default by the Purchaser, the deposit shall be forfeited and retained by the U.S. Marshal as a part of the proceeds of the sale, and the property shall again be offered for sale subject to confirmation by the Court.
 This sale shall be in bar and foreclosure of all right, title, interest, estate claim, demand or equity of redemption of the defendant(s) and of all persons claiming by through, under or against them, provided the purchase price is equal to two-thirds of the appraisal value. If the purchase price is not equal to two-thirds of the appraised value, the Deed shall contain a lien in favor of the defendant(s) reflecting the right of the defendant(s) to redeem during the period provided by law (KRS 426.530). Under law, the purchaser is deemed to be on notice of all matters affecting the property of record in the local County Clerk's Office.
 Inquires should be directed to:
 Darwin E McGuire, Rural Development
 Paintsville, Kentucky
 Telephone: 606/789-3766 Ext 4



Pikeville resident killed in crash

A FLOYD CHRONICLE AND TIMES STAFF REPORT

The Kentucky State Police reports that a Pike County resident died in a

motorcycle crash in Floyd County last week.

Nicholas Bailey, 25, of Pikeville, died in a crash that occurred just after 3 p.m. on Friday, May 17,

on Ky. 122 in Printer.

According to the news release, Bailey lost control of the motorcycle he was driving and crossing into oncoming traffic,

and was then struck by an oncoming vehicle that came to rest in a ditch.

Bailey was pronounced dead at the scene.

Transportation Cabinet sues coal, gas companies over Ky. 1428 closure

A FLOYD CHRONICLE AND TIMES STAFF REPORT

The Kentucky Transportation Cabinet filed a lawsuit this month against the Elk Horn Coal Company and Nytis Exploration Company for allegedly causing a slide that closed Ky. 1428 in February.

The lawsuit, filed by Cabinet Staff Attorney Stacy D. Conley, claims the companies "created, constructed or caused to be constructed and/or allowed to exist," an encroachment defined as

having trees, debris, soil and other slide materials that caused the closure on Ky. 1428.

The lawsuit states that the encroachment is not allowed to remain on the roadway without a permit. It also claims the Cabinet asked the companies to remove it, but they "have failed and refused" to do so.

Conley included a copy of a Feb. 26 letter to Elk Horn Coal Corporation and the Nytis Exploration Company, reporting that an inspection of the area of the landslide "revealed that excavation

and fill activities on your property have resulted in a landslide, causing vast amounts of material" to be deposited on the state right-of-way. The letter said the company had 30 days to remove the encroachment after receiving official notification.

The lawsuit claims the issue causes the Cabinet to "suffer immediate and irreparable injury, loss and damage in that it is endangering the safety of the traveling public and for which (the Cabinet) has no adequate remedy at law."

The Cabinet seeks an

injunction ordering the companies to "immediately remove and repair" the encroachment or award damages to the Cabinet for the costs of removing it. It also seeks the court issue a permanent injunction requiring the companies to comply with state law that require permits for those who cause or continue to allow to remain in existence any encroachment on a state right-of-way.

The Cabinet's Highway District 12 Office in Pikeville reported that the road was partially reopened on May 14.

New DUI charge for man convicted of killing mother, unborn baby in 2001

BY CHRIS ANDERSON APPALACHIAN NEWSPAPERS

PIKEVILLE — A man convicted in connection with a 2001 crash that killed a mother and her unborn baby is facing a new DUI charge in Pike County.

According to court documents, Charles Christopher Morris Jr., 47 of Zebulon Highway, Pikeville, was arrested on May 13 at Meta after Kentucky State Police responded to a call of a vehicle in the ditch behind U.S. Bank. KSP Trooper Hoyt Smith wrote in court documents that he encountered Morris at Meta Mart and that Morris, who had been the operator of the vehicle found in the ditch, "appeared to be under the influence," and performed poorly on field sobriety tests.

Morris was charged with DUI and traffic charges in relation to the wreck and was lodged in the Pike County Detention Center. He was released after posting bond later in the day and is due in Pike District Court at 9 a.m. May 28.

Morris was convicted on two counts of manslaughter and a felony assault charge in 2001 following a crash at the U.S. 119-Town Mountain Road intersection in Pikeville that killed 22-year-old Veronica Jane Thornsbury, who was en route to then-Pikeville Methodist Hospital to give birth to her second child, a full-term baby daughter, Haley Natosha Thornsbury. According to court documents, Thornsbury's



Charles Morris

vehicle, which was being driven by her husband, Troy Thornsbury, attempted to turn onto Town Mountain Road when Morris, while exceeding the speed limit, drove through a stop light and crashed into the Thornsbury's vehicle. Veronica Thornsbury died in the crash. Her infant daughter was delivered in an ambulance on the way to the hospital following the wreck via an emergency cesarean section, but was stillborn. Autopsy reports indicated that both mother and infant daughter died due to head injuries from blunt force trauma. Troy Thornsbury was also injured in the crash, but survived.

Initially charged with two counts of murder, Morris eventually pleaded guilty to two counts of second-degree manslaughter and one count of first-degree assault. He was sentenced to concurrent 10-year pris-

on terms on each count and served less than seven years before being released on parole in July 2008.

Morris has a history of traffic violations in Pike County, including a DUI conviction, and other criminal charges. An examination of court documents by the News-Express shows that Morris was convicted on a DUI charge in 1996 and saw his license suspended for 30 days. He was also convicted in Pike District Court on DUI and traffic charges related to the fatal 2001 crash. He also has several traffic charges that were either resolved or dismissed in the late 1990s.

Morris was also convicted of a drug trafficking charge in relation to a 2009 indictment.

As Morris was released after posting bond on last week, he did not appear in Pike District Court for arraignment. The DUI charge levied

upon Morris was filed as first-offense DUI due to his not having had a DUI conviction within the past 10 years. Kentucky law currently does not allow DUI lookup past the previous 10 years.

Sally Adkins
Sally Adkins, 72, of Eastern, died Saturday, May 18, 2019.
Funeral services will be held Wednesday, May 22, at Hall Funeral Home, Martin.

Entombment will follow in Davidson Memorial Gardens, Ivel.

Arrangements are under the direction of Hall Funeral Home of Martin.

Freddie Conn
Freddie "Nut" Conn, 72, of Printer, died Friday, May 17, 2019.

Funeral services were held Monday, May 20, at Nelson-Frazier Funeral Home, Martin.

Burial followed in Halbert Cemetery, Printer.

Arrangements were under the direction of Nelson-Frazier Funeral Home of Martin.

Magaline Cooper
Magaline Cooper, 70, of Prestonsburg, died Sunday, May 19, 2019.

Visitation will be held at 6 p.m., Wednesday, May 22, at Nelson-Frazier Funeral Home, Martin.

Funeral services will be held at Thursday, May 23, at the funeral home.

Burial will follow in the Drift Cemetery, Drift.

Arrangements are under the direction of Nelson-Frazier Funeral Home of Martin.

Margaret Lea Horn
Margaret Lea Horn, 45, of Prestonsburg, died Thursday, May 16, 2019.

Funeral services were held Monday, May 20, at Nelson-Frazier Funeral Home, Martin.

Burial followed in the family cemetery, Middlecreek.

Arrangements were under the direction of Nelson-Frazier Funeral Home of Martin.

Forrest Dean Little
Forrest Dean Little, 74, of Melvin, died Wednesday, May 15, 2019.

Funeral services were held Sunday, May 19, at Burton Pentecostal Church, Bypro.

Burial followed in Buckingham Cemetery, Bevinsville.

Arrangements were under the direction of Nelson-Frazier Funeral Home of Martin.

Billy James Mullins
Billy James Mullins, 67, of Hi Hat, died Thursday, May 16, 2019.

Funeral services were held Monday, May 20, at Pilgrims Rest Olds Regular Baptist Church, Price.

Burial followed in Gethsemane Gardens, Prestonsburg.

Arrangements were under the direction of Nelson-Frazier Funeral Home of Martin.

Betty Jenelle Wellman
Betty Jenelle Wellman, 40, of Pikeville, died Thursday, May 16, 2019.

Funeral services were held Tuesday, May 21, at Nelson-Frazier Funeral Home, Martin.

Burial followed in the family cemetery, Pike County.

Arrangements were under the direction of Nelson-Frazier Funeral Home of Martin.

Clinton P. Ratliff
Clinton P. Ratliff, 60, of Allen, died Saturday, May 18, 2019.

Funeral services will be held at 11 a.m., Wednesday, May 22, at Nelson-Frazier Funeral Home, Martin.

Burial will follow in the Crager Family Cemetery, Hueysville.

Arrangements are under the direction of Nelson-Frazier Funeral Home of Martin.



