

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 RICHARD NISBET  
15

16 The deposition upon oral examination of  
17 RICHARD NISBET, 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  
19 Respondents, at the offices of Bloomington City  
 Hall, 401 North Morton Street, Bloomington, Monroe  
20 County, Indiana, on the 1st day of March 2024,  
 scheduled to commence at 2:00 p.m., pursuant to the  
21 Indiana Rules of Trial Procedure with written  
 notice as to time and place thereof.  
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APPEARANCES

FOR THE REMONSTRATORS/APPELLANTS/PETITIONERS:

William J. Beggs  
BUNGER & ROBERTSON  
211 South College Avenue  
Bloomington, IN 47404  
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wjbeggs@lawbr.com

FOR THE RESPONDENTS:

Andrew M. McNeil  
Stephen C. Unger  
BOSE McKINNEY & EVANS LLP  
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sunger@boselaw.com

ALSO PRESENT:

Margaret Clements

INDEX OF EXAMINATION

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

Page

DIRECT EXAMINATION . . . . .5  
    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	14

1 (Time noted: 2:06 p.m.)

2 RICHARD NISBET,  
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 Please state your name for the record.

10 A Richard Nisbet.

11 Q Mr. Nisbet, my name is Andrew McNeil. I'm one  
12 of the attorneys for the City of Bloomington in  
13 the annexation remonstrance case.

14 Have you ever had the opportunity to  
15 provide testimony by way of deposition before?

16 A No.

17 Q So the process is pretty simple. I'm going to  
18 ask you a series of questions, and your job is  
19 to answer them as completely and as truthfully  
20 as you can. Does that make sense?

21 A Yes.

22 Q If you don't understand my question, will you  
23 let me know?

24 A Yes.

25 Q If you need me to rephrase something or don't

1           hear my question, will you let me know that?

2       A     Yes.

3       Q     We're running through these in about 30-minute  
4           cycles, but if you need to take a break for any  
5           reason at all, will you let us know?

6       A     Sure.

7       Q     What is your address?

8       A     2902 South Yonkers Street, Bloomington 47403.

9       Q     Is that in Annexation Area 1B?

10      A     Yes, it is.

11      Q     How long have you lived there?

12      A     Twenty-three years.

13      Q     Does anyone live at that address with you?

14      A     Yes.

15      Q     Who lives there with you?

16      A     Currently my wife, my grandson, and one of my  
17           daughters.

18      Q     Do you own any other real estate in Annexation  
19           Area 1A or 1B?

20      A     No.

21      Q     Do you have any plans to move?

22      A     No.

23      Q     I heard you say before we went on the record  
24           that you're working as an electrician?

25      A     Yeah.

1 Q Where do you work?

2 A Alexander Electric.

3 Q Are you unretired at the moment?

4 A Yes.

5 Q So when did you go back to work at Alexander  
6 Electric?

7 A I went back part time two years ago and now I'm  
8 back full time.

9 Q When you retired, were you working at Alexander  
10 Electric?

11 A Yes.

12 Q Are you buying your home or do you rent?

13 A Buying.

14 Q Do you know if you have the homestead property  
15 tax exemption filed on your property?

16 A I do not know that.

17 Q Did you or someone in your household sign a  
18 remonstrance petition opposing the annexation?

19 A Yes.

20 Q Did you sign it?

21 A Yes.

22 Q When you signed it, did you understand that you  
23 were expressing official opposition to the  
24 annexation?

25 A Yes.

1 Q Are you still opposed to the annexation?

2 A Yes.

3 Q I'm going to ask a very broad question and then  
4 we can follow up as needed on your answer. But  
5 the question generally is, please tell us the  
6 reasons, all the reasons why you're opposed to  
7 the annexation.

8 A First of all, my taxes are going to go up. I  
9 don't think I'm going to get anything for that  
10 tax money that I don't already get from the  
11 County.

12 The County just repaved our roads three  
13 years ago, so our roads are in very good shape.  
14 I drive around the city, and the city roads are  
15 in terrible shape.

