

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,)
7 INC., an Indiana not for profit)
8 corporation, et al.,)

9 Remonstrators/Appellants/Petitioners,)

10 -vs-)

11 THE COMMON COUNCIL of the City of)
12 Bloomington, Monroe County, Indiana,)
13 et al.,)

14 Respondents.)

15 DEPOSITION OF REX KIRTS

16 The deposition upon oral examination of
17 REX KIRTS, a witness produced and sworn before me,
18 Janine A. Ferren, RMR, CRR, CSR-IL No. 84-4852,
19 Notary Public in and for the County of Hamilton,
20 State of Indiana, taken on behalf of the
21 Respondents, at the offices of Bloomington City
22 Hall, 401 North Morton Street, Bloomington, Monroe
23 County, Indiana, on the 1st day of March 2024,
24 scheduled to commence at 12:00 p.m., pursuant to
25 the Indiana Rules of Trial Procedure with written
notice as to time and place thereof.

Page 2

1 APPEARANCES

2 FOR THE REMONSTRATORS/APPELLANTS/PETITIONERS:

3 William J. Beggs

4 BUNGER & ROBERTSON

5 211 South College Avenue

6 Bloomington, IN 47404

7 812.332.9295

8 wjbeggs@lawbr.com

9

10 FOR THE RESPONDENTS:

11 Andrew M. McNeil

12 Stephen C. Unger

13 BOSE McKINNEY & EVANS LLP

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18 amcneil@boselaw.com

19 sunger@boselaw.com

20

21 ALSO PRESENT:

22 Margaret Clements

23

24

25

Page 4

1 INDEX OF EXHIBITS

2 Previously Marked Exhibits: Page

3 Exhibit 28 - Amended and Supplemented 17

4 Answers of County Residents

5 Against Annexation, Inc. to

6 City of Bloomington's

7 Interrogatories

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Page 3

1 INDEX OF EXAMINATION

2 Page

3 DIRECT EXAMINATION5

4 Questions by Stephen C. Unger

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Page 5

1 (Time noted: 11:55 a.m.)

2 REX KIRTS,

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 STEPHEN C. UNGER:

9 Q Could you please state your full name for the

10 record?

11 A Rex William Kirts, K-I-R-T-S.

12 Q Mr. Kirts, we just met. Again, my name is Steve

13 Unger. I'm one of the attorneys representing

14 the City. I'll be asking you the questions

15 today in this deposition.

16 Have you ever been deposed before?

17 A No.

18 MR. UNGER: You want to go off the record

19 for a second? Somebody knocked at the door.

20 (Off the record.)

21 BY MR. UNGER:

22 Q Mr. Kirts, I'm going to be asking you questions.

23 Your obligation is to respond to my questions as

24 truthfully and honestly as completely as you

25 can. Do you understand that?