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Bevin: Dajcor Aluminum to build in Eastern Kentucky

Canada-based supplier selects Perry County for first U.S. operation

**AN APPALACHIAN
NEWSPAPERS
STAFF REPORT**

HAZARD — Gov. Matt Bevin announced May 10 that Dajcor Aluminum Ltd., a Canadian manufacturer of extruded and fabricated aluminum products, plans to create up to 265 full-time jobs as it invests nearly \$19.6 million to locate its first U.S. operation near Hazard.

According to the December 2018 meeting minutes of the Kentucky Economic Development Finance Authority, which preliminarily approved \$4 million in tax incentives for this company, Dajcor's \$19 million project will create 30 jobs in its first year, 60 jobs in its second year, 230 jobs in its fifth year and 265 jobs in its 10th year of operations.

"We are excited for another major jobs announcement in Eastern Kentucky, where we have a strong, skilled workforce ready to serve any industry's needs," Bevin said in a statement. "Dajcor Aluminum has selected an excellent location for its first US operation and will be a great fit for the workforce in and around Perry County. We are grateful to Dajcor for their decision to locate in Kentucky, and we stand ready to help this company achieve its goals and continue its rapid growth."

"I think the skilled labor market that we have is what's so attractive, one of the best assets we have is our people and the skilled workforce that we have here," Perry County Judge-Executive Scott Alexander said. "We've done a lot of pre-tests and surveys for the qualifications and the skill market in aluminum parts manufacturing, machinists and those types of jobs, we have an amazing workforce here that's ready to go to work in those areas."

He said many people had a hand in bringing Dajcor to the area.

"This is just a total team effort with both the city and the county, the counties around us and the state and federal government working together to make things happen," said Alexander, "This project is the culmination of multiple efforts to prepare our community to win as well as great teamwork between local and regional leaders we welcome Dajcor to Perry County and look forward to helping them flourish."

Dajcor plans to locate in the former American Woodmark facility in Perry County's Coalfields Industrial Park. Retrofitting and setup will begin immediately and operations are slated to begin by the end of 2019.

"We hope to have a job fair in about a month and will hopefully start training people in a couple of months," said Alexander. "We hope to see the facility renovated and have an assembly line in towards the end of December or the first of the year."

"We are excited to get going on this expansion project for Dajcor," said Mike Kilby, president and CEO of Dajcor. "This project will not only expand our capacity but also our geographic reach as our first manufacturing facility in the USA. Perry County, in Eastern Kentucky, offers a ready workforce as well as excellent state-of-the-art fabrication training facilities within the area. This fits well with our 'All Under One Roof' aluminum extrusion and fabrication business model."

Dajcor, headquartered in Canada, was founded in 2010 after a group of businessmen purchased the assets of Daymond Aluminum, according to the statement from Bevin's office. The investors' mission, the statement said, was to restore the company to its pre-recession status as a widely recognized supplier of extruded, fabricated and anodized aluminum components to the US and Canadian markets. The company, which formerly served the automotive industry exclusively, has expanded to serve a range of markets, including renewable energy, medical equipment, transportation, building trades, military, marine, recreation and consumer-product industries.

The company, the statement said, prides itself on its family atmosphere, as highlighted in the company's name, which represents the initials of Kilby's daughters, Danielle, Alyssa and Justine. Dajcor currently employs 246 people at its Ontario operation.

U.S. Rep. Harold "Hal" Rogers said in the statement that Dajcor adds "new momentum" to economic revitalization efforts in Eastern Kentucky.

"As we continue to rebuild and reimagine our economy in Eastern Kentucky, we welcome businesses, like Dajcor Aluminum, that are taking an innovative approach to retrofit the available buildings and land in our region to create jobs and expand operations," Rogers said. "We have the best workforce in the country readily available to fill these new jobs, with highly skilled labor and an unmatched work ethic. Gov. Bevin and I are honored to support Dajcor Aluminum's expansion into Kentucky's Appalachian region."

The Kentucky Economic Development Finance Authority preliminarily approved the company for tax incentives up to \$4 million through the Kentucky Business Investment program in December. The performance-based incentive allows a company to keep a portion of the new tax revenue it generates over the agreement term through corporate income tax credits and wage assessments by meeting job and investment targets.

In addition, the statement said, Dajcor can receive resources from the Kentucky Skills Network, which offers no-cost recruitment and job placement services, reduced-cost customized training and job training incentives.

Company leaders plan to begin recruiting and hiring immediately. For more information, visit, EKCEP.org.

Here's what other local leaders had to say

State Sen. Brandon Smith, Hazard

"Dajcor Aluminum's investment in Perry County is not only an investment in our present, but our future. The employment opportunities for our skilled workforce will undoubtedly continue to strengthen our region, which has a deep commitment to family just as Dajcor does."

State Rep. Chris Fugate, Chavies

"This is exciting news for the people of the 84th District, but also our region of Southeastern Kentucky. I am very thankful to Dajcor for choosing to bring their company to a region where we have many people ready, willing and able to do a great job for them."

Hazard Mayor Donald "Happy" Mobellini

"Dajcor will create a tremendous impact for Hazard-Perry County as well as the entire region, employing folks from multiple counties. We are proud to have them locate here, investing in their future while also investing in the future of 260-plus families in our area."

Chuck Sexton, president and CEO of One East Kentucky

"Dajcor represents what our organization is focused on; building a diversified cluster of industry which will have the ability to perpetuate growth in the years to come. We are excited about what this project means for all of Eastern Kentucky and appreciate

the responsiveness and hard work of our local, state and federal officials to make this possible."

Perry County Judge-Executive Scott Alexander

"If it's good for Perry then it's good for Knott and if it's good for Breathitt then it's Good for Perry and we all need to partner and work together to bring the opportunities that our families need," said Alexander. He also commented on how this would help attract other opportunities to the region. "I think companies will look more and more to locate here for the workforce we have that's readily available," said Alexander, "I think word is getting out that we have a workforce who is ready to go and can be trained."

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Man asks judge for longer prison sentence

By CHRIS ANDERSON
APPALACHIAN NEWSPAPERS

PIKEVILLE — A former Pike County man convicted in a federal drug trafficking case last week shocked a federal judge when he asked for a longer prison sentence.

In U.S. District Court in Pikeville on May 14, Christopher E. Parsons, 35, of Left Fork, Toler, was sentenced by U.S. District Judge Karen Caldwell to serve a term of more than nine years months in prison after being convicted on federal charges of possession with intent to distribute schedule II controlled substances and possession of a firearm in furtherance of a drug trafficking crime. Caldwell also sentenced Parsons to serve five years of supervised release after his eventual release from prison. After Caldwell handed down the sentence including the supervised release, Parsons shocked the judge by requesting to service his entire sentence — the 111-month prison term and the five years of supervised release — in prison.

"I don't think you want to spend another five years in prison," Caldwell said to Parsons.

Parsons responded to Caldwell that he would not be successful in completing supervised release.

"I ain't going to make it on parole for five years," Parsons said.

Parsons was charged with trafficking in methamphetamine and other drugs. He was arrested in November 2017 after police executed a search warrant at his wife's residence and found him in possession of a firearm and several different types of drugs. According to statements made by the prosecution in the hearing, the weapon with which Parsons was found was loaded with armor-piercing ammunition.

Caldwell told Parsons following his request for a longer prison sentence that she would grant his request if she thought the Sixth Circuit Court of Appeals would uphold the sentence. Instead, she stuck with her initial sentence and told Parsons she would deal with him if he commits a violation of the law after being released from prison.

"Get out (of prison) and you'll go back and I'll give you the maximum sentence," Caldwell said.

Parsons' request came near the end of a sentencing hearing that saw him be successfully object to at least one aspect of the pre-sentence report filed prior to his sentencing.

Parsons' attorney, Joseph Lane, filed an objection to aspects of

the pre-sentence report. Parsons argued that, despite Assistant U.S. Attorney Jason Parman's argument in the pre-sentence report, he had not obstructed justice in the case. Parsons also argued that he should receive consideration in the sentencing process for "acceptance of responsibility," since he had pleaded guilty to the drug trafficking charge, thus saving the government time and resources in trying him on the charge. During the hearing, Parman referenced findings in the case detailed in the pre-sentence report indicating that Parsons has, indeed, obstructed justice.

According to the report, Parsons, while lodged in the Pike County Detention Center, made threats against police officers in the case. According to the report, Parsons spoke with several people, including his wife, while on a recorded line during visitation at the jail and instructed them to forward threats to kill or cause bodily harm to Pikeville Police detectives Virgil Ray and Scotty Hamilton. According to the report, Parsons characterized those threats as him simply "venting" with no overt acts accompanying them, but Parman argued that both Ray and Hamilton could have been called as witnesses during the prosecution of Parsons.

In the hearing, Parman also said Parsons threatened an informant in the case.

"He specifically threatened to kill, he names her by name, a confidential informant ..." Parman said.