16 I don't need trash collection from the  
17 City. I currently haul off my own trash.

18 I don't think -- I don't think police  
19 coverage is a factor because, from my  
20 understanding, the police department is way down  
21 in their number of officers in the City of  
22 Bloomington now. I don't know how they could  
23 handle any additional area.

24 We have fire protection from the fire  
25 district, and I don't believe that will change



1 if the City annexes that property.

2 Q Any other reasons come to mind for why you  
3 oppose the annexation?

4 A Just financial.

5 Q Financial. And when you say "financial," are  
6 you referring specifically to the property tax  
7 issue?

8 A Yes.

9 Q What is your understanding, if any, on the  
10 impact the annexation would have on your  
11 property taxes? Besides increasing them, do you  
12 have any specific understanding?

13 A No, I don't have any specifics.

14 Q Have you ever looked at a property tax  
15 calculator either through the City of  
16 Bloomington, the County, or the state to --

17 A No.

18 Q Are you aware of any other -- so you've  
19 identified property taxes. You mentioned waste  
20 hauling that you don't need. Do you understand  
21 that if the annexation goes forward, the City of  
22 Bloomington would take over the waste removal?

23 A At a fee.

24 Q At a fee, right.

25 Do you have City of Bloomington utility

1 service for water and sewer?

2 A Yes.

3 Q Do you understand that if the annexation goes  
4 forward, your water and sewer bill would go  
5 down?

6 A Until they add the trash hauling.

7 Q Right. But just for the sewer and water  
8 service, do you understand that the fee for  
9 those services outside of the trash hauling  
10 would go down, stay the same, or increase?

11 A I think it would go down.

12 Q Because you would be an in-city user?

13 A Yes.

14 Q Subject to whatever the additional trash fee is?

15 A Correct.

16 Q Other than the property tax impact and a  
17 potential impact from the waste hauling fee  
18 after the utility bill gets sorted out, are you  
19 aware of any other financial impacts the  
20 annexation would have on you or your household?

21 A No.

22 Q You say the County repaved Yonkers about three  
23 years ago?

24 A Yes.

25 Q Your perspective on the city streets, as you

1 described, is that just your general observation  
2 from someone who drives through the city?

3 A Yes. Well, when I get out of my neighborhood --  
4 when I get out of the streets that the County  
5 just repaved, the city streets that are adjacent  
6 are in terrible shape.

7 Q Where is Alexander Electric located?

8 A Alexander Electric is 5970 West State Road 48.

9 Q How do you get there from your house?

10 A I generally take Highway 45 to Airport Road to  
11 Kirby Road, and Kirby Road runs right into  
12 Alexander Electric.

13 Q As an electrician for Alexander Electric, are  
14 you a residential, or is it new construction,  
15 commercial? What kind of jobs are you doing?

16 A Commercial and light industrial.

17 Q You mentioned in your answer that the police  
18 department is down in the number of officers.  
19 What is that understanding based on?

20 A A 2020 report that was given to the City. You  
21 want the name of the report?

22 Q The Novac Consulting Group?

23 A Yes.

24 Q Do you have notes in your pocket?

25 A I have a phone in my pocket.

1 Q Do you have a copy of the report on your phone?

2 A Uh-huh.

3 Q Where did you get that?

4 A Online.

5 Q Have you read it?

6 A I've read parts of it, yes.

7 Q I'm just curious. Most people we've talked to  
8 haven't actually seen that report. What is it  
9 about that report that caught your attention?

10 A There is a graph showing the number of officers  
11 that were on duty at that time from, I think it  
12 was from 2:00 in the afternoon until 9 or 10:00  
13 at night. They only had half the officers on  
14 duty that this report said they should have.

15 Q So how did the report come to your attention in  
16 the first place? Through news reports or --

17 A I have heard rumors that the City of  
18 Bloomington's police department was  
19 understaffed, so I started researching.

20 Q And in this Novac Consulting Group report with  
21 the graph or the table showing the staffing  
22 levels from 2 to 9, there were many other graphs  
23 and tables in the report?

