

STATE OF OHIO, TUSCARAWAS COUNTY
IN THE COURT OF COMMON PLEAS
(CONSERVANCY DISTRICT)

FILED
COURT OF COMMON PL
TUSCARAWAS COUNTY

2006 APR -6 P 4:

ROCKNE W. CLARKE
CLERK OF COURTS

IN THE MATTER OF THE : CASE NO. 21669
MUSKINGUM WATERSHED : 2003 CV 06 0347
CONSERVANCY DISTRICT :

 : **JUDGMENT ENTRY**

These matters were considered on 4/6/2006 by the Three Judge Panel, appointed under law, and charged with jurisdiction of the hearings on the **Exceptions** filed regarding the Conservancy Appraisal Record.

The Three Judge Panel

FINDS that this Panel has appointed Magistrates under **R.C. 6101.33**.

FINDS that it is appropriate for the Panel to provide guidance to the Magistrates regarding the procedures for conducting the **Exception** hearings.

It is therefore

ORDERED, ADJUDGED AND DECREED that under **R.C. 6101.33**, the appointed Magistrates are instructed as follows:

- ◆ To make a record of each Hearing on **Exceptions**.

- ◆ To file the record with the Conservancy Division Court.
- ◆ To make Findings and Recommendations to the Conservancy Division Court for each Exception heard.
- ◆ To exercise the usual powers invested in Magistrates under Ohio Law.
- ◆ To make use of any abstracts, title certificates, title reports, or other information that the Conservancy District has relative to any of the properties at issue and to make such information part of the record.
- ◆ To limit the hearings conducted in a particular County to evidence presented by property owners whose Exceptions relate to property located within the County and the testimony and other evidence presented by the Conservancy District.
- ◆ To admit into or exclude from evidence any factual or legal Exceptions presented, as deemed appropriate.
- ◆ To receive any evidence contesting or supporting the methodology of the Conservancy Appraisal Record and its application to any specific property.

IT IS SO ORDERED.

Edward Emmett O'Farrell
Edward Emmett O'Farrell, Presiding Judge

Jane Bond 4-6-06
Jane Bond, Judge

David A. Ellwood 4-6-2006
David A. Ellwood, Judge

EO/FAH