Parman also said that, while lodged in the jail, Parsons threatened several other people, had fabricated a toothbrush into a weapon and threatened jail staff and had directed the movement outside of the jail of drugs and weapons while lodged in the jail. Parman argued that those factors showed that incarceration had not deterred Parsons from criminal activity, and he asked that a heavier sentence of 120 total months be levied upon Parsons, claiming that the sentencing guidelines for the crimes for which he was convicted did not take into account such overt acts of obstruction of justice.

"Jail did not deter," Parman said.

Caldwell ultimately overruled Parsons' objection to the details of the obstruction of justice, saying that the comments captured on the recorded conversations between Parsons' and his visitors were "disturbing." However, Caldwell sustained Parsons' objection to the portion of the pre-sentence re-

port regarding his acceptance of responsibility, effectively recognizing that Parsons did, in fact, take responsibility for the drug trafficking charge. Caldwell added, however, that sustaining that motion had no effect on the 111-month sentence that was ultimately handed down.

Caldwell also declined to make a formal finding on a request from Par-

sons to recognize that he did not cooperate with the prosecution in his case. Caldwell said the court record will reflect that Parsons did not cooperate.

In handing down a sentence in the case, Caldwell said there was little to justify a sentence on the lower side of the potential penalties Parsons faced.



Christopher Parsons

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MOUNTAIN BARGAIN HUNTER

KDFWR: 2019 Elk Draw a success

By ELAINE BELCHER
STAFF WRITER

Thousands of people focused on the Kentucky Department of Fish and Wildlife Resources' 2019 Elk Draw at the Mountain Arts Center in Prestonsburg Saturday, as names were drawn for three categories of state permits for elk hunting this fall.

Through video and in person, 594 hunters learned their names were selected for one of the highly-sought after permits.

"We received more than 80,000 applications this year for bull firearm, cow firearm and archery/crossbow permits to hunt elk this fall," said Richard Storm, commissioner of the KDFWR. "Out of that, there were 150 bull, 244 cow permit, 25 youth only and 175 crossbow and archery permits offered."

Storm said that 90 percent of the permits were issued to hunters in Kentucky with the remaining 10 percent offered to out-of-state applications.

"This is a once-in-a-lifetime opportunity," he said. "Hunting is open

to everyone — of every class, gender, financial circumstance, thanks to the foresight of people, who 25-years ago believed elk could return to the area. This is a victory for sportsman and hunters across the region to be able to have elk hunts — for the herd to grow big and strong enough to sustain the population and thrive enough to host these hunts. We are very happy for Eastern Kentucky."

According to information from the KDFWR website, elk hunting is broken down onto two-week periods per category: Bull (antlered) firearm hunting from Sept. 28 through Oct. 2 and Oct. 5 through Oct. 9; Cow (antler-less) firearm hunting from Nov. 30 through Dec. 4 and Dec. 28 through Jan. 1, 2020; archery and crossbow hunting is from Sept. 14 through Sept. 27 and Dec. 7 through Dec. 13. The limited 25 youth permits can be used per hunting category.

"Hunters who receive a permit this year are ineligible for future draws for three years," said Storm. "This is to give



Hunters and outdoor sports enthusiasts flocked to the Mountain Arts Center Saturday for the 2019 Elk Draw. Outdoor outfitters and hunting vendors set up in the lobby as interested attendees awaited the drawing of names for a permit to participate in this year's elk hunting season.

everyone a chance who wants one. So far there are only six people who have entered every year and not yet won - and who knows? This could be their year."

For more information visit the elk hunting link at, fw.ky.gov.



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¹ In Texas, the Auto Program is underwritten by Southern County Mutual Insurance Company, through Hartford Fire General Agency. Hartford Fire Insurance Company and its affiliates are not financially responsible for insurance products underwritten and issued by Southern County Mutual Insurance Company.

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McDowell resident faces felony charges after crash

A FLOYD CHRONICLE AND TIMES STAFF REPORT

A McDowell resident is facing several felony charges after he allegedly drove under the influence and crashed into a rescuer's truck, endangering the lives of first responders and law enforcement officials.

Marc (Mark) Frasure of McDowell was arrested on May 11 and charged with driving under the influence, two counts of first-degree wanton endangerment, one of which involved a police officer, first-degree criminal mischief, possession of an open alcoholic beverage in a moving vehicle and driving under the influence.

According to doc-

uments filed by Floyd County Sheriff Deputy Daren Lawson in Floyd District Court and a statement released by the Garrett Volunteer Fire Department, the incident occurred when Lawson and another deputy were working another non-injury collision at the top of Garrett hill on Ky. 80 on May 11.

Lawson alleges that Frasure came to the scene "at a high rate of speed, took out four construction barrels," and rear-ended a green Honda Civic and a truck that belonged to a Garrett Volunteer firefighter. A female who was in that truck was treated for minor injuries and released, the fire department reported.

Lawson reported that Frasure's vehicle "pushed" the Honda Civic until it was within five and 10 feet of him and the other deputy. The fire department reported that he drove "toward the first responders," and they were "able to stop the car for the driver."

The fire department reported, "Upon opening the door of the impaired driver they found him trying to take another drink of a pint of whiskey. Three other pints were found in his vehicle and he admitted to taking prescription painkillers before he drove."

Lawson also reported witnessing Frasure "trying to take a drink" of Jim Beam bourbon and he "grabbed it from his



Submitted photo

This truck, which belongs to a Garrett volunteer firefighter, was damaged during a May 11 crash on Ky. 80.

hand." Frasure entered a not guilty plea to these charges when he appeared in Floyd District

Court on Monday. District Judge Jimmy Marcum set his bond at \$3,000 cash and scheduled a preliminary hearing for Monday.

That hearing, however, was rescheduled for May 29.

U.S. 23 yard sale this weekend

A FLOYD CHRONICLE AND TIMES STAFF REPORT

The 12th Annual Country Music Highway 23 Yard Sale will take place over Memorial Day weekend in Eastern Kentucky.

The yard sale will span along U. S. 23 from Greenup County in the north to the Virginia border in the south, passing through Floyd, Johnson, Lawrence and surrounding counties.

It starts Thursday, May 23, continues on Friday, May 24, and Saturday, May 25. Vendors will be open from 8 a.m. to 5 p.m. each day.

Individuals can set up

to sell their goods along U.S. 23 or in close proximity of the highway, if they have permission of the property owner. No setups will be allowed on the Kentucky state highway right-of-way.

The Prestonsburg Merchants Network, an informal group of several businesses in downtown Prestonsburg, is hosting a "Block Party" sidewalk sale on the last day of the U.S. 23 Country Music Highway Yard Sale. That sidewalk sale will open at 5 p.m. on Saturday, May 25, and last through 9 p.m., with some businesses offering items at 75 percent off.

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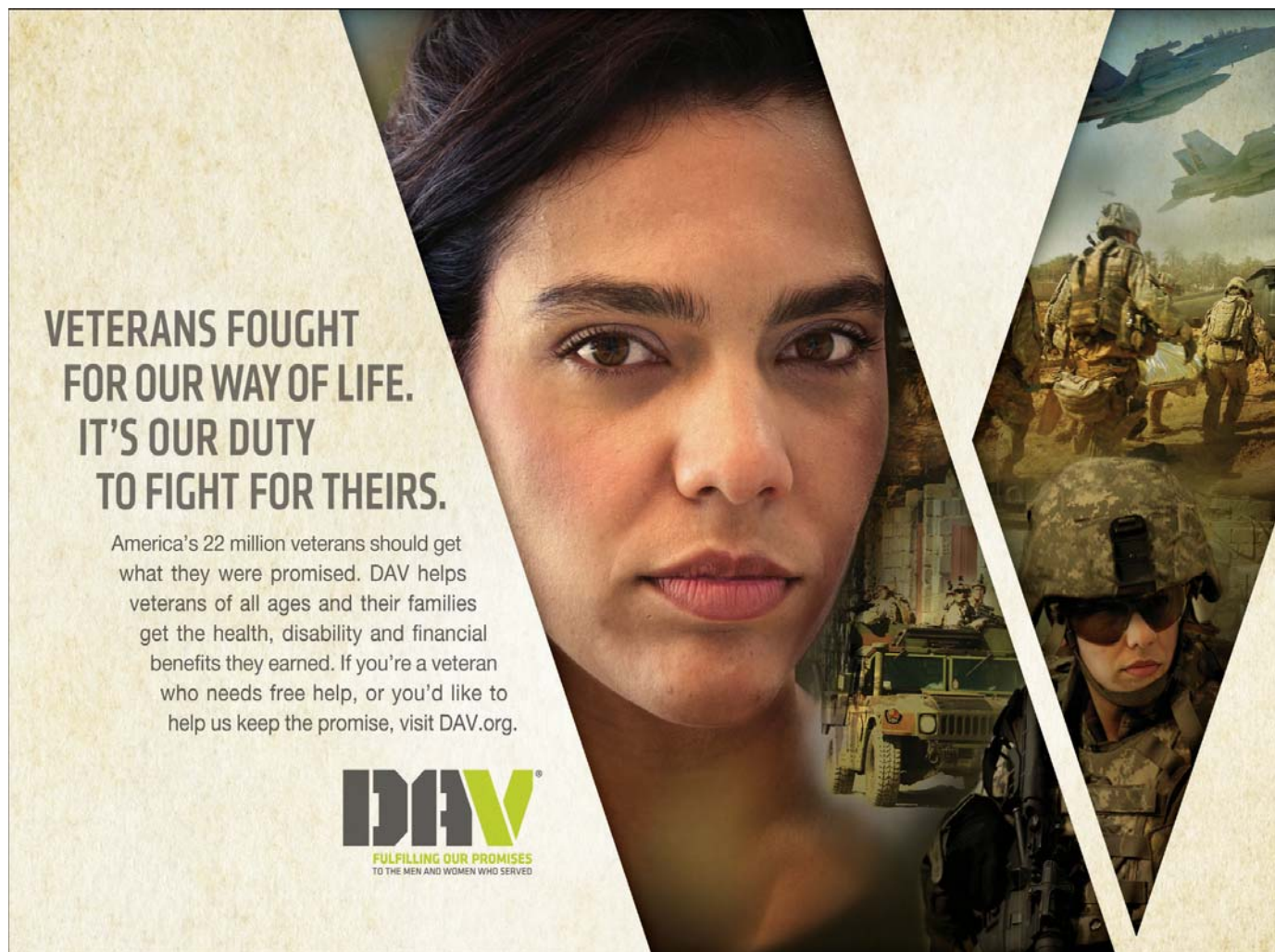
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Hundreds attend early childhood fair in P'burg