24 A Yes.

25 Q Do you remember the graphs and tables that

1           showed how they could rearrange the scheduling  
2           to improve staffing at peak times?

3       A     I did see some of that, but that wasn't what I  
4           was looking for at the time.

5       Q     What were you specifically looking for?

6       A     I was looking to see if, at the time, the police  
7           department was understaffed.

8       Q     And in the table you looked at, do you remember  
9           if it was a schedule of six  
10          eight-and-a-half-hour days followed by three  
11          days off?

12      A     Yes.

13      Q     Have you seen any similar data on staffing  
14          levels for the Monroe County Sheriff's  
15          Department?

16      A     No. I wasn't aware there was such a report.

17      Q     I don't know if there is one or not. I'm just  
18          wondering in your research whether you've seen  
19          any information, whether a report or news  
20          articles or anything.

21      A     No.

22      Q     Mr. Nisbet, do you know what your property taxes  
23          were for 2023?

24      A     I don't recall that offhand.

25      Q     Do you pay the property taxes directly or do

1           they get paid through escrow?

2       A     Through an escrow account.

3       Q     Do you recall over each year getting letters  
4           from the auditor or the --

5       A     Yes.

6       Q     -- County assessor talking about your assessed  
7           value?

8       A     Yes.

9       Q     Have your property taxes increased in the last,  
10          say, over the course of the last five years?

11      A     Yes.

12      Q     Has that been driven by an increase in the  
13          assessed value?

14      A     Yes.

15      Q     Have you ever tried to appeal your property tax  
16          assessment?

17      A     No.

18                   (Deposition Exhibit 28 previously marked  
19                   for identification.)

20      Q     The document in front of you has a Number 28 on  
21          it, Exhibit 28.

22      A     Yes.

23      Q     Those are the answers -- amended and  
24          supplemented answers of County Residents Against  
25          Annexation to City of Bloomington's

1           interrogatories.

2                     If you would turn to, I believe it's  
3           page 12, it's question 13. The question asked  
4           the responder to "Identify and list all facts  
5           and documents supporting a contention that the  
6           annexation is not in the best interest of owners  
7           of land in the annexation territory," and  
8           identify the witnesses.

9                     Do you see that?

10          A     Yes.

11          Q     If you turn the page to page 13, do you see in  
12           the supplemental answer section it says, "See  
13           Supplemental Answer Number 5. In addition, if  
14           called to testify, the following would be asked  
15           to testify about the impact of annexation upon  
16           them or upon their businesses," and then it's  
17           the third line from the bottom of that paragraph  
18           that starts, "Jacomina Smith." If you go over,  
19           do you see your name there?

20          A     Yes.

21          Q     Is there anything else that you would say or  
22           testify to with respect to -- that you haven't  
23           already, with respect to whether the annexation  
24           is in the best interest of the owners of land in  
25           the annexation territory?

1 A No, I don't think so.

2 MR. McNEIL: I have no further questions.

3 MR. BEGGS: No questions. Thank you very  
4 much.

5 (Time noted: 2:22 p.m.)

6 AND FURTHER THE DEPONENT SAITH NOT.

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RICHARD NISBET

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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 RICHARD NISBET, 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 2:06 p.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 his 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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-----  
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: Richard Nisbet                      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: Richard Nisbet

