

1 STATE OF INDIANA)
) SS:
2 COUNTY OF MONROE)
3

4 IN THE CIRCUIT COURT OF MONROE COUNTY

5 CAUSE NO. 53C06-2203-PL-000509

6 COUNTY RESIDENTS AGAINST ANNEXATION,)
 INC., an Indiana not for profit)
7 corporation, et al.,)
)
8 Remonstrators/Appellants/Petitioners,)
)
9 -vs-)
)
10 THE COMMON COUNCIL of the City of)
 Bloomington, Monroe County, Indiana,)
11 et al.,)
)
12 Respondents.)
13

14 DEPOSITION OF CHERYL SCISCOE

15
16 The deposition upon oral examination of
17 CHERYL SCISCOE, a witness produced and sworn before
 me, Janine A. Ferren, RMR, CRR, CSR-IL No. 84-4852,
18 Notary Public in and for the County of Hamilton,
 State of Indiana, taken on behalf of the
 Respondents, at the offices of Bloomington City
19 Hall, 401 North Morton Street, Bloomington, Monroe
 County, Indiana, on the 1st day of March 2024,
20 scheduled to commence at 9:00 a.m., pursuant to the
 Indiana Rules of Trial Procedure with written
21 notice as to time and place thereof.
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APPEARANCES

FOR THE REMONSTRATORS/APPELLANTS/PETITIONERS:

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ALSO PRESENT:

Margaret Clements

INDEX OF EXAMINATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page

DIRECT EXAMINATION5
 Questions by Andrew M. McNeil

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX OF EXHIBITS

Previously Marked Exhibits:	Page
Exhibit 28 - Amended and Supplemented Answers of County Residents Against Annexation, Inc. to City of Bloomington's Interrogatories	19

1 (Time noted: 8:58 a.m.)

2 CHERYL SCISCOE,
3 having been duly sworn to tell the truth, the whole
4 truth, and nothing but the truth relating to said
5 matter, was examined and testified as follows:

6

7 DIRECT EXAMINATION,

8 QUESTIONS BY ANDREW M. McNEIL:

9 Q State your name for the record, please.

10 A Cheryl Sciscoe.

11 Q Ms. Sciscoe, my name is Andrew McNeil. We met
12 briefly off the record. I'm one of the
13 attorneys for the City of Bloomington and the
14 annexation remonstrance case.

15 Have you ever been through a deposition
16 before?

17 A I have.

18 Q How many times?

19 A Once.

20 Q When was that?

21 A In Maryland back in 1989, 1990.

22 Q What was the nature of the --

23 A Divorce.

24 Q So you've been through the process. Just the
25 limited basic ground rules are, I'm going to ask

1 you a series of questions, and it's your
2 responsibility to answer them as completely and
3 as truthfully as you can. Do you understand
4 that?

5 A Yes.

6 Q If you don't understand my question, will you
7 let me know?

8 A Yes.

9 Q If you need to have a question repeated or
10 rephrased, will you let me know that too?

11 A Yes.

12 Q Our goal is to get this done in 45 minutes or
13 less. If you need to take a break for any
14 reason, just let me know and we will see what we
15 can do to accommodate that request.

16 A Okay.

17 Q Did you do anything to prepare for the
18 deposition today?

19 A Just kind of went through my head what you guys
20 might ask.

21 Q My last question of the day will be, "So did I
22 ask the questions you thought I would?"

23 Did you make any notes in preparing for
24 your testimony?

25 A No.

1 Q Did you meet with Mr. Beggs or anybody at his
2 law firm?

3 A I had a phone call asking me if I received --
4 they thought I'd get a notice of hearing. I got
5 a subpoena, and just someone from his office
6 asking if I had any questions.

7 Q Did you have any questions?

8 A No, not really, because there's only a few
9 questions that I feel like you can ask.

10 Q What are the questions you feel like I can ask?

11 A Why I don't want to be annexed.

12 Q That's one. Any others?

13 A Whether, you know, I'm on city water or sewer.

14 Q Sure.

15 A Okay.

16 Q Well, I'll start asking questions now.

17 A Okay.

18 Q What's your address?

19 A 412 South Woodfield Lane, Bloomington.

20 Q Is that in one of the annexation areas?

21 A Yes, 1A.

22 Q How long have you lived there?

23 A Twenty-four years.

24 Q Who lives there with you?

25 A Nobody.

1 Q Do you own any other property in Area 1A or 1B?

2 A No.

3 Q Do you have any plans to move?

4 A No.

5 Q Did you at some point sign a petition opposing
6 the annexation?

7 A I did not.

8 Q Where do you work?

9 A Oh, opposing?

10 Q Yes.

11 A Yes.

12 Q So you did sign a petition back in the fall,
13 winter of 2021?

14 A Yes. Well, I signed both of them: the intent
15 to remonstrate, and then to actually oppose.

16 Q The intent to remonstrate petition you're
17 talking about, was that in the summer of 2021?

18 A I believe so.

19 Q And then the actual petition to opposes was in
20 October-November-December time frame?

21 A Sounds about right yes.

22 Q Where do you work?

23 A I am retired.

24 Q Where did you retire from?

25 A IU Health.

1 Q When did you retire?

2 A In 2019, January.

3 Q When you worked at IU Health, where were you
4 stationed?

5 A I was kind of all over. I was south central
6 region in all the hospitals there. The last few
7 years before I retired, which was my decision --
8 prompted my decision because they moved my job
9 up to Indy. So I was up at Methodist and then
10 at the Gateway Plaza on Illinois Street.

11 Q What did you do for IU Health?

12 A I'm a financial analyst.

13 Q When you signed the remonstrance petition, did
14 you understand that you were expressing
15 opposition to the annexation?