By **ELAINE BELCHER**
STAFF WRITER

The Floyd County Early Childhood Council held its annual "Helping Everyone Achieve Readiness Together" Early Childhood Fair Saturday at Big Sandy Community and Technical College in Prestonsburg, welcoming more than 200 parents and children over the course of the day.

Kids had the opportunity to meet Disney characters like Cinderella, Ariel, Elsa and Moana as well as the Tooth Fairy and Batman while parents snapped pictures and visited with 17 vendors for more information and resources about early childhood learning and kindergarten readiness.

"We are hoping to raise awareness for early childhood learning



The Floyd County Early Childhood Fair, hosted by the Floyd County Early Childhood Council through a grant from the Governor's Office for Early Childhood welcomed 102 parents and 101 children Saturday with a variety of games, activities and visits from Disney princesses and Batman to entertain the kids while parents explored information and resources from vendors.

Floyd Chronicle and Times photos by Elaine Belcher

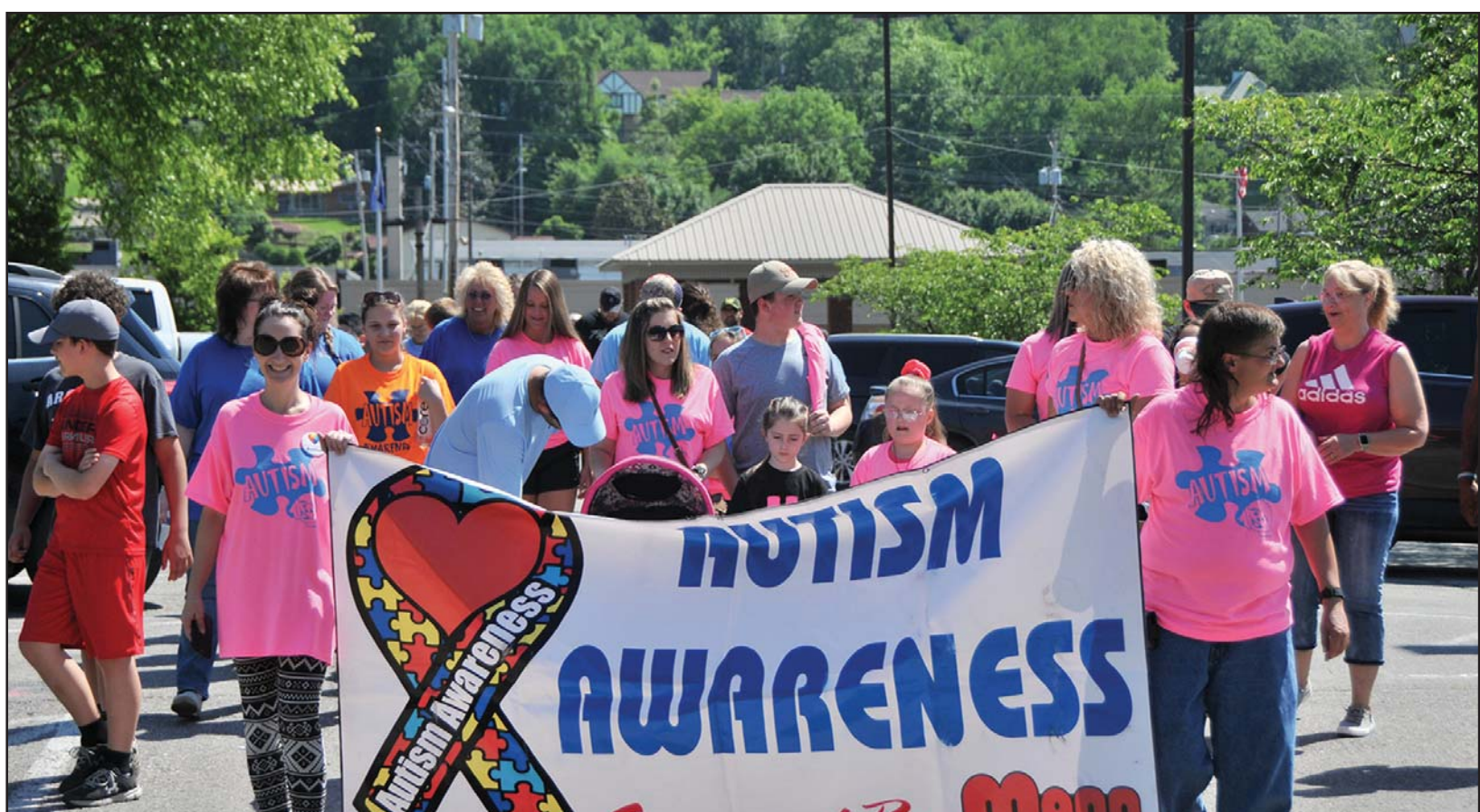
See FAIR, Page 3A



Autism Awareness Walk held

Approximately 70 people participated in the eighth annual Autism Awareness Walk, hosted by the East Kentucky Autism Awareness group in Prestonsburg on May 18. The event featured door prizes donated by about 70 businesses in Floyd and Pike counties, informational resources provided by the Kentucky Autism Training Center in Louisville and free food and refreshments prepared by the Prestonsburg Fire Department. Organizer Billie Chain started the walk when her sons Matthew and William, were nearly seven years old. Now they are nearly 15 and Chain said more people understand autism. More photos are available on Page 12A

Floyd Chronicle and Times photo by Mary Meadows



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Raising awareness about autism in Prestonsburg



Floyd Chronicle and Times photos by Mary Meadows
 Approximately 70 people participated in the eighth annual Autism Awareness Walk on May 18. The Prestonsburg Fire Department prepared free hot dogs for attendees.



FAIR Continued From Page 11A

and help show parents how basic everyday experiences can be used as life lessons for their kids," said Sharon Collins, chair of the Floyd County Early Childhood Council. "It is our mission to support families and increase family and caregiver understanding of their child's develop-

ment as they prepare their children for school and future success. Studies have shown that increased parent and family participation in their child's education leads to future success."

A special guest, Samantha Moore, with sons Tristan and 22-month old Kenneth Howard, arrived for a meeting with Batman, portrayed by John Buckland of the Heroes 4 Higher. Kenneth was

found Wednesday by volunteers from the Prestonsburg Fire Department and others after being missing for three days.

"We would like to thank our sponsors, Kentucky Educational Television, ARH McDowell, ARH Our Lady of the Way in Martin, Highlands Regional Medical Center, the City of Prestonsburg, Floyd County Schools District Head Start Program

and Big Sandy Community and Technical College for all their assistance to make today possible," said Collins. "Anyone interested in learning more about what they can do to encourage early childhood learning can attend our monthly meetings at 1 p.m. on the first Thursday of each month at the Floyd County Health Department, third floor conference room."

Community Events

Wednesday, May 22

•9:50 a.m.: Floyd County Fiscal Court will hold a special meeting in the fiscal courtroom, Prestonsburg.

Thursday, May 23

•5 p.m.: Floyd County tourism will meet in the fiscal courtroom, Prestonsburg.

•5:30 p.m.: Floyd County Agriculture/Phase 1 Council, Floyd County Extension Office.