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 Richard Nisbet

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: Richard Nisbet

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 Richard Nisbet

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



<b>&amp;</b>	<b>2902</b> 6:8	<b>a</b>	<b>amended</b> 4:3
<b>&amp;</b> 2:3,9	<b>2:00</b> 1:20 12:12	<b>above</b> 19:11	14:23
<b>0</b>	<b>2:06</b> 5:1 17:13	<b>accomplish</b>	<b>andrew</b> 2:8 3:3
<b>000509</b> 1:4	<b>2:22</b> 16:5	19:16	5:8,11
<b>1</b>	<b>3</b>	<b>accordance</b>	<b>annexation</b> 1:6
<b>1100</b> 19:1	<b>3/1/2024</b> 19:9	20:5 21:5	4:4 5:13 6:9,18
<b>111</b> 2:10	20:3 21:3 22:2	<b>account</b> 14:2	7:18,24 8:1,7
<b>12</b> 15:3	<b>30</b> 6:3	<b>acknowledge</b>	9:3,10,21 10:3
<b>13</b> 15:3,11	<b>317.684.5000</b>	20:11 21:16	10:20 14:25
<b>14</b> 4:3	2:11	<b>act</b> 20:14 21:20	15:6,7,15,23,25
<b>15</b> 19:4	<b>4</b>	<b>action</b> 17:24	19:6 20:3 21:3
<b>15th</b> 18:4	<b>401</b> 1:19 17:11	18:1	<b>annexes</b> 9:1
<b>1820</b> 19:2	<b>44114</b> 19:2	<b>actually</b> 12:8	<b>answer</b> 5:19
<b>1a</b> 6:19	<b>45</b> 11:10	<b>add</b> 10:6	8:4 11:17
<b>1b</b> 6:9,19	<b>46204</b> 2:11	<b>addition</b> 15:13	15:12,13
<b>1st</b> 1:19 17:12	<b>47403</b> 6:8	<b>additional</b> 8:23	<b>answers</b> 4:3
<b>2</b>	<b>47404</b> 2:4	10:14	14:23,24
<b>2</b> 12:22	<b>48</b> 11:8	<b>address</b> 6:7,13	<b>appeal</b> 14:15
<b>20</b> 20:16 21:22	<b>5</b>	<b>adjacent</b> 11:5	<b>appear</b> 20:11
22:22	<b>5</b> 3:3 15:13	<b>affixed</b> 18:4	21:15
<b>2020</b> 11:20	<b>53c06-2203</b> 1:4	20:15 21:21	<b>appearances</b>
<b>2023</b> 13:23	<b>5970</b> 11:8	<b>aforemention...</b>	2:1
<b>2024</b> 1:19	<b>6</b>	17:8,22	<b>appellants</b> 1:8
17:13 18:5,12	<b>6465811</b> 19:8	<b>afternoon</b>	2:2
19:4	20:2 21:2	12:12	<b>appended</b>
<b>211</b> 2:4	<b>8</b>	<b>ago</b> 7:7 8:13	21:11,18
<b>21167</b> 18:8	<b>812.332.9295</b>	10:23	<b>april</b> 18:12
<b>216-523-1313</b>	2:5	<b>airport</b> 11:10	<b>area</b> 6:9,19
19:3	<b>84-4852</b> 1:17	<b>al</b> 1:7,11 19:6,7	8:23
<b>22</b> 18:12	<b>9</b>	20:3,3 21:3,3	<b>arrangements</b>
<b>2700</b> 2:10	<b>9</b> 12:12,22	<b>alexander</b> 7:2,5	19:15
<b>28</b> 4:3 14:18,20		7:9 11:7,8,12	<b>articles</b> 13:20
14:21		11:13	<b>asked</b> 15:3,14
		<b>amcneil</b> 2:12	<b>assessed</b> 14:6
			14:13