16 A Yes.

17 Q Do you still oppose the annexation?

18 A Yes.

19 Q Please tell me all the reasons why you oppose
20 the annexation.

21 A Okay. Like I said, I bought my house 24 years
22 ago, and I intentionally bought out in the
23 county because I did not want to live in the
24 city. The current reasons why I oppose it is
25 because, if I am annexed into the city, my

1 property tax will go up \$800 a year. I'm on a
2 fixed income. Also, trash will be added to my
3 water bill. And currently, I buy those orange
4 bags and I take it to the recycle center on Oard
5 Road, which is in the county.

6 There are certain things we can do in the
7 county that we can't do in the city. I
8 personally don't have a fire pit, but some of my
9 neighbors do. And some of my neighbors have
10 swimming pools; I do not. And then there's some
11 invasive species that I would be required to
12 remove if the City annexed me.

13 Q Any other -- we'll go back through several of
14 these, but any others, just at a high level, any
15 other reasons why you oppose the annexation?

16 A I can't think of anything.

17 Q I think you said in the beginning of your answer
18 that one of the reasons you oppose it now might
19 have been the property taxes. Is that a newer
20 basis for your opposition?

21 A Well, because I wasn't in the city, and to be
22 honest, I had no clue -- you know, I knew what
23 property tax was, but I had no idea that the
24 city paid more than I did out in the county.
25 But that's been a new revelation to me that I

1 saw on a list that, if I'm annexed, it will cost
2 this much more.

3 Q What list are you referring to?

4 A There was a list that was going around the
5 homeowners, that showed us how much our taxes
6 would go up.

7 Q Do you know who prepared this list?

8 A I'm sorry, I do not.

9 Q Do you know who was circulating it?

10 A I do not.

11 Q Do you know what the County Residents Against
12 Annexation organization is?

13 A Yes.

14 Q Margaret Clements' organization?

15 A Yes.

16 Q Was that organization involved with this list
17 that you're talking about?

18 A No, not that I know of.

19 Q What did the list look like?

20 A It was just your name, your address, and I
21 believe how much the property taxes were and
22 then how much they would go up.

23 Q And how did you receive this list? Was it by
24 email or a piece of paper?

25 A No. I just saw it at one of the County

1 meetings.

2 Q When did you see that, you believe?

3 A Oh, gosh. '21, '22, sometime in that time
4 frame.

5 Q You had mentioned that this property tax
6 increase issue was something that more recently
7 came to your attention. Was that this '21, '22
8 time period that you're referring to?

9 A Yes.

10 Q Other than look at that list, have you done
11 anything else to try to determine or calculate
12 the impact of a property tax increase from the
13 annexation?

14 A I called the city water customer service, asking
15 how much more I pay than city residents for my
16 water and sewer.

17 Q So have you been on city water and sewer the
18 entire 24 years --

19 A Yes.

20 Q -- you've owned your house?

21 A Uh-huh.

22 Q And what did you learn from that phone call?

23 A Well, she couldn't tell me much because she was
24 just comparing a city resident bill to mine.

25 She told me the wastewater rate per thousand

1 was, I was paying \$1.07 more, but she couldn't
2 tell me the water difference because they also
3 have sanitation added to their bill.

4 Q Have you heard of there being a surcharge for
5 out-of-city users of the sewer and water system?

6 A No.

7 Q Do you get a monthly water and sewer bill?

8 A I do.

9 Q Do you get it online or in the mail?

10 A I get a paper copy.

11 Q Is there a line item on your paper copy that
12 says "surcharge" or something along those lines?

13 A No.

14 Q Do you have a mortgage on your property?

15 A No. It's paid off.

16 Q Congratulations.

17 A That's why I can retire.

18 Q So when you get your property tax bill, you pay
19 it directly? It doesn't come through an escrow
20 or mortgage company?

21 A Right. I pay it twice a year.

22 Q Sitting here today, do you know what your 2023
23 property tax total amount was?

24 A I think it was close to \$900 every six months.

25 Q So when I had asked you if you had done anything

1 other than looking at the list at that County
2 meeting to understand the tax impact of the
3 annexation, you mentioned you called the city
4 water department.

5 A Uh-huh.

6 Q I'm going to go back to my question. Have you
7 looked at any online tax calculators either
8 through the City of Bloomington or the County or
9 the State?

10 A No.

11 Q Do you have the homestead exemption on your
12 property?

13 A I did.

14 Q You did or you do?

15 A Well, I did when I bought it, so I'm assuming I
16 still do, yes.

17 Q Have your property taxes increased in the last
18 five years?

19 A Oh, yes. Every year they go up.

20 Q Do you understand why?

21 A Some of the reason is because of the Monroe
22 County school district referendums that get
23 voted in. Some of it is my assessed value.

24 Q The assessed value has increased every year?

25 A Of the home, yes. Well, not in my mind but in

1 the City's mind -- or in the County's mind.

2 Q The County, right.

3 A Yeah.

4 Q Right. Have you ever challenged or tried to
5 appeal an assessment?

6 A No, because my parents did one year and they
7 told me what a hassle it was.

8 Q Not worth it?

9 A All they did was they knocked the amount that
10 they were disputing off of the house and put it
11 onto the land, so it didn't do any good.

12 Q But in the years where your assessed value has
13 increased and, as a result, your tax liability
14 has increased, have you paid your property taxes
15 every year?

16 A I have.

17 Q What year did you pay off your mortgage?

18 A Oh, man, I don't remember the exact year, but it
19 was probably a few years before I retired in
20 2019.

21 Q What is your understanding of the charge of the
22 trash being added to the water bill?

23 A Just that sanitation is -- the City includes it
24 in the water and sewer bill, and we are locked
25 in to whoever the City provides for that trash

1 pickup.