Thursday, May 23 – Saturday, May 25

•8 a.m. to 5 p.m.: The 12th annual U.S. 23 Country Music Highway Yard Sale will be held in all counties connected to U.S. 23. Individuals may set up booths along U.S. 23. No setups permitted in state right-of-way areas.

Friday, May 24

•5 p.m. to 9 p.m.: The Prestonsburg Merchant's Network is hosting a Block Party sidewalk sale in downtown Prestonsburg, offering steep discounts.

Saturday, May 25

•8:30 a.m.: The first Levisa Fork Paddlefest of 2019 will begin in the park behind Billy Ray's Restaurant. (606) 886-1341

•Between 10 a.m. and 11 a.m.: The Veterans Coalition for Quality Healthcare and the Auxier Disabled American Veterans Post 18 will host a march for awareness of veteran suicide starting on Starfire Hill in Paintsville and ending at the intersection of Ky. 40 and Ky. 321. All local residents are invited to join the walk.

Goble celebrates 100 years



Submitted photo
 Cloyd J. Bumgardner, post grand master of the Masons Grand Lodge of Kentucky, presents a pin and congratulatory resolution to Jimmie Goble during his 100th birthday celebration at Riverview Healthcare last weekend.

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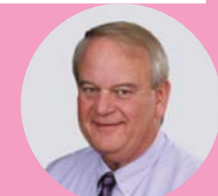
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Jaguars fall in district championship



BY STEVE LEMASTER
SPORTS WRITER

LOUISA — Floyd Central was held hitless as tournament host Lawrence County prevailed 9-0 in the 58th District baseball title game at Randy Keeton Field on Monday.

With the loss, Floyd Central dropped to 13-18.

Lawrence County improved to 32-5 with the win.

Both Floyd Central and Lawrence County advance to the 15th Region Baseball Tournament.

Four Lawrence County pitchers combined to throw a no-hitter. Lucas Maynard started on the mound and earned the pitching win for the Bulldogs. Maynard allowed zero hits and zero runs over three innings, striking out two and walking none.

CJ Fairchild, Tyler Maynard and Jacob Fletcher each put in work in relief out of the bullpen for the Bulldogs.

Floyd Chronicle and Times photo by Steve LeMaster

Floyd Central's Brady Jones heads to first base after connecting on a Lawrence County pitch in the 58th District Baseball Tournament title game.

See JAGUARS, Page 2B

58th District Softball Tournament: Lawrence, Floyd Central advance to title game

Lawrence County 18, Prestonsburg 1

Floyd Central 8, Betsy Layne 0

BY STEVE LEMASTER
SPORTS WRITER

LOUISA — Prestonsburg made some noise at the plate during its initial at-bat but couldn't limit its opponent as host Lawrence County pulled away to win 18-1 in three innings in the 58th District Softball Tournament Semifinals on Monday.

With the loss, Prestonsburg ended its season 12-20.

Lawrence County improved to 25-9 with the win.

The Lady Bulldogs took control early, plating 13 runs in the bottom half of the first inning.

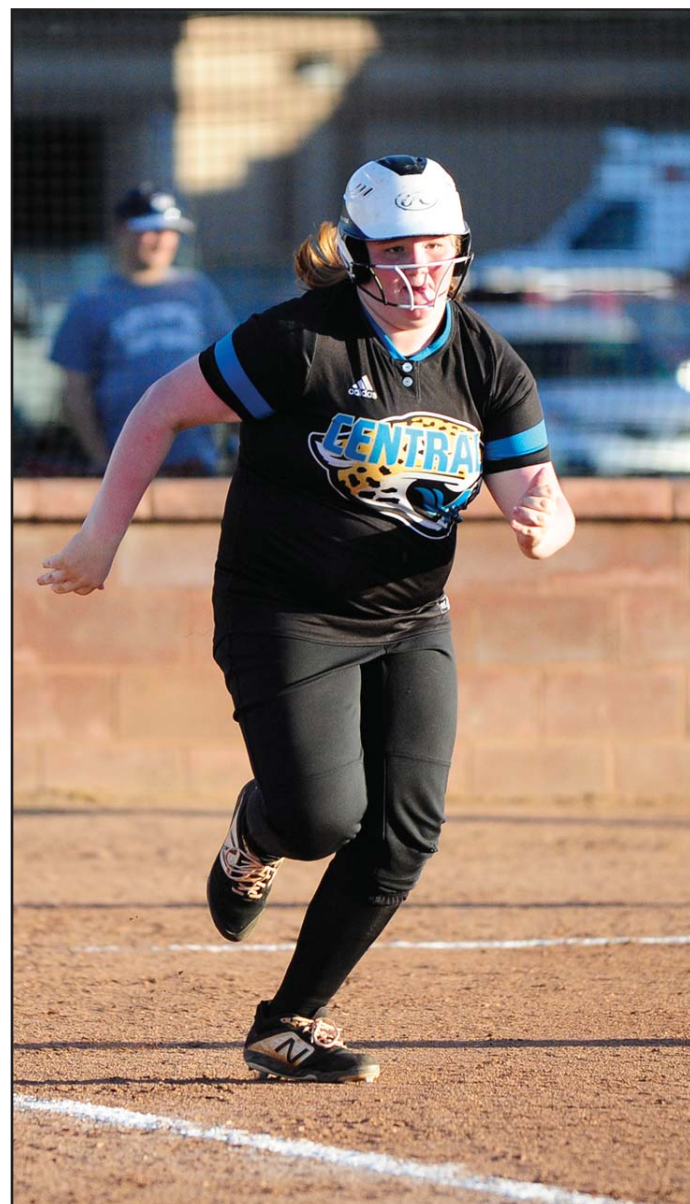
Allie Triplett started in the circle for Lawrence County and earned the pitching win. Triplett overcame a slow start to pitch well in the

See PRESTONSBURG, Page 3B



Floyd Chronicle and Times photo by Steve LeMaster

Prestonsburg's Katelyn Bingham swings at a pitch against Lawrence County. Bingham provided two hits for Prestonsburg in the district tournament game versus Lawrence County.



Floyd Chronicle and Times photo by Steve LeMaster

Floyd Central's Grace Martin heads to first base after connecting for a hit in the 58th District Softball Tournament Semifinals at Lawrence County High School on Monday.

BY STEVE LEMASTER
SPORTS WRITER

LOUISA — Floyd Central pulled away to win convincingly in the 58th District Softball Tournament at Lawrence County High School on Monday, blanking county rival Betsy Layne 8-0.

The victory pushed Floyd Central into the 58th District Softball Tournament title game.

With the win, Floyd Central improved to 12-16.

Betsy Layne ended its season 3-19 with the loss.

Floyd Central pitcher Ashley Bellamy pitched a complete game shutout and earned the win in the circle.

Betsy Layne starting pitcher Nicole Castle took the pitching loss.

The Lady Jaguars

See CENTRAL, Page 3B

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Bobcats no-hit

By STEVE LEMASTER
SPORTS WRITER

LOUISA — Betsy Layne fell behind early during the 58th District Baseball Tournament Semifinals and couldn't battle back. The Bobcats were held hitless as tournament host Lawrence County pulled away to win 10-0 in five innings on Saturday.

With the loss, Betsy Layne ended its season 9-18.

Lawrence County improved to 31-5 and advanced to the 58th District title game with the win.

Former state runner-up Lawrence County took the lead on a double in the first

inning. Betsy Layne struggled to contain the offensive-heavy Bulldogs, giving up an average of two runs per inning.

Lawrence County struck first in the opening inning. Tyler Maynard drove in a run for the Bulldogs in host team's initial plate appearance when he doubled.

Lawrence County freshman Bryce Blevins threw a no-hitter and earned the pitching win. Blevins allowed no hits and zero runs over five innings, striking out six and walking one.

Betsy Layne starter Byron Tackett suffered the pitching loss. Tackett surrendered 10 runs on nine hits over four and 1/3 in-

nings, striking out four.

Lawrence County plated 10 runs via nine hits. Maynard, Jackson Feltner and Hunter Crum each collected multiple hits for the Bulldogs. The productive Maynard drove in three of the Bulldogs' 10 runs.

Betsy Layne committed two errors in the season-ending loss.

Lawrence County advanced to face Floyd Central in the 58th District Baseball Tournament title game. In the other game played as part of the 58th District Baseball Tournament Semifinals, Floyd Central doubled up Prestonsburg 6-3.



Floyd Chronicle and Times photo by Steve LeMaster

Floyd Central second baseman Caleb Hager gets under a Lawrence County pop fly.

Jaguars double up Blackcats

By STEVE LEMASTER
SPORTS WRITER

LOUISA — Floyd Central persevered in the 58th District Baseball Tournament Semifinals over the weekend, doubling up rival Prestonsburg 6-3 on Saturday.