<p><b>assessment</b> 14:16  <b>assessor</b> 14:6  <b>assignment</b> 20:2 21:2 22:2  <b>attached</b> 21:7  <b>attention</b> 12:9 12:15  <b>attorney</b> 17:25  <b>attorneys</b> 5:12 18:2  <b>auditor</b> 14:4  <b>authorize</b> 21:11  <b>available</b> 19:13  <b>ave</b> 19:1  <b>avenue</b> 2:4  <b>aware</b> 9:18 10:19 13:16</p>	<p>20:3 21:3  <b>bloomington's</b> 4:4 12:18 14:25  <b>bose</b> 2:9  <b>boselaw.com</b> 2:12,12  <b>bottom</b> 15:17  <b>break</b> 6:4  <b>broad</b> 8:3  <b>bunger</b> 2:3  <b>businesses</b> 15:16  <b>buying</b> 7:12,13</p>	<p><b>circle</b> 2:10  <b>circuit</b> 1:3  <b>city</b> 1:10,18 4:4 5:12 8:14,14 8:17,21 9:1,15 9:21,25 10:12 10:25 11:2,5 11:20 12:17 14:25 17:11 19:6 20:3 21:3  <b>civil</b> 20:5 21:5  <b>clements</b> 2:15  <b>cleveland</b> 19:2  <b>collection</b> 8:16  <b>college</b> 2:4  <b>come</b> 9:2 12:15  <b>commence</b> 1:20  <b>commencing</b> 17:13  <b>commercial</b> 11:15,16  <b>commission</b> 18:11,13 20:19 21:25 22:25  <b>common</b> 1:10 19:6 20:3 21:3  <b>completed</b> 19:13  <b>completely</b> 5:19  <b>construction</b> 11:14  <b>consulting</b> 11:22 12:20</p>	<p><b>contention</b> 15:5  <b>convenient</b> 19:15  <b>copy</b> 12:1  <b>corporation</b> 1:7  <b>correct</b> 10:15  <b>corrections</b> 21:17  <b>council</b> 1:10 19:6 20:3 21:3  <b>counsel</b> 17:22  <b>county</b> 1:2,3,6 1:10,17,19 4:3 8:11,12 9:16 10:22 11:4 13:14 14:6,24 17:2,4,12 18:13 19:6,6 20:3,3,10 21:3 21:3,15  <b>course</b> 14:10  <b>court</b> 1:3 20:7  <b>coverage</b> 8:19  <b>crr</b> 1:17  <b>csr</b> 1:17  <b>curious</b> 12:7  <b>currently</b> 6:16 8:17  <b>cycles</b> 6:4</p>
<p><b>b</b></p>	<p><b>c</b>  <b>c</b> 2:9  <b>ca</b> 19:25  <b>calculator</b> 9:15  <b>call</b> 19:14  <b>called</b> 15:14  <b>case</b> 5:13 19:6 20:3 21:3  <b>caught</b> 12:9  <b>cause</b> 1:4 17:24  <b>certificate</b> 21:11  <b>certification</b> 20:1 21:1  <b>certified</b> 19:16  <b>certify</b> 17:5,23  <b>change</b> 8:25 21:8 22:3  <b>changes</b> 20:7 21:7,9</p>	<p><b>d</b></p>	<p><b>data</b> 13:13  <b>date</b> 19:9 20:3 20:9,19 21:3 21:13,25 22:20</p>