2 Q Do you know what the incremental cost is for
3 that service?

4 A I do not.

5 Q And that's the phone call you made to the water
6 department, was that in part what you were
7 trying to find out?

8 A Yeah. I was trying to figure out, and because
9 it wasn't separate on the bill that she was
10 looking at from somebody who lived in the city,
11 they weren't exactly like me. She couldn't give
12 me any kind of breakdowns.

13 Q Other than that one phone call, did you take any
14 steps to determine the incremental cost of the
15 waste removal?

16 A Well, other than, if I'm paying \$1.07 more for
17 the wastewater, I'm probably paying \$1-something
18 more for the water. And then sanitation, I have
19 no clue of what that would be.

20 Q Right. But other than making that one phone
21 call, have you asked anywhere else or --

22 A No.

23 Q -- looked at any other information?

24 A No.

25 Q Currently, where you buy the orange bags and go

1 to the recycle center, how many times a week do
2 you take waste to the recycle center?

3 A Once a week.

4 Q You mentioned that you have a concern that if
5 you're annexed, there are certain things you
6 cannot do, and you mentioned a fire pit and
7 swimming pool?

8 A Uh-huh.

9 Q What is your understanding on fire pits within
10 the city limits?

11 A That they're not allowed.

12 Q At all?

13 A At all.

14 Q What's your understanding of swimming pools with
15 respect to if they're in the city?

16 A That they're not allowed either.

17 Q At all?

18 A At all, yeah.

19 Q But you mentioned you do not have a fire pit or
20 a swimming pool. Do you have any present
21 intention to install either?

22 A No, sir.

23 Q You mentioned some invasive species that you'd
24 be required to remove.

25 A Uh-huh.

1 Q What invasive species are you referring to?

2 A I have beautiful burning bushes as a hedge on my
3 front patio and one big one in the backyard.

4 Q When you say you would have to remove them, what
5 is that understanding based on?

6 A Based on the City list on their website of the
7 invasive species that they're requiring their
8 residents to remove.

9 Q And the burning bushes are on that list?

10 A Uh-huh.

11 Q You have to say "yes."

12 A Yes.

13 Q Thank you. It's just so we have a clean
14 transcript of what is said.

15 Any other invasive species that you have on
16 your property besides the burning bushes?

17 A Occasionally I'll get the garlic mustard, and I
18 pull that up.

19 Q I'm not familiar with that. Is that, like,
20 something you do every year?

21 A Yeah. The city has a weed wrangle every year,
22 and garlic mustard is one of the things they
23 pull out. It's just a tall green plant with a
24 white flower on it.

25

1 (Deposition Exhibit 28 previously marked
2 for identification.)

3 Q That document in front of you is Exhibit 28 that
4 was identified earlier this week as CRAA's,
5 County Residents Against Annexation's amended
6 and supplemented answers to interrogatories.

7 Do you have that in front of you?

8 A Yeah, I do.

9 Q If you could please turn to page 3, question
10 3 -- sorry, page 2, question 3, my mistake. It
11 says, "Identify each fact witness that you plan
12 to call to testify in this lawsuit and provide a
13 summary of their anticipated testimony."

14 Do you see that?

15 A Uh-huh, I do.

16 Q If you go to page 4, the top of that page, do
17 you see your name?

18 A Yes.

19 Q If says, "If called, Ms. Sciscoe would be asked
20 to testify as a landowner about her opposition
21 to annexation, city services versus other
22 provided services, and the impact of annexation
23 upon her."

24 A Yes.

25 Q Is there anything outside of what we've already

1 talked about that you would put into those
2 categories?

3 A Can't think of anything.

4 Q And I understand you didn't -- you are not the
5 author of this, I understand that these are not
6 your words. But I just want to -- just as a
7 general matter, do you believe we've covered
8 everything that --

9 A Yes.

10 Q -- would be represented here?

11 A Yes.

12 Q And if you would turn to page 12 -- sorry,
13 page 11, question 12.

14 Do you have that question in front of you?

15 A Yes.

16 Q The question asks the respondent to "Identify
17 and list all facts and documents supporting your
18 contention that the annexation will have a
19 significant financial impact upon the residents
20 and/or landowners -- owners of land in the
21 annexation territory," and then identify
22 witnesses."

23 Do you see that?

24 A I do, yes.

25 Q If you turn to page 12, do you see the heading

1 "Supplemental Answer"?

2 A Yes.

3 Q And then where it says, "If called to testify,
4 the following individuals may be asked to
5 testify about the significant economic impacts
6 of the annexation upon Areas 1A and 1B," and
7 your name is listed.

8 Do you see that?

9 A I do, yes.

10 Q Other than the property tax issue that you've
11 already described and the waste removal service
12 you've already described, are there other -- are
13 you aware of any other potential financial
14 impacts upon you if the annexation is affirmed?

15 A No, not currently.

16 Q If you look down further on page 12, there is a
17 question 13.

18 A Yes.

19 Q It starts the same way, "Identify the facts and
20 documents supporting your contention that the
21 annexation is not in the best interest of owners
22 of land in the annexation territory."

23 Do you see that?

24 A Yes.

25 Q If you turn to page 13, there's a supplemental

1 answer, "See Supplemental Answer Number 5. In
2 addition, if called to testify the following
3 would be asked to testify about the impact of
4 the annexation upon them or upon their
5 business," and you're the first name listed.

6 Do you see that?

7 A Yes.

8 Q Do you have anything to add in response to this
9 question that you haven't already described?

10 A No.

11 Q You can set that aside.

12 Are you familiar with the City of
13 Bloomington's fiscal plan?

14 A No.

15 Q Do you know what a fiscal plan is in the context
16 of an annexation?

17 A No.

18 Q Do you have any information about the population
19 density on a per-acre basis in Area 1A or 1B?

20 A No.

21 Q Do you have any information on the percentage by
22 which Area 1A or 1B are subdivided?

23 A No.

24 MR. McNEIL: Let's go off the record for a
25 second.

1 (A recess was taken between 9:19 a.m. and
2 9:21 a.m.)