<p style="text-align: right;">Page 6</p> <p>1 A Yes.</p> <p>2 Q If there's any reason you don't understand one</p> <p>3 of my questions or you are confused about a</p> <p>4 question, would you please let me know?</p> <p>5 A (Nods head.) Yes.</p> <p>6 Q So as you know, she is typing up everything that</p> <p>7 you're saying today. So it's important that</p> <p>8 when I ask you questions, number one, you let me</p> <p>9 finish the question before you start to answer,</p> <p>10 and then also that you actually answer "yes" or</p> <p>11 "no" as opposed to shaking our head or saying</p> <p>12 "uh-huh," so she can track it.</p> <p>13 Hopefully this won't take very long. But</p> <p>14 certainly if you need a break, just let us know</p> <p>15 and we'll work to accommodate that.</p> <p>16 Did you do anything today to prepare for</p> <p>17 your deposition?</p> <p>18 A Yes.</p> <p>19 Q What did you do?</p> <p>20 A I got a call from a lady, and she explained to</p> <p>21 me -- she asked me if I'd ever done this before</p> <p>22 and I said no. And she explained what it was</p> <p>23 and said, "You'll be asked a bunch of</p> <p>24 questions." And she asked me several</p> <p>25 questions -- well, yeah, questions, and I</p>	<p style="text-align: right;">Page 8</p> <p>1 A About me personally, where I -- well, where I</p> <p>2 live.</p> <p>3 Q Okay. Where do you live?</p> <p>4 A 801 West Whitestone Street in Bloomington 47403.</p> <p>5 That's south of town.</p> <p>6 Q Do you know which annexation area that is in?</p> <p>7 A Which what, sir?</p> <p>8 Q Annexation area.</p> <p>9 A Clear Creek Estates -- oh, 1B. Excuse me.</p> <p>10 Q Okay. Thank you.</p> <p>11 How long have you lived there?</p> <p>12 A Since May of, I believe, 2006. Wait a minute.</p> <p>13 I think it was May of 2005 or 2006. 16 years,</p> <p>14 it's been 16 years. I think maybe this will be</p> <p>15 17.</p> <p>16 Q Where did you live prior to that?</p> <p>17 A West side of town, out right near where -- right</p> <p>18 in back of what is now Rural King, was Walmart</p> <p>19 then.</p> <p>20 Q Have you lived in the Bloomington community your</p> <p>21 entire life?</p> <p>22 A No. I was raised in Lafayette. I went to IU,</p> <p>23 Indiana University, '60 to '64. And then I was</p> <p>24 in Crawfordsville for a year and a half. And</p> <p>25 then I've been in Bloomington since January of</p>
<p style="text-align: right;">Page 7</p> <p>1 responded. I was in my car at the time, but I</p> <p>2 had pulled over and was talking to her through</p> <p>3 my Bluetooth.</p> <p>4 Q Do you recall who the lady was?</p> <p>5 A No. She told me her name and she told me who</p> <p>6 she was with.</p> <p>7 Q Who was she with?</p> <p>8 A I think maybe his company.</p> <p>9 Q By "him," you mean Mr. Beggs?</p> <p>10 A Yes, yes, I think. She told me who it was. Was</p> <p>11 it Robinson or Harrell? Bunger & Harrell?</p> <p>12 THE WITNESS: Is that your firm, Bill?</p> <p>13 MR. BEGGS: It was in 1987.</p> <p>14 Q You understood her to be with Mr. Beggs' office?</p> <p>15 A She didn't say.</p> <p>16 Q She didn't say where she was from?</p> <p>17 A She said -- yeah, she gave me what firm, but I</p> <p>18 didn't ask her if she was with Mr. Beggs.</p> <p>19 Q Okay. Did she tell you any questions you might</p> <p>20 be asked?</p> <p>21 A She went over a bunch of questions, but I don't</p> <p>22 know if she knew what I was going to be asked.</p> <p>23 Q What questions did you go over?</p> <p>24 A She asked me several, 10, 12 questions.</p> <p>25 Q About what?</p>	<p style="text-align: right;">Page 9</p> <p>1 1966.</p> <p>2 Q Are you retired now?</p> <p>3 A Yes.</p> <p>4 Q We had talked about this a little bit earlier</p> <p>5 off the record, but for the record, what did you</p> <p>6 do for your career?</p> <p>7 A I was a sportswriter for the Bloomington</p> <p>8 newspapers and the Crawfordsville Journal</p> <p>9 Review.</p> <p>10 Q I believe off the record you said you covered</p> <p>11 local high school sports; is that correct?</p> <p>12 A Yes.</p> <p>13 Q Do you live alone in your home?</p> <p>14 A No. I'm married.</p> <p>15 Q Any plans to move?</p> <p>16 A I would like to go to Florida, but my wife</p> <p>17 doesn't want to go because the girls are up</p> <p>18 here.</p> <p>19 Q So currently no intent to --</p> <p>20 A No.</p> <p>21 Q -- move to Florida?</p> <p>22 A None.</p> <p>23 Q Did you sign a remonstrance petition against</p> <p>24 annexation?</p> <p>25 A Yes. I also carried petitions around 1B. If</p>