The victory allowed Floyd Central to advance to the 58th District Baseball Tournament title game.

With the win, Floyd Central improved to 13-17.

Prestonsburg concluded its season 7-23 with the loss.

The Jaguars scored

first and never trailed. Caleb Hager drove in one run when he tripled for Floyd Central in the opening inning. The Jaguars, under the direction of head coach Shawn Hager, led 6-0 at the conclusion of the third inning.

Chase Conley earned the victory on the mound for the Jaguars. Conley pitched four innings, allowing zero runs on one hit while striking out six and walking zero.

Another Floyd Central pitcher, Matt Combs, threw three innings in relief out of the bullpen. Combs recorded the last

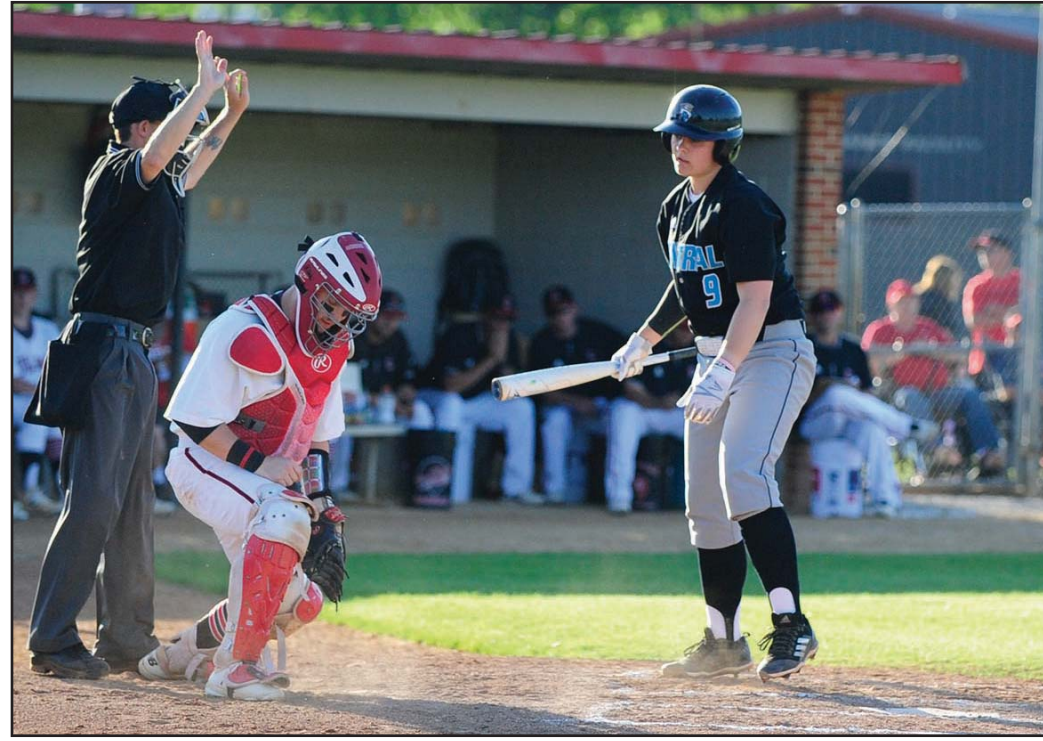
nine outs to notch the save.

Prestonsburg pitcher Graham Burchett absorbed the loss. Burchett surrendered six runs on seven hits over five innings, striking out five.

Floyd Central outthit Prestonsburg 8-4. Hager, Conley and Blake Slone paced Floyd Central with two hits apiece.

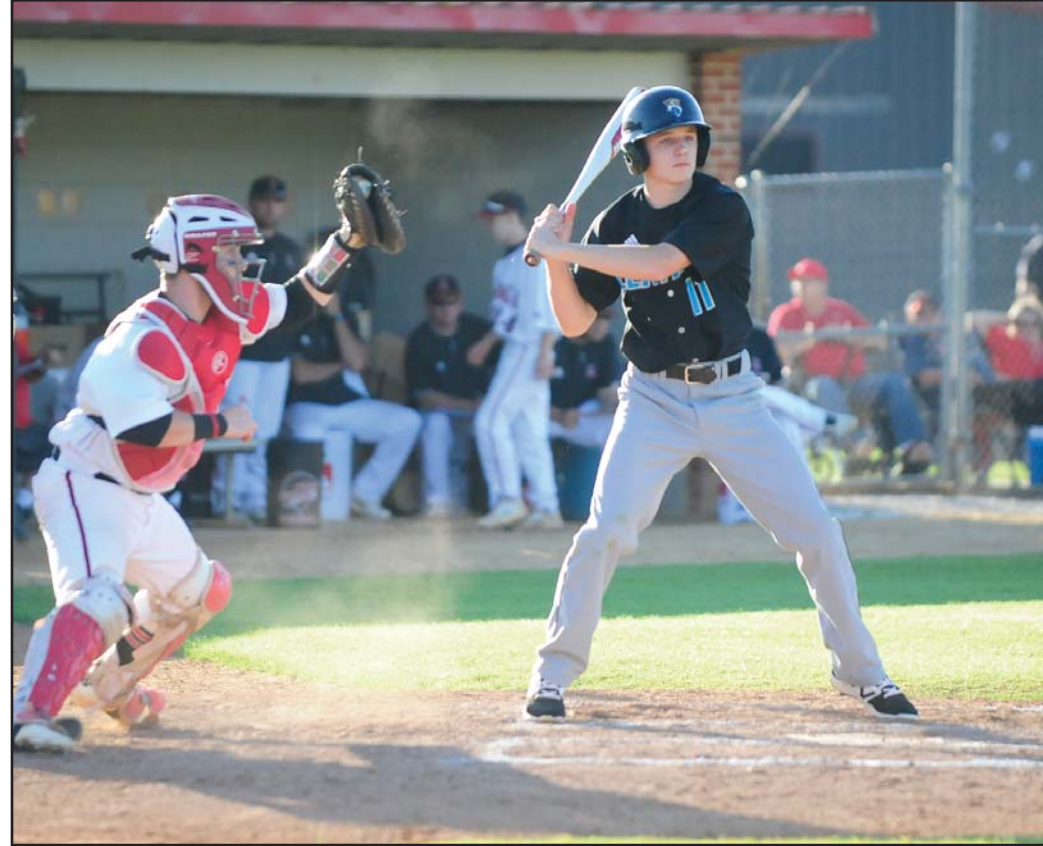
Burchett went two for three at the plate to lead Prestonsburg in the hits column.

Each 58th District baseball team committed four errors.



Floyd Chronicle and Times photo by Steve LeMaster

Floyd Central's Noah Marcum gets ready to walk to first after getting hit by a Lawrence County pitch.



Floyd Chronicle and Times photo by Steve LeMaster

Jaguar Brayden Hamilton takes a Lawrence County pitch.

JAGUARS

Continued From Page 1B

Floyd Central starting pitcher Matt Combs took the pitching loss. Combs

surrendered five runs on four hits over two innings.

Lawrence County plated nine runs via 10 hits. Fairchild and Tyler Maynard led Lawrence

County with three hits apiece. Tyler Maynard drove in four of the Bulldogs' nine runs. Fairchild doubled twice and legged out a triple as part of Lawrence County's winning effort. Along with Fairchild, Tyler Maynard and Feltner tripled for the Bulldogs.

Combs, Caleb Hager, Braxton Turner, Brady Jones and Noah Marcum each reached base once for Floyd Central in the setback.

In addition to Lawrence County and Floyd Central, the 15th Region Baseball Tournament will include Belfry, Johnson Central, Paintsville, Pike Central, Pikeville and Shelby Valley. Floyd Central will start hosting the 15th Region Baseball Tournament on Saturday, May 25.

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Floyd Chronicle and Times photo by Steve LeMaster
Floyd Central's Brook Stumbo slides safely into second base. Betsy Layne short-stop Lauryn Watkins is pictured defending.



Floyd Chronicle and Times photo by Steve LeMaster
Floyd Central's Chelsea Johnson swings at a pitch against Betsy Layne during the 58th District Tournament.



Floyd Chronicle and Times photo by Steve LeMaster
Betsy Layne catcher Hannah Hamilton tracks down a wild pitch.

CENTRAL

Continued From Page 1B

set the tone early, scoring three runs on five hits in the opening inning.

In the nightcap of the 58th District Softball Tournament on Monday, homestanding Lawrence County defeated Prestonsburg 18-1 in three innings.

Floyd Central will face tournament host Lawrence County in the 58th District Softball Tournament title game at 6:30 p.m. on Wednesday.



Floyd Chronicle and Times photo by Steve LeMaster
Prestonsburg's Alison Campbell stands in at the plate during the Lady Blackcats' game against host Lawrence County in the 58th District Softball Tournament Semifinals on Monday.