3 MR. McNEIL: Ms. Sciscoe, I have no further
4 questions for you.

5 THE WITNESS: Okay.

6 MR. McNEIL: Thank you for your time.

7 MR. BEGGS: No questions. Thank you very
8 much.

9 THE STENOGRAPHER: Are the witnesses
10 reading and signing?

11 MR. BEGGS: Yes. Just get them all to me
12 and then I'll wrangle those.

13 (Time noted: 9:21 a.m.)

14 AND FURTHER THE DEPONENT SAITH NOT.

15

16

17

18 CHERYL SCISCOE

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1 STATE OF INDIANA)
) SS:
2 COUNTY OF HAMILTON)

3 I, Janine A. Ferren, a Notary Public in and
4 for the County of Hamilton, State of Indiana at
5 large, do hereby certify that CHERYL SCISCOE, the
6 deponent herein, was by me first duly sworn to tell
7 the truth, the whole truth, and nothing but the
8 truth in the aforementioned matter;

9 That the foregoing deposition was taken on
10 behalf of the Respondents, at the offices of
11 Bloomington City Hall, 401 North Morton Street,
12 Bloomington, Monroe County, Indiana, on the 1st day
13 of March 2024, commencing at the hour of 8:58 a.m.,
14 pursuant to the Indiana Rules of Trial Procedure;

15 That said deposition was taken down
16 stenographically and transcribed under my
17 direction, and that the typewritten transcript is a
18 true record of the testimony given by the said
19 deponent; and thereafter presented to said deponent
20 for her signature;

21 That the parties were represented by their
22 counsel as aforementioned.

23 I do further certify that I am a disinterested
24 person in this cause of action; that I am not a
25 relative or attorney of any party, or otherwise

1 interested in the event of this action, and am not
2 in the employ of the attorneys for any party.

3 IN WITNESS WHEREOF, I have hereunto set my
4 hand and affixed my notarial seal on this 15th
5 day of March 2024.

6
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8



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11

Janine A. Ferren

12 Seal, Notary Public
13 State of Indiana
14 Janine A. Ferren
15 Commission No. NP0681591

My Commission Expires:
April 22, 2024
County of Residence:
Hamilton

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Veritext Legal Solutions

1100 Superior Ave

Suite 1820

Cleveland, Ohio 44114

Phone: 216-523-1313

March 15, 2024

To: William J. Beggs, Esq.

Case Name: County Residents Against Annexation, Inc., et al. v. The
Common Council Of The City Of Bloomington, Monroe County, Indiana, et
al.

Veritext Reference Number: 6465811

Witness: Cheryl Sciscoe Deposition Date: 3/1/2024

Dear Sir/Madam:

The deposition transcript taken in the above-referenced
matter, with the reading and signing having not been
expressly waived, has been completed and is available
for review and signature. Please call our office to
make arrangements for a convenient location to
accomplish this or if you prefer a certified transcript
can be purchased.

If the errata is not returned within thirty days of your
receipt of this letter, the reading and signing will be
deemed waived.

Sincerely,

Production Department

NO NOTARY REQUIRED IN CA

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 6465811

CASE NAME: County Residents Against Annexation, Inc., et al.
v. The Common Council Of The City Of Bloomington, Monroe County,
Indiana, et al.

DATE OF DEPOSITION: 3/1/2024

WITNESS' NAME: Cheryl Sciscoe

In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
my testimony or it has been read to me.

I have made no changes to the testimony
as transcribed by the court reporter.

Date Cheryl Sciscoe

Sworn to and subscribed before me, a
Notary Public in and for the State and County,
the referenced witness did personally appear
and acknowledge that:

They have read the transcript;
They signed the foregoing Sworn
Statement; and
Their execution of this Statement is of
their free act and deed.

I have affixed my name and official seal

this _____ day of _____, 20_____.

Notary Public

Commission Expiration Date

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 6465811

CASE NAME: County Residents Against Annexation, Inc., et al.
v. The Common Council Of The City Of Bloomington, Monroe County,
Indiana, et al.

DATE OF DEPOSITION: 3/1/2024

WITNESS' NAME: Cheryl Sciscoe

In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
my testimony or it has been read to me.

I have listed my changes on the attached
Errata Sheet, listing page and line numbers as
well as the reason(s) for the change(s).

I request that these changes be entered
as part of the record of my testimony.

I have executed the Errata Sheet, as well
as this Certificate, and request and authorize
that both be appended to the transcript of my
testimony and be incorporated therein.

Date Cheryl Sciscoe

Sworn to and subscribed before me, a
Notary Public in and for the State and County,
the referenced witness did personally appear
and acknowledge that:

- They have read the transcript;
- They have listed all of their corrections
in the appended Errata Sheet;
- They signed the foregoing Sworn
Statement; and
- Their execution of this Statement is of
their free act and deed.