<p style="text-align: right;">Page 10</p> <p>1 we'd had had one more weekend, we'd have got 2 enough signatures, we could have avoided all 3 this. We were that close. 4 Q So I assume you are opposed to annexation by the 5 City? 6 A Yes. 7 Q I'm going to ask you very broadly. Can you tell 8 me why you were opposed? 9 A I am retired, I'm on a fixed income. I don't 10 need any more expenses. I'm -- my bills are 11 paid and I'm eating, but we got to watch what we 12 do. 13 And the taxes -- I saw a sheet not too long 14 ago, probably a year ago, my taxes will go up at 15 least \$1,000. That was a couple of years ago. 16 And I would assume that now it would be another 17 \$100 or \$200 right away. I don't need any more 18 expenses. No, huh-uh. We're living okay, but 19 we would -- I would get down to not having any 20 cash in my wallet. 21 I have a part-time job now. I'm 81 years 22 old and I still have a part-time job now just so 23 I'll have some walking-around cash. I used to 24 say it was for -- well, some of it is to pay 25 Medicare supplement insurance. You guys, when</p>	<p style="text-align: right;">Page 12</p> <p>1 Q Do you do that once a year or twice a year? 2 A I do it once. 3 Q You pay it when the first bill is due -- 4 A Yes. 5 Q -- in the fall? 6 A Yeah. I take my tax refund from the federal 7 government from the right hand and I go and give 8 it to the left hand. Just goes pretty quick. 9 And the rest of it goes for homeowners 10 insurance, another -- another item which keeps 11 rising rather rapidly. 12 Q Do you know what your property taxes were in 13 2023? 14 A About 1800. That's total, that's total, both 15 payments. 16 Q Do you have an understanding of what your 17 property taxes would increase to after 18 annexation? 19 A Like I say, about a year, year and a half ago, I 20 saw some figures. And I also went down and 21 talked to the, I think it's the auditor's 22 office, and they were going to go up a thousand. 23 That was a year ago. It would be more now. 24 Q So again, your understanding is you think your 25 property taxes will go up more than \$1,000 --</p>
<p style="text-align: right;">Page 11</p> <p>1 get older, you'll find out that doesn't go down, 2 that keeps going up pretty quick, so that's a 3 big expense. 4 And then I also said some of my income from 5 that part-time job was to play golf. But I got 6 old and my back doesn't want me to play golf 7 anymore, so ... 8 Q Are there any other reasons you're opposed 9 besides -- and I'll touch on -- 10 A I don't want to be under the jurisdiction of the 11 city council, all the Democrats. That's a big 12 one. I don't want -- I don't need to be 13 governed by those people. 14 Also the taxes will go up, and I'm not 15 going to get anything for it. I won't be 16 having -- I'll be paying for nothing. 17 Q I'll ask you some more detailed questions about 18 some of these, but is there anything else you 19 can think of right now? 20 A Not right now. 21 Q Your home, do you have a mortgage? 22 A No, sir. It's paid. 23 Q You pay your property taxes directly? 24 A I just take them down to the second floor of 25 auditor's office and pay a check right there.</p>	<p style="text-align: right;">Page 13</p> <p>1 A They will -- 2 Q I'm sorry, let me finish my question, then 3 answer it. 4 Your understanding is they will go up more 5 than \$1,000 after annexation; is that correct? 6 A Yes. 7 Q You mentioned that you saw a sheet. Where did 8 you see that sheet? 9 A I don't recall. 10 Q Was it something you received in the mail? 11 A It was -- it showed the tax increase, not only 12 just me. It showed the tax increase of a lot of 13 1B people. I can't remember where I -- where I 14 got it from. It was one of the officials who 15 knows what they would be. 16 Q Do you know who prepared that? 17 A No, sir, I don't. It came -- it came from the 18 City. But like I say, I also went down and 19 talked to the workers there in the city, and 20 they -- she explained to me what it would be. 21 Q In the city or in the county? You said you went 22 and talked to the workers in the city. 23 A The auditor, that's county; right? 24 Q Yes. 25 A Yeah, okay.</p>