PRESTONSBURG

Continued From Page 1B

postseason high school softball matchup.

Prestonsburg starter Megan Music suffered the pitching loss.

Lawrence County outhit Prestonsburg

9-3. Savannah Wright led Lawrence County two for three with five RBIs.

Contributing at the plate for Lawrence County, Abby Fletcher and Lillian Kinser added three RBI and two RBIs, respectively.

Katelyn Bingham accounted for two of Prestonsburg's three hits. Alison Campbell added the Lady Blackcats' other hit.

Struggling defensively, Prestonsburg committed five errors in the season-ending loss.

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EMAIL: eburchett@floydct.com

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FAX: (606) 437-4246

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TO OUR READERS

PUBLISHER'S NOTICE

All real estate advertising in this newspaper is subject to the Fair Housing Act which makes it illegal to advertise "any preference, limitation or discrimination on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination." Familial includes children under the age of 18 living with parents or legal custodians, pregnant women and people securing custody of children under 18. This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis. To complain of discrimination, call HUD



toll-free at 1-800-669-9777. The toll-free number for the hearing impaired is 1-800-927-9275.

POLICIES

The *Floyd County Chronicle and Times* reserves the right to edit, properly classify, cancel or decline any ad. We will not knowingly accept advertising that discriminates on the basis of sex, age, religion, race, national origin or physical disability.

PLEASE CHECK YOUR AD

Please read your ad the first day it appears in the *Floyd County Chronicle and Times*. Report any errors immediately and we will gladly correct any errors published. Credit will be issued for one (1) day only. After the first day the ad can be corrected for the remaining number of runs, but credit will not be issued for days ad ran incorrectly.

PERSONAL AD POLICY

Ads will be printed at publisher's discretion. Publisher not responsible for results, parties responding to or placing ads.

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BRANHAM HEIGHTS APTS. Wheelwright KY is accepting applications for 1BR apartments. (606)452-4777 Monday- Wednesday 8am - 4pm.



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HOUSES FOR RENT



CUTE 2BR HOUSE central heat/air located on US 23 between Pikeville and Prestonsburg. No pets. \$500 plus deposit. 859-533-7173

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HOUSES FOR SALE

HOUSE FOR SALE 3-4BR, 2BA, almost new, very nice neighborhood. Secluded but close to Prestonsburg. Offers and partial trade considered. 606-889-0199.

EMPLOYMENT OPPORTUNITY

CARL D. PERKINS Job Corps Center in Prestonsburg, KY has a TEAP Position Open; **TEAP Specialist** Job Summary: Develops and implements Trainee Employee Assistance Programs, which includes assessment, intervention, counseling, relapse prevention and education. Qualification and Experience: Bachelor's Degree with an active, unrestricted income and/or certification in accordance with state regulations to practice as an independent practitioner in Kentucky. Valid Driver's license. CADA, Certified Alcohol and Drug Counselor. Please forward resume to Haywood.Debbie@jobcorps.org

WANTED EXPERIENCED LEGAL ASSISTANT OR PARALEGAL. Ability to handle fast paced work environment. Computer skills including Word and Outlook. Typing speed of at least 55 words per minute. Excellent Wage. Send resumes to: **Human Resources P.O. Box 351 Pikeville KY 41502**

LEGALS

NOTICE OF INTENTION TO MINE Pursuant to Application Number 836-5681 (Renewal)

(1) In accordance with KRS 350.055, notice is hereby given that The Elk Horn Coal Company, LLC, 544 South Lake Drive, Prestonsburg, KY 41653 has applied for a renewal of a surface area, auger and underground mining permit which is located 2.3 miles south of Eastern in Floyd County. (2) The operation is approximately 2.0 miles south of KY Route 80's junction with Goose Creek Road and located 0.02 miles south of Goose Creek. (3) The operation is located on the Wayland U.S.G.S. 7 1/2 minute quadrangle map. The operation includes surface area, auger and underground mining. The permitted surface area is owned by The Elk Horn Coal Company, LLC. The operation will underlie property owned by George Ousley, Willie Jr. & Rebecca Conley, James E. Patton, Robert Allen, Brent Allen, Appalachian Land Company and Er-

LEGALS

ma Gayheart. (4) The application has been filed for public inspection at the Department for Surface Mining Reclamation and Enforcement's Hazard Regional Of-

LEGALS

fice, 556 Village Lane, P.O. Box 851, Hazard, KY 41702. Written comments, objections or requests for a permit conference must be filed with the Director of the Divi-

LEGALS

sion of Permits, 300 Sower Boulevard, Frankfort, KY 40601.

NOTICE OF INTENTION TO MINE Pursuant to Application

LEGALS

Number 836-8079 Renewal No. 7 In accordance with KRS 350.055, notice is hereby given that Spurlock Mining, LLC, 3228 Summit Square Place,

LEGALS

Suite 180, Lexington, Kentucky 40509 has applied for renewal of a permit for an existing coal processing facility, refuse disposal, underground, and contour and auger

APPLICATIONS BEING ACCEPTED for 1,2,3 & 4 Bedroom Apartments

Located in Prestonsburg is Highland Heights Apartments in Goble Roberts addition and Cliffside Apartments on Cliff Road. Rent is based on gross monthly income. All utilities included at Highland Heights and a utility Allowance at Cliffside. Learning centers at both sites with computers available. For more information, call Highland Heights at 606-886-0608 and Cliffside at 606-886-1819, TDD: 1-800-648-6056 or 711 or come by the offices for an application.

Highland Heights and Cliffside Apartments do not discriminate in admission or employment in subsidized housing on account of race, color, religion, gender, national origin, disability or familial status.

APPLICATIONS BEING ACCEPTED for 1-Bedroom Apartments for Persons 62 and older

Located on Mays Branch in Prestonsburg. All utilities included, rent is based on gross monthly income. Several activities such as line dancing, crafts, church services, hair salon. Furnished with stove, refrigerator, emergency alarm system and air conditioner. For more information, please call Highland Terrace at 606-886-1925, TDD: 1-800-648-6056 or 711 or come by the office for an application.

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FIRST MONTH FREE

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Contact (606) 794-1463



LEGALS

and reclamation mining operation located 1.90 mile southeast of Printer in Floyd County. The proposed operation will disturb 323.81 surface acres. The proposed operation is approximately 1.4 miles southeast from KY Route 122's junction with KY Route 2030 and located 0.004 miles northeast of Spurlock Creek. The operation is located on the Harold USGS 7 1/2 minute quadrangle. The operation will use the surface area, surface contour, surface auger and underground methods of mining. The surface area to be disturbed is owned by Blackhawk Mining, Dave Coleman, Bruce and Elizabeth Coleman, Jeff and Judith Gayheart, and Charles and Dorothy Meade Heirs (Glenna a n d Taylor Slone, Velma Miller, Roger and Faye Meade, James W. Meade, Alesia Meade, Tammy Meade Ensslin, Kimberly D. Meade, Robert Slone, Stacy Slone Williams, Charles B. Slone, Barbara Meade Parsons, Roger W. Meade, John M. Meade, Mary T. McCallister, Dorothy A. Sword). The application has been filed for public inspection at the Division of Mine Reclamation and Enforcement's Hazard Regional Office, 556 Village Lane, P.O. Box 851, Hazard, Kentucky 41702. Written comments, objections or requests for a permit conference must be filed with the director, Division of Mine Permits, 3 0 0 Sower Boulevard, Frankfort, Kentucky 40601.

LEGAL NOTICE

THIS NOTICE IS DIRECTED TO THE FOLLOWING INDIVIDUALS: Thomas Jefferson Allen; Unknown Spouse of Thomas Jefferson Allen; Henry Lewis Allen, Jr.; Unknown Spouse of Henry Lewis Allen, Jr.; Emily Allen Gardner; Unknown Spouse of Emily Allen Gardner; Martha Allen; Unknown Spouse of Martha Allen; Patricia Rattan; Unknown Spouse of Patricia Rattan; Ronald N. Allen; Unknown Spouse of Ronald N. Allen; Kathryn Magren; Unknown Spouse of Kathryn Magren; Heirs, Devises, Legatees and Unknown Spouses of Heirs, Devises and Legatees of Thomas Jefferson Allen; Heirs, Devises, Legatees and Unknown Spouses of Heirs, Devises and Legatees of Henry Lewis Allen, Jr.; Heirs, Devises, Legatees and Unknown Spouses of Heirs, Devises and Legatees of Emily Allen Gardner; Heirs, Devises, Legatees and Unknown Spouses of Heirs, Devises and Legatees of Martha Allen; Heirs, Devises, Legatees and Unknown Spouses of Heirs, Devises and Legatees of Patricia Rattan; Heirs, Devises, Legatees and Unknown Spouses of Heirs, Devises and Legatees of Ronald N. Allen; Heirs, Devises, Legatees and Unknown Spouses of Heirs, Devises and Legatees of Kathryn Malgren; Heirs, Devises, Legatees and Unknown Spouses of Heirs, Devises and Legatees of Alan Howell and Donna F. Howell vs. Thomas Jefferson Allen and Unknown Spouse; Henry Lewis Allen, Jr. and Unknown Spouse; Emily Allen Gardner and Unknown Spouse; Martha Allen and Unknown Spouse; Patricia Rattan and Unknown Spouse; Ronald N. Allen and Unknown Spouse; Kathryn Malgren and Unknown Spouse; and Heirs, Devises, Legatees and Unknown Spouses of Heirs, Devises and Legatees of Thomas Jefferson Allen and Unknown Spouse, Henry Lewis Allen, Jr. and Unknown Spouse, Emily Allen Gardner and Unknown Spouse, Martha Allen and Unknown Spouse, Patricia Rattan and Unknown Spouse, Ronald N. Allen and Unknown Spouse, and Kathryn Malgren and Unknown Spouse, and Floyd County, Kentucky. The action is titled Petition for Sale of Jointly