I have affixed my name and official seal
this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

&	21 12:3,7	84-4852 1:17	affixed 25:4
& 2:3,9	211 2:4	8:58 5:1 24:13	27:15 28:21
0	21167 25:8	9	aforemention...
000509 1:4	216-523-1313	900 13:24	24:8,22
1	26:3	9:00 1:20	ago 9:22
1 16:17	22 12:3,7 25:12	9:19 23:1	al 1:7,11 26:6,7
1.07 13:1 16:16	24 9:21 12:18	9:21 23:2,13	27:3,3 28:3,3
11 20:13	2700 2:10	a	allowed 17:11
1100 26:1	28 4:3 19:1,3	a.m. 1:20 5:1	17:16
111 2:10	3	23:1,2,13	amcneil 2:12
12 20:12,13,25	3 19:9,10,10	24:13	amended 4:3
21:16	3/1/2024 26:9	above 26:11	19:5
13 21:17,25	27:3 28:3 29:2	accommodate	amount 13:23
15 26:4	317.684.5000	6:15	15:9
15th 25:4	2:11	accomplish	analyst 9:12
1820 26:2	4	26:16	andrew 2:8 3:3
19 4:3	4 19:16	accordance	5:8,11
1989 5:21	401 1:19 24:11	27:5 28:5	annexation 1:6
1990 5:21	412 7:19	acknowledge	4:4 5:14 7:20
1a 7:21 8:1	44114 26:2	27:11 28:16	8:6 9:15,17,20
21:6 22:19,22	45 6:12	acre 22:19	10:15 11:12
1b 8:1 21:6	46204 2:11	act 27:14 28:20	12:13 14:3
22:19,22	47404 2:4	action 24:24	19:21,22 20:18
1st 1:19 24:12	5	25:1	20:21 21:6,14
2	5 3:3 22:1	actual 8:19	21:21,22 22:4
2 19:10	53c06-2203 1:4	actually 8:15	22:16 26:6
20 27:16 28:22	6	add 22:8	27:3 28:3
29:22	6465811 26:8	added 10:2	annexation's
2019 9:2 15:20	27:2 28:2	13:3 15:22	19:5
2021 8:13,17	8	addition 22:2	annexed 7:11
2023 13:22	800 10:1	address 7:18	9:25 10:12
2024 1:19	812.332.9295	11:20	11:1 17:5
24:13 25:5,12	2:5	affirmed 21:14	answer 6:2
26:4			10:17 21:1
			22:1,1

<p>answers 4:3 19:6 anticipated 19:13 anybody 7:1 appeal 15:5 appear 27:11 28:15 appearances 2:1 appellants 1:8 2:2 appended 28:11,18 april 25:12 area 8:1 22:19 22:22 areas 7:20 21:6 arrangements 26:15 aside 22:11 asked 13:25 16:21 19:19 21:4 22:3 asking 7:3,6,16 12:14 asks 20:16 assessed 14:23 14:24 15:12 assessment 15:5 assignment 27:2 28:2 29:2 assuming 14:15</p>	<p>attached 28:7 attention 12:7 attorney 24:25 attorneys 5:13 25:2 author 20:5 authorize 28:11 available 26:13 ave 26:1 avenue 2:4 aware 21:13</p> <p style="text-align: center;">b</p> <p>back 5:21 8:12 10:13 14:6 backyard 18:3 bags 10:4 16:25 based 18:5,6 basic 5:25 basis 10:20 22:19 beautiful 18:2 beggs 2:3 7:1 23:7,11 26:5 beginning 10:17 behalf 1:18 24:10 believe 8:18 11:21 12:2 20:7 best 21:21 big 18:3 bill 10:3 12:24 13:3,7,18</p>	<p>15:22,24 16:9 bloomington 1:10,18,19 2:4 5:13 7:19 14:8 24:11,12 26:6 27:3 28:3 bloomington's 4:4 22:13 bose 2:9 boselaw.com 2:12,12 bought 9:21,22 14:15 break 6:13 breakdowns 16:12 briefly 5:12 bunger 2:3 burning 18:2,9 18:16 bushes 18:2,9 18:16 business 22:5 buy 10:3 16:25</p> <p style="text-align: center;">c</p> <p>c 2:9 ca 26:25 calculate 12:11 calculators 14:7 call 7:3 12:22 16:5,13,21 19:12 26:14 called 12:14 14:3 19:19</p>	<p>21:3 22:2 case 5:14 26:6 27:3 28:3 categories 20:2 cause 1:4 24:24 center 10:4 17:1,2 central 9:5 certain 10:6 17:5 certificate 28:11 certification 27:1 28:1 certified 26:16 certify 24:5,23 challenged 15:4 change 28:8 29:3 changes 27:7 28:7,9 charge 15:21 cheryl 1:14,16 5:2,10 23:18 24:5 26:9 27:4 27:9 28:4,13 29:20 circle 2:10 circuit 1:3 circulating 11:9 city 1:10,18 4:4 5:13 7:13 9:24 9:25 10:7,12</p>
--	--	--	---

10:21,24 12:14 12:15,17,24 13:5 14:3,8 15:23,25 16:10 17:10,15 18:6 18:21 19:21 22:12 24:11 26:6 27:3 28:3 city's 15:1 civil 27:5 28:5 clean 18:13 clements 2:15 11:14 cleveland 26:2 close 13:24 clue 10:22 16:19 college 2:4 come 13:19 commence 1:20 commencing 24:13 commission 25:11,13 27:19 28:25 29:25 common 1:10 26:6 27:3 28:3 company 13:20 comparing 12:24 completed 26:13 completely 6:2 concern 17:4	congratulations 13:16 contention 20:18 21:20 context 22:15 convenient 26:15 copy 13:10,11 corporation 1:7 corrections 28:17 cost 11:1 16:2 16:14 council 1:10 26:6 27:3 28:3 counsel 24:22 county 1:2,3,6 1:10,17,19 4:3 9:23 10:5,7,24 11:11,25 14:1 14:8,22 15:2 19:5 24:2,4,12 25:13 26:6,6 27:3,3,10 28:3 28:3,15 county's 15:1 court 1:3 27:7 covered 20:7 craa's 19:4 crr 1:17 csr 1:17 current 9:24 currently 10:3 16:25 21:15	customer 12:14 d date 26:9 27:3 27:9,19 28:3 28:13,25 29:20 29:25 day 1:19 6:21 24:12 25:5 27:16 28:22 29:22 days 26:18 dear 26:10 december 8:20 decision 9:7,8 deed 27:14 28:20 deemed 26:20 density 22:19 department 14:4 16:6 26:23 deponent 23:14 24:6,19,19 deposition 1:14 1:16 5:15 6:18 19:1 24:9,15 26:9,11 27:1,3 28:1,3 described 21:11,12 22:9 determine 12:11 16:14 difference 13:2 direct 3:3 5:7	direction 24:17 directly 13:19 disinterested 24:23 disputing 15:10 district 14:22 divorce 5:23 document 19:3 documents 20:17 21:20 duly 5:3 24:6 e earlier 19:4 economic 21:5 either 14:7 17:16,21 email 11:24 employ 25:2 entered 28:9 entire 12:18 27:5 28:5 errata 26:18 28:7,10,18 29:1 escrow 13:19 esq 26:5 et 1:7,11 26:6,6 27:3,3 28:3,3 evans 2:9 event 25:1 exact 15:18 exactly 16:11 examination 1:16 3:1,3 5:7
--	--	--	---