Page 14

1 Q So when you say you went and talked to the
 2 workers, you mean in the County auditor's
 3 office?
 4 A Yes, yes, sir.
 5 Q Okay. Is there anything else you've reviewed to
 6 rely on the property tax increases from
 7 annexation?
 8 A I don't quite understand. Is there what, sir?
 9 Q Is there anything else you relied on for your
 10 understanding of what your increases will be as
 11 a result of annexation?
 12 A No.
 13 Q You mentioned that you had a part-time job
 14 currently. Where is that?
 15 A Yes. I drive cars for by Byrider. They get
 16 cars at -- most of their cars they get at
 17 auctions, and me and several other old guys go
 18 pick them up and bring them back here, and they
 19 recondition them and then put them out on the
 20 sales lot. Not all of the cars are auctioned,
 21 some of them are from vendors. We get them in
 22 Terre Haute, Jeffersonville, Kentucky,
 23 New Palestine, Indianapolis, Ferdinand, places
 24 around here. That's right now; that varies. We
 25 get them in Jasonville sometimes.

Page 15

1 Q Where is the Byrider located?
 2 A West Third Street. It's not a boring job.
 3 Sometimes those cars will get back, sometimes
 4 they won't. Sometimes an air conditioner works,
 5 sometimes it doesn't. No, they're old --
 6 they're junk. But they have a good
 7 reconditioning program there.
 8 Q You also mentioned that you don't want to be
 9 governed by Democrats in the City; is that
 10 correct?
 11 A Yeah. Well, the City. They just happen to be
 12 all Democrats, and I don't like some of the
 13 stuff they've done. I don't like some of the
 14 stuff -- the way they've operated. I don't like
 15 the way we found out about annexation, and I
 16 think that kind of got -- you've got to go to
 17 the meetings, the city council meeting and stuff
 18 to find out what's going on.
 19 And it doesn't help -- you don't --
 20 anymore, you don't find out about what's going
 21 on in the city council because the newspaper
 22 doesn't publish all the stuff anymore. We used
 23 to cover everything very well. That doesn't
 24 happen now. And so you don't -- a lot of us had
 25 no idea of what was going on.

Page 16

1 Q Any other specific examples that you can give
 2 about -- you said you don't like how the City
 3 operates. Is there anything else in particular?
 4 A Well, that's the main thing right there.
 5 They'll build buildings for people to --
 6 homeless people, stuff like that, and they've
 7 built a couple and they want to build some more.
 8 And a friend of mine, he said, "You can't
 9 believe it. You go in those buildings and
 10 they're trashed, they're all trashed." Well,
 11 why are we spending tax money and letting that
 12 happen? You know, that doesn't -- is not a good
 13 use of tax money.
 14 Q Anything else?
 15 A None that I can think of right at the moment.
 16 Q Did you build your home?
 17 A No, no. I moved in it when it was ten years
 18 old. My wife's knees went bad and we had to get
 19 out of a trilevel house. We needed a ranch, and
 20 we were very fortunate we found this place and
 21 it was for sale, and we ended up -- there was a
 22 whole bunch -- they had about three people
 23 waiting to buy that house. The guy I talked to,
 24 he said, "I'll give you till 6:00 to get the
 25 money." And I was fortunate, my credit was

Page 17

1 good, so I got the money.
 2 Q That was kind of a hot market time, if I recall,
 3 2005, 2006, was --
 4 A It's a hot market because there's a lot of old
 5 people looking for ranch houses, one-level
 6 houses. I could sell that house right now for
 7 more than twice what I paid for it. It would
 8 buy a nice house in Bradenton where it's warm in
 9 the winter.
 10 Q If your wife would just let you do that; right?
 11 A I'm not going anywhere.
 12 Q Do you receive city sewer and water service at
 13 your house?
 14 A Yes. That was there. That was part of -- that
 15 was in the deed. Of course, I didn't know
 16 anything about that when I bought the house, you
 17 know, the restrictions. I was just glad to get
 18 a house where my wife could get in and out of
 19 the front door.
 20 (Deposition Exhibit 28 previously marked
 21 for identification.)
 22 Q So in front of you there's a document that's
 23 listed Exhibit 28. I'll let you put your
 24 glasses on. It's titled "Amended and
 25 Supplemented Answers of County Residents Against