LEGALS

Spouses of Heirs, Devises and Legatees of Unknown Spouse of Henry Lewis Allen, Jr.; Heirs, Devises, Legatees and Unknown Spouses of Heirs, Devises and Legatees of Emily Allen Gardner; Heirs, Devises, Legatees and Unknown Spouses of Heirs, Devises and Legatees of Martha Allen; Heirs, Devises, Legatees and Unknown Spouses of Heirs, Devises and Legatees of Patricia Rattan; Heirs, Devises, Legatees and Unknown Spouses of Heirs, Devises and Legatees of Ronald N. Allen; Heirs, Devises, Legatees and Unknown Spouses of Heirs, Devises and Legatees of Kathryn Malgren; Heirs, Devises, Legatees and Unknown Spouses of Heirs, Devises and Legatees of Alan Howell and Donna F. Howell vs. Thomas Jefferson Allen and Unknown Spouse; Henry Lewis Allen, Jr. and Unknown Spouse; Emily Allen Gardner and Unknown Spouse; Martha Allen and Unknown Spouse; Patricia Rattan and Unknown Spouse; Ronald N. Allen and Unknown Spouse; Kathryn Malgren and Unknown Spouse; and Heirs, Devises, Legatees and Unknown Spouses of Heirs, Devises and Legatees of Thomas Jefferson Allen and Unknown Spouse, Henry Lewis Allen, Jr. and Unknown Spouse, Emily Allen Gardner and Unknown Spouse, Martha Allen and Unknown Spouse, Patricia Rattan and Unknown Spouse, Ronald N. Allen and Unknown Spouse, and Kathryn Malgren and Unknown Spouse, and Floyd County, Kentucky. The action is titled Petition for Sale of Jointly

LEGALS

Owned Property For Indivisibility and therein it alleges that, pursuant to deed dated January 10, 2019, of record at Deed Book 642, Page 661, in the office of the Floyd County Clerk, the Petitioners have acquired and own at least a 3/4 undivided interest in and to a certain tract of land in which the above-identified respondents collectively own the remaining undivided interest. The subject property is described as lying on Gas Fork of main Beaver Creek near the City of Allen in Floyd County, Kentucky, and more particularly described as follows: "All that certain tract of land, all minerals thereon, and all improvements located thereon, which J.W. Hatcher and Emma May Hatcher or either of them held, owned, was entitled to or died seized of, situate on the waters of Big Sandy River and Beaver Creek, in the Precinct of Mouth of Beaver, Floyd County, and State of Kentucky, containing ___ acres, more or less, bounded and described as follows: On the North by lands of Sam Hatcher, on the East by lands of Beaver Creek Coal Company, on the South by lands of Beaver Creek Coal Company, on the West by lands of Beaver Creek Coal Company and Martha Leslie." Less and Except, the Grantor hereby reserves, retains and excepts unto Grantor, his heirs, successors-in-title and assigns, his interest in the mineral estate (oil, gas, coal ignite, ores, metals, and/or other minerals) of the subject property." The Petition alleges that the subject property is identified by the Floyd County PVA as Parcel Nos. 062-70-14-005.00, 062-00-00-030.00, 062-00-00-036.00, 062-00-00-035.00 and 062-00-00-039.00, that there may be *ad valorem* taxes due and owing Floyd County, Kentucky, against the property, and that physical division of the property is impractical. The Petition requests entry of an Order directing the Master Commissioner to sale the property, as a whole, and for the proceeds of sale be used to pay the costs of the action, including Master Commissioner's fees and costs of sale, any taxes due against the property, reasonable attorney's fees incurred by plaintiffs in bringing suit, and that the remaining balance of proceeds be pro-rated and distributed among the parties according to their respective interests in the property. If you are one of

LEGALS

the persons to whom this notice is addressed, you may obtain a complete copy of the Petition with all attachments thereto from the Floyd Circuit Clerk's Office,

LEGALS

which more particularly describes the allegations made and relief requested. BE FURTHER ADVISED THAT YOUR TIME TO RESPOND IS LIMITED. Unless you request

LEGALS

and obtain an extension of time from the Floyd Circuit Court, your deadline to file a written Answer to the Petition in the Floyd Circuit Clerk's Office is currently June 06, 2019. If

LEGALS

you fail to assert or defend any right or interest that you might claim in the property by filing an Answer on or before the deadline, then the Court may proceed to enter judgment

LEGALS

granting Plaintiffs the relief they have requested and/or barring you from asserting any further interest in the subject property. Clyde Combs, Jr., Esq.

LEGALS

Warning Order Attorney 112 West Court Street, Suite 201 Prestonsburg, KY 41653



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Best of the BEST

Vote for your favorite businesses, people, food & places!

Simply fill in the names of businesses, persons, places and organizations in the spaces provided below and mail them to the Floyd County Chronicle office in care of "Best of the Best," PO Box 802, Pikeville, KY 41502. We will tabulate the results and present the winners with certificates showing your appreciation of their services. Results will be published in the Friday, June 28, 2019 edition.

All entries must be received by Friday, May 23, 2019.

Best Business*

- After Hours Clinic
- ATV Sales
- Automobile Dealership
- Auto Repair
- Bank
- Barber Shop
- Body Shop
- Bridal/Prom Shop
- Cable Provider
- Cellular Phone Service
- Construction Company
- Daycare
- Department Store
- Dental Office.....
- Drug Store.....
- Electronics Store
- Eyeglasses
- Fitness Center
- Floor Coverings
- Florist
- Funeral Home
- Furniture
- Gas Station
- Hardware
- Heating & Cooling
- Hospital
- Insurance Agency
- Internet Provider
- Jewelry Store
- Kitchen & Bath Design
- Law Firm
- Lawn Care Services ...
- Loan Company
- Metal Roofing
- Mobile Home Sales
- Nail Salon
- Pest Control
- Radio Station
- Realty Office
- Security
- Shoe Store
- Storage
- Supermarket
- Telephone Company ..
- Tires
- Vapor Shop
- Weight Loss

Best Food

- Atmosphere
- Bakery
- Best Food for the \$
- Biscuits
- Breakfast
- Chicken
- Chicken Nuggets
- Chili
- Chinese Restaurant ..
- Coffee
- Delivery
- Dessert
- Drive-Thru
- Hamburgers
- Home Cooking
- Hot Dogs
- Mexican Restaurant ..
- Milkshake
- Pizza
- Sandwiches
- Seafood
- Service
- Steaks
- Soft Drink (Brand)....

Best People**

- Attorney.....
- Firm.....
- Bank Teller.....
- Bank.....
- Beautician
- Salon.....
- Boss.....
- Company.....
- Car Salesperson
- Company
- Cashier.....
- Store.....
- Chiropractor.....
- Company
- Coach.....
- Team.....
- Coal Miner
- Company
- Dentist.....
- Company
- Doctor
- Company

- Firefighter.....
- Department.....
- Funeral Director.....
- Company
- Greeter/Hostess.....
- Company
- Insurance Agent.....
- Agency.....
- Jeweler.....
- Store.....
- Massage Therapist ...
- Company
- Mechanic.....
- Company
- Nurse.....
- Hospital/Office.....
- Optometrist
- Hospital/Office.....
- Pediatric Dentist.....
- Company
- Pharmacist
- Company
- Photographer.....
- Company
- Police Officer.....
- Agency.....
- Politican.....
- Real Estate Agent.....
- Agency.....
- School Teacher.....
- School.....
- School Teacher Aide..
- School
- Secretary
- Company
- Waiter
- Restaurant
- Waitress
- Restaurant

Best Places

- College
- Musical Theater
- To fish
- To go on a Saturday night
- To work

★ PLEASE STATE ADDRESS IF A BUSINESS HAS MULTIPLE LOCATIONS.

**Please specify address if business has more than one location. **Please identify business for accurate identification.*

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