<p>examined 5:5 executed 28:10 execution 27:14 28:19 exemption 14:11 exhibit 4:3 19:1 19:3 exhibits 4:1,2 expiration 27:19 28:25 29:25 expires 25:11 expressing 9:14 expressly 26:13</p>	<p>five 14:18 fixed 10:2 flower 18:24 following 21:4 22:2 follows 5:5 foregoing 24:9 27:13 28:18 four 7:23 frame 8:20 12:4 free 27:14 28:20 front 18:3 19:3 19:7 20:14 further 21:16 23:3,14 24:23</p>	<p>guys 6:19</p>	<p>identified 19:4</p>
<p>f</p>		<p>h</p>	<p>identify 19:11 20:16,21 21:19</p>
<p>fact 19:11 facts 20:17 21:19 fall 8:12 familiar 18:19 22:12 feel 7:9,10 ferren 1:17 24:3 25:9,13 figure 16:8 financial 9:12 20:19 21:13 find 16:7 fire 10:8 17:6,9 17:19 firm 7:2 first 22:5 24:6 fiscal 22:13,15</p>	<p>g</p>	<p>hall 1:19 24:11 hamilton 1:17 24:2,4 25:13 hand 25:4 hassle 15:7 head 6:19 heading 20:25 health 8:25 9:3 9:11 heard 13:4 hearing 7:4 hedge 18:2 hereunto 25:3 high 10:14 home 14:25 homeowners 11:5 homestead 14:11 honest 10:22 hospitals 9:6 hour 24:13 house 9:21 12:20 15:10 huh 12:21 14:5 17:8,25 18:10 19:15</p>	<p>il 1:17 illinois 9:10 impact 12:12 14:2 19:22 20:19 22:3 impacts 21:5 21:14 includes 15:23 income 10:2 incorporated 28:12 increase 12:6 12:12 increased 14:17,24 15:13 15:14 incremental 16:2,14 index 3:1 4:1 indiana 1:1,6 1:10,18,19,20 24:1,4,12,14 25:12 26:6 27:3 28:3 indianapolis 2:11</p>
		<p>i</p>	<p>individuals 21:4</p>
	<p>good 15:11 gosh 12:3 green 18:23 ground 5:25</p>	<p>idea 10:23 identification 19:2</p>	<p>indy 9:9 information 16:23 22:18,21</p>

<p>install 17:21 intent 8:14,16 intention 17:21 intentionally 9:22 interest 21:21 interested 25:1 interrogatories 4:5 19:6 invasive 10:11 17:23 18:1,7 18:15 involved 11:16 issue 12:6 21:10 item 13:11 iu 8:25 9:3,11</p>	<p style="text-align: center;">i</p> <p>land 15:11 20:20 21:22 landowner 19:20 landowners 20:20 lane 7:19 large 24:5 law 7:2 lawbr.com 2:5 lawsuit 19:12 learn 12:22 legal 26:1 29:1 letter 26:19 level 10:14 liability 15:13 limited 5:25 limits 17:10 line 13:11 28:7 29:3 lines 13:12 list 11:1,3,4,7 11:16,19,23 12:10 14:1 18:6,9 20:17 listed 21:7 22:5 28:7,17 listing 28:7 live 9:23 lived 7:22 16:10 lives 7:24 llp 2:9</p>	<p>location 26:15 locked 15:24 long 7:22 look 11:19 12:10 21:16 looked 14:7 16:23 looking 14:1 16:10</p> <p style="text-align: center;">m</p> <p>m 2:8 3:3 5:8 madam 26:10 made 16:5 27:7 mail 13:9 make 6:23 26:15 making 16:20 man 15:18 march 1:19 24:13 25:5 26:4 margaret 2:15 11:14 marked 4:2 19:1 maryland 5:21 matter 5:5 20:7 24:8 26:12 mckinney 2:9 mcneil 2:8 3:3 5:8,11 22:24 23:3,6 meet 7:1 meeting 14:2</p>	<p>meetings 12:1 mentioned 12:5 14:3 17:4,6,19 17:23 met 5:11 methodist 9:9 midwest 29:1 mind 14:25 15:1,1 mine 12:24 minutes 6:12 mistake 19:10 monroe 1:2,3 1:10,19 14:21 24:12 26:6 27:3 28:3 monthly 13:7 months 13:24 monument 2:10 mortgage 13:14,20 15:17 morton 1:19 24:11 move 8:3 moved 9:8 mustard 18:17 18:22</p> <p style="text-align: center;">n</p> <p>name 5:9,11 11:20 19:17 21:7 22:5 26:6 27:3,4,15 28:3 28:4,21</p>
<p style="text-align: center;">j</p>			
<p>j 2:3 26:5 janine 1:17 24:3 25:9,13 january 9:2 job 9:8</p>			
<p style="text-align: center;">k</p>			
<p>kind 6:19 9:5 16:12 knew 10:22 knocked 15:9 know 6:7,10,14 7:13 10:22 11:7,9,11,18 13:22 16:2 22:15</p>			