Page 18

1 Annexation to City of Bloomington's
 2 Interrogatories."
 3 Do you see that?
 4 A This?
 5 Q Yes.
 6 A Yes.
 7 Q I'm going to assume you've never seen this
 8 before; is that correct?
 9 A No, huh-uh.
 10 Q I'm going to ask you to turn to page 11.
 11 A Yes.
 12 Q And these are written responses, so you know
 13 that the remonstrators -- or County Residents
 14 Against Annexation gave us in response to
 15 written questions that we asked them.
 16 So you'll see on page 11, Number 12, it
 17 says, "Identify and list all facts and documents
 18 supporting your contention in the petition that
 19 the annexation will have a significant financial
 20 impact on the residents and/or owners of land in
 21 the annexation territory, and identify each
 22 witness you intend to call to testify in support
 23 of your contention."
 24 And then if you go to the next page,
 25 page 12, and if you look at the supplemental

Page 19

1 answer, it says, "If called to testify, the
 2 following individuals may be asked to testify
 3 about the significant economic impacts of
 4 annexation upon Areas 1A and 1B." Then if you
 5 look on the second line almost all the way to
 6 the end, it has your name.
 7 Do you see that?
 8 A Sure.
 9 Q We've talked a little bit today about the
 10 financial impact to you already. Besides what
 11 we have talked about already, is there anything
 12 else you can tell me about the significant
 13 economic impacts of annexation on Area 1A or 1B?
 14 A I don't know for sure, but I don't think it's
 15 significant, but do we have to pay for trash
 16 pickup? I just put mine in an orange bag and
 17 take it down to Dillman Road right now. Of
 18 course you have to pay for those orange bags,
 19 but I don't think that's a huge expense, is it,
 20 trash pickup? I'm not sure. But we have to pay
 21 it. I don't know -- you know, I've been told we
 22 have to.
 23 Q Where do you buy the orange bags?
 24 A Kroger's.
 25 Q Do you know what it costs a bag?

Page 20

1 A Sure. The small bags, you get, I think, about
 2 15, and I think it's 12 1/2 dollars. The big
 3 ones, they're different. There's small bags and
 4 big bags.
 5 I remember once I asked Jerry Bales, who
 6 was a state representative at the time, I said,
 7 "Jerry, we have to pay sales tax on those orange
 8 bags. We shouldn't have to pay tax on those
 9 orange bags. They are a tax."
 10 So he went to somebody in the legislature,
 11 he tried to get that taken care of so we didn't
 12 have to pay that double tax, but it didn't swim.
 13 Q So you buy the bags and you personally take them
 14 to a drop-off location?
 15 A Yes, Dillman Road. Well, I'm close to Dillman
 16 Road. I think there's like four in the county.
 17 Q Do you know, are you limited to how many bags
 18 you can take to the drop-off location?
 19 A No.
 20 Q Any other economic impacts you're aware of
 21 besides what we've talked about already?
 22 A Would the county tax go up? Property taxes will
 23 go up, how about that? Are we subject to any
 24 other tax that we are not now subject to? I
 25 don't know. I don't think so, but ...

Page 21

1 MS. CLEMENTS: I can't enter into it.
 2 Q Besides the sheet that you received that had the
 3 property tax estimate we talked about, are you
 4 aware of any other property tax increases or
 5 believe there will be other property tax
 6 increases in addition to that?
 7 A Probably, 'cause of inflation, your home goes
 8 up. When your home goes up, your property taxes
 9 go up. I mean, that's -- at the rate of
 10 inflation right now, that could turn out to be
 11 significant.
 12 Q Any other economic impacts you're aware of?
 13 A Not that I'm aware of, sir. You mean
 14 personally?
 15 Q Correct.
 16 A Personally, not that I'm aware of. There will
 17 be economic differences between fire and police
 18 protection and stuff like that, but that -- I
 19 don't know all the details of that.
 20 Q What are those economic differences of police
 21 and fire? What do you understand them to be?
 22 A It's been a while since I've -- I have read
 23 that, but I don't know all the differences.
 24 Q Anything else?
 25 A No, sir.