<p>nature 5:22 need 6:9,13 neighbors 10:9 10:9 new 10:25 newer 10:19 north 1:19 24:11 notarial 25:4 notary 1:17 24:3 25:11 26:25 27:10,18 28:15,23 29:23 noted 5:1 23:13 notes 6:23 notice 1:21 7:4 november 8:20 np0681591 25:13 number 22:1 26:8 numbers 28:7</p>	<p>ohio 26:2 okay 6:16 7:15 7:17 9:21 23:5 once 5:19 17:3 online 13:9 14:7 oppose 8:15 9:17,19,24 10:15,18 opposes 8:19 opposing 8:5,9 opposition 9:15 10:20 19:20 oral 1:16 orange 10:3 16:25 organization 11:12,14,16 outside 19:25 own 8:1 owned 12:20 owners 20:20 21:21</p>	<p>part 16:6 28:9 parties 24:21 party 24:25 25:2 patio 18:3 pay 12:15 13:18,21 15:17 paying 13:1 16:16,17 percentage 22:21 period 12:8 person 24:24 personally 10:8 27:11 28:15 petition 8:5,12 8:16,19 9:13 petitioners 1:8 2:2 phone 7:3 12:22 16:5,13 16:20 26:3 pickup 16:1 piece 11:24 pit 10:8 17:6,19 pits 17:9 pl 1:4 place 1:21 plan 19:11 22:13,15 plans 8:3 plant 18:23 plaza 9:10 please 5:9 9:19 19:9 26:14</p>	<p>point 8:5 pool 17:7,20 pools 10:10 17:14 population 22:18 potential 21:13 prefer 26:16 prepare 6:17 prepared 11:7 preparing 6:23 present 2:14 17:20 presented 24:19 previously 4:2 19:1 probably 15:19 16:17 procedure 1:20 24:14 27:5 28:5 process 5:24 produced 1:16 production 26:23 profit 1:6 prompted 9:8 property 8:1 10:1,19,23 11:21 12:5,12 13:14,18,23 14:12,17 15:14 18:16 21:10</p>
o	p		
<p>oard 10:4 occasionally 18:17 october 8:20 office 7:5 26:14 offices 1:18 24:10 official 27:15 28:21 oh 8:9 12:3 14:19 15:18</p>	<p>page 3:2 4:2 19:9,10,16,16 20:12,13,25 21:16,25 28:7 29:3 paid 10:24 13:15 15:14 paper 11:24 13:10,11 parents 15:6</p>		

<p>provide 19:12 provided 19:22 provides 15:25 public 1:17 24:3 25:11 27:10,18 28:15 28:23 29:23 pull 18:18,23 purchased 26:17 pursuant 1:20 24:14 put 15:10 20:1</p>	<p>reasons 9:19,24 10:15,18 receipt 26:19 receive 11:23 received 7:3 recently 12:6 recess 23:1 record 5:9,12 22:24 24:18 28:9 recycle 10:4 17:1,2 reference 26:8 27:2 28:2 referenced 26:11 27:11 28:15 referendums 14:22 referring 11:3 12:8 18:1 region 9:6 relating 5:4 relative 24:25 remember 15:18 remonstrance 5:14 9:13 remonstrate 8:15,16 remonstrators 1:8 2:2 removal 16:15 21:11</p>	<p>remove 10:12 17:24 18:4,8 repeated 6:9 rephrased 6:10 reporter 27:7 represented 20:10 24:21 request 6:15 28:9,11 required 10:11 17:24 26:25 requiring 18:7 residence 25:13 resident 12:24 residents 1:6 4:3 11:11 12:15 18:8 19:5 20:19 26:6 27:3 28:3 respect 17:15 respondent 20:16 respondents 1:12,18 2:7 24:10 response 22:8 responsibility 6:2 result 15:13 retire 8:24 9:1 13:17 retired 8:23 9:7 15:19 returned 26:18</p>	<p>revelation 10:25 review 26:14 27:1 28:1 right 8:21 13:21 15:2,4 16:20 rnr 1:17 road 10:5 robertson 2:3 rules 1:20 5:25 24:14 27:5 28:5</p>
q			s
<p>question 6:6,9 6:21 14:6 19:9 19:10 20:13,14 20:16 21:17 22:9 questions 3:3 5:8 6:1,22 7:6 7:7,9,10,16 23:4,7</p>			<p>s 28:8,8 29:3 saith 23:14 sanitation 13:3 15:23 16:18 saw 11:1,25 says 13:12 19:11,19 21:3 scheduled 1:20 school 14:22 sciscoe 1:14,16 5:2,10,11 19:19 23:3,18 24:5 26:9 27:4 27:9 28:4,13 29:20 seal 25:4,11 27:15 28:21 second 22:25 see 6:14 12:2 19:14,17 20:23 20:25 21:8,23</p>
r			
<p>rate 12:25 read 27:5,6,12 28:5,6,17 reading 23:10 26:12,19 really 7:8 reason 6:14 14:21 28:8 29:3</p>			