Page 22

1 Q Is there any other reason that you're opposed to
 2 annexation beside the matters we've already
 3 discussed?
 4 A Not that I can think of right at the moment.
 5 MR. UNGER: I have no other questions at
 6 this time.
 7 MR. BEGGS: Rex, you're done.
 8 (Time noted: 12:18 p.m.)
 9 AND FURTHER THE DEPONENT SAITH NOT.
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 11
 12
 13 _____
 14 REX KIRTS
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Page 23

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 REX KIRTS, 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
 14 11:55 a.m., pursuant to the Indiana Rules of Trial
 15 Procedure;
 16 That said deposition was taken down
 17 stenographically and transcribed under my
 18 direction, and that the typewritten transcript is a
 19 true record of the testimony given by the said
 20 deponent; and thereafter presented to said deponent
 21 for his signature;
 22 That the parties were represented by their
 23 counsel as aforementioned.
 24 I do further certify that I am a disinterested
 25 person in this cause of action; that I am not a

Page 24

1 relative or attorney of any party, or otherwise
 2 interested in the event of this action, and am not
 3 in the employ of the attorneys for any party.
 4 IN WITNESS WHEREOF, I have hereunto set my
 5 hand and affixed my notarial seal on this 15th
 6 day of March 2024.
 7
 8 
 9
 10 _____
 11 Janine A. Ferren
 12
 13 Seal, Notary Public My Commission Expires:
 14 State of Indiana April 22, 2024
 15 Janine A. Ferren County of Residence:
 16 Commission No. NP0681591 Hamilton
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 25

1 Veritext Legal Solutions
 2 1100 Superior Ave
 3 Suite 1820
 4 Cleveland, Ohio 44114
 5 Phone: 216-523-1313
 6 March 15, 2024
 7 To: William J. Beggs, Esq.
 8 Case Name: County Residents Against Annexation, Inc., Et Al. v. The
 9 Common Council Of The City Of Bloomington, Monroe County, Indiana, Et
 10 Al.
 11 Veritext Reference Number: 6465811
 12 Witness: Rex Kirts Deposition Date: 3/1/2024
 13 Dear Sir/Madam:
 14 The deposition transcript taken in the above-referenced
 15 matter, with the reading and signing having not been
 16 expressly waived, has been completed and is available
 17 for review and signature. Please call our office to
 18 make arrangements for a convenient location to
 19 accomplish this or if you prefer a certified transcript
 20 can be purchased.
 21 If the errata is not returned within thirty days of your
 22 receipt of this letter, the reading and signing will be
 23 deemed waived.
 24
 25 Sincerely,
 26
 27 Production Department
 28
 29
 30 NO NOTARY REQUIRED IN CA

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1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS

2

3 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.

4 DATE OF DEPOSITION: 3/1/2024
WITNESS' NAME: Rex Kirts

5 In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
6 my testimony or it has been read to me.
7 I have made no changes to the testimony
as transcribed by the court reporter.

8

9 _____
Date Rex Kirts

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

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

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

17 _____
18 Notary Public
19 _____
Commission Expiration Date

20
21
22
23
24
25

Page 28

1 ERRATA SHEET
VERITEXT LEGAL SOLUTIONS MIDWEST

2 ASSIGNMENT NO: 3/1/2024

3 PAGE/LINE(S) / CHANGE /REASON

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 _____
Date Rex Kirts

21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____

22 DAY OF _____, 20____.

23 _____
Notary Public

24 _____
Commission Expiration Date

25

Page 27

1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS

2

3 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.

4 DATE OF DEPOSITION: 3/1/2024
WITNESS' NAME: Rex Kirts

5 In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
6 my testimony or it has been read to me.
7 I have listed my changes on the attached
Errata Sheet, listing page and line numbers as
8 well as the reason(s) for the change(s).
9 I request that these changes be entered
as part of the record of my testimony.

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

13 _____
Date Rex Kirts

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

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

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

23 _____
Notary Public

24 _____
Commission Expiration Date

25

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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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