<p>22:1,6 separate 16:9 series 6:1 service 12:14 16:3 21:11 services 19:21 19:22 set 22:11 25:3 several 10:13 sewer 7:13 12:16,17 13:5 13:7 15:24 sheet 28:7,10 28:18 29:1 showed 11:5 sign 8:5,12 signature 24:20 25:8 26:14 signed 8:14 9:13 27:13 28:18 significant 20:19 21:5 signing 23:10 26:12,19 sincerely 26:21 sir 17:22 26:10 sitting 13:22 six 13:24 solutions 26:1 29:1 somebody 16:10 sorry 11:8 19:10 20:12</p>	<p>sounds 8:21 south 2:4 7:19 9:5 species 10:11 17:23 18:1,7 18:15 ss 1:1 24:1 start 7:16 starts 21:19 state 1:1,18 5:9 14:9 24:1,4 25:12 27:10 28:15 statement 27:13,14 28:19 28:19 stationed 9:4 stenographer 23:9 stenographic... 24:16 stephen 2:9 steps 16:14 street 1:19 9:10 24:11 subdivided 22:22 subpoena 7:5 subscribed 27:10 28:14 29:21 suite 2:10 26:2 summary 19:13 summer 8:17</p>	<p>sunger 2:12 superior 26:1 supplemental 21:1,25 22:1 supplemented 4:3 19:6 supporting 20:17 21:20 surcharge 13:4 13:12 sure 7:14 swimming 10:10 17:7,14 17:20 sworn 1:16 5:3 24:6 27:10,13 28:14,18 29:21 system 13:5</p> <p style="text-align: center;">t</p> <p>take 6:13 10:4 16:13 17:2 taken 1:18 23:1 24:9,15 26:11 talked 20:1 talking 8:17 11:17 tall 18:23 tax 10:1,23 12:5,12 13:18 13:23 14:2,7 15:13 21:10 taxes 10:19 11:5,21 14:17 15:14</p>	<p>tell 5:3 9:19 12:23 13:2 24:6 territory 20:21 21:22 testified 5:5 testify 19:12,20 21:3,5 22:2,3 testimony 6:24 19:13 24:18 27:6,7 28:6,9 28:12 thank 18:13 23:6,7 thereof 1:21 things 10:6 17:5 18:22 think 10:16,17 13:24 20:3 thirty 26:18 thought 6:22 7:4 thousand 12:25 time 1:21 5:1 8:20 12:3,8 23:6,13 times 5:18 17:1 today 6:18 13:22 told 12:25 15:7 top 19:16 total 13:23 transcribed 24:16 27:7</p>
---	---	---	--

<p>transcript 18:14 24:17 26:11,16 27:5 27:12 28:5,11 28:17 trash 10:2 15:22,25 trial 1:20 24:14 tried 15:4 true 24:18 truth 5:3,4,4 24:7,7,8 truthfully 6:3 try 12:11 trying 16:7,8 turn 19:9 20:12 20:25 21:25 twenty 7:23 twice 13:21 typewritten 24:17</p>	<p style="text-align: center;">v</p> <p>v 26:6 27:3 28:3 value 14:23,24 15:12 veritext 26:1,8 29:1 versus 19:21 voted 14:23 vs 1:9</p>	<p>william 2:3 26:5 winter 8:13 witness 1:16 19:11 23:5 25:3 26:9 27:1 27:4,11 28:1,4 28:15 witnesses 20:22 23:9 wjbeggs 2:5 woodfield 7:19 words 20:6 work 8:8,22 worked 9:3 worth 15:8 wrangle 18:21 23:12 written 1:20</p>
<p style="text-align: center;">u</p>	<p style="text-align: center;">w</p> <p>waived 26:13 26:20 want 7:11 9:23 20:6 waste 16:15 17:2 21:11 wastewater 12:25 16:17 water 7:13 10:3 12:14,16,17 13:2,5,7 14:4 15:22,24 16:5 16:18 way 21:19 we've 19:25 20:7 website 18:6 weed 18:21 week 17:1,3 19:4 went 6:19 whereof 25:3 white 18:24</p>	<p style="text-align: center;">y</p> <p>yeah 15:3 16:8 17:18 18:21 19:8 year 10:1 13:21 14:19,24 15:6 15:15,17,18 18:20,21 years 7:23 9:7 9:21 12:18 14:18 15:12,19</p>
<p>uh 12:21 14:5 17:8,25 18:10 19:15 under 24:16 understand 6:3 6:6 9:14 14:2 14:20 20:4,5 understanding 15:21 17:9,14 18:5 unger 2:9 users 13:5</p>		

Indiana Rules of Trial Procedure
Depositions Upon Oral Examination

Rule 30

(e) Submission to witness--Changes--Signing.

(1) When the testimony is fully transcribed, the deposition shall be submitted to the witness for reading and signing and shall be read to or by him, unless such reading and signing have been waived by the witness and by each party. "Submitted to the witness" as used in this subsection shall mean (a) mailing of written notification by registered or certified mail to the witness and each attorney attending the deposition that the deposition can be read and examined in the office of the officer before whom the deposition was taken, or (b), mailing the original deposition, by registered or certified mail, to the witness at an address designated by the witness or his attorney, if requested to do so by the witness, his attorney, or the party taking the deposition.

(2) If the witness desires to change any answer in the deposition submitted to him, each change, with a statement of the reason therefor, shall be made

by the witness on a separate form provided by the officer, shall be signed by the witness and affixed to the original deposition by the officer. A copy of such changes shall be furnished by the officer to each party.

(3) If the reading and signing have not been waived by the witness and by each party the deposition shall be signed by the witness and returned by him to the officer within thirty (30) days after it is submitted to the witness. If the deposition has been returned to the officer and has not been signed by the witness, the officer shall execute a certificate of that fact, attach it to the original deposition and deliver it to the party taking it. In such event, the deposition may be used by any party with the same force and effect as though it had been signed by the witness.

(4) In the event the deposition is not returned to the officer within thirty (30) days after it has been submitted to the witness, the reporter shall execute a certificate of that fact and cause the certificate to be delivered to the party taking it. In such event, any party may use a copy of the

deposition with the same force and effect as though
the original had been signed by the witness.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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