22:25 <b>daughters</b> 6:17 <b>day</b> 1:19 17:12 18:5 20:16 21:22 22:22 <b>days</b> 13:10,11 19:18 <b>dear</b> 19:10 <b>deed</b> 20:14 21:20 <b>deemed</b> 19:20 <b>department</b> 8:20 11:18 12:18 13:7,15 19:23 <b>deponent</b> 16:6 17:6,19,19 <b>deposition</b> 1:14 1:16 5:15 14:18 17:9,15 19:9,11 20:1,3 21:1,3 <b>described</b> 11:1 <b>direct</b> 3:3 5:7 <b>direction</b> 17:17 <b>directly</b> 13:25 <b>disinterested</b> 17:23 <b>district</b> 8:25 <b>document</b> 14:20 <b>documents</b> 15:5 <b>doing</b> 11:15	<b>drive</b> 8:14 <b>driven</b> 14:12 <b>drives</b> 11:2 <b>duly</b> 5:3 17:6 <b>duty</b> 12:11,14  <b>e</b> <b>eight</b> 13:10 <b>either</b> 9:15 <b>electric</b> 7:2,6 7:10 11:7,8,12 11:13 <b>electrician</b> 6:24 11:13 <b>employ</b> 18:2 <b>entered</b> 21:9 <b>entire</b> 20:5 21:5 <b>errata</b> 19:18 21:7,10,18 22:1 <b>escrow</b> 14:1,2 <b>esq</b> 19:5 <b>estate</b> 6:18 <b>et</b> 1:7,11 19:6,6 20:3,3 21:3,3 <b>evans</b> 2:9 <b>event</b> 18:1 <b>examination</b> 1:16 3:1,3 5:7 <b>examined</b> 5:5 <b>executed</b> 21:10 <b>execution</b> 20:14 21:19 <b>exemption</b> 7:15 <b>exhibit</b> 4:3 14:18,21	<b>exhibits</b> 4:1,2 <b>expiration</b> 20:19 21:25 22:25 <b>expires</b> 18:11 <b>expressing</b> 7:23 <b>expressly</b> 19:13  <b>f</b> <b>factor</b> 8:19 <b>facts</b> 15:4 <b>fee</b> 9:23,24 10:8 10:14,17 <b>ferren</b> 1:17 17:3 18:9,13 <b>filed</b> 7:15 <b>financial</b> 9:4,5 9:5 10:19 <b>fire</b> 8:24,24 <b>first</b> 8:8 12:16 17:6 <b>five</b> 14:10 <b>follow</b> 8:4 <b>followed</b> 13:10 <b>following</b> 15:14 <b>follows</b> 5:5 <b>foregoing</b> 17:9 20:13 21:18 <b>forward</b> 9:21 10:4 <b>free</b> 20:14 21:20 <b>front</b> 14:20 <b>full</b> 7:8 <b>further</b> 16:2,6 17:23	<b>g</b> <b>general</b> 11:1 <b>generally</b> 8:5 11:10 <b>getting</b> 14:3 <b>given</b> 11:20 17:18 <b>go</b> 7:5 8:8 10:4 10:10,11 15:18 <b>goes</b> 9:21 10:3 <b>going</b> 5:17 8:3 8:8,9 <b>good</b> 8:13 <b>grandson</b> 6:16 <b>graph</b> 12:10,21 <b>graphs</b> 12:22 12:25 <b>group</b> 11:22 12:20  <b>h</b> <b>half</b> 12:13 13:10 <b>hall</b> 1:19 17:11 <b>hamilton</b> 1:17 17:2,4 18:13 <b>hand</b> 18:4 <b>handle</b> 8:23 <b>haul</b> 8:17 <b>hauling</b> 9:20 10:6,9,17 <b>hear</b> 6:1 <b>heard</b> 6:23 12:17 <b>hereunto</b> 18:3
--	---	--	--

<b>highway</b> 11:10 <b>home</b> 7:12 <b>homestead</b> 7:14 <b>hour</b> 13:10 17:13 <b>house</b> 11:9 <b>household</b> 7:17 10:20 <b>huh</b> 12:2	<b>industrial</b> 11:16 <b>information</b> 13:19 <b>interest</b> 15:6,24 <b>interested</b> 18:1 <b>interrogatories</b> 4:5 15:1 <b>issue</b> 9:7	<b>list</b> 15:4 <b>listed</b> 21:7,17 <b>listing</b> 21:7 <b>live</b> 6:13 <b>lived</b> 6:11 <b>lives</b> 6:15 <b>llp</b> 2:9 <b>located</b> 11:7 <b>location</b> 19:15 <b>long</b> 6:11 <b>looked</b> 9:14 13:8 <b>looking</b> 13:4,5 13:6	<b>mind</b> 9:2 <b>minute</b> 6:3 <b>moment</b> 7:3 <b>money</b> 8:10 <b>monroe</b> 1:2,3 1:10,19 13:14 17:12 19:6 20:3 21:3 <b>monument</b> 2:10 <b>morton</b> 1:19 17:11 <b>move</b> 6:21
<b>i</b>	<b>j</b>	<b>m</b>	<b>n</b>
<b>identification</b> 14:19 <b>identified</b> 9:19 <b>identify</b> 15:4,8 <b>il</b> 1:17 <b>impact</b> 9:10 10:16,17 15:15 <b>impacts</b> 10:19 <b>improve</b> 13:2 <b>incorporated</b> 21:12 <b>increase</b> 10:10 14:12 <b>increased</b> 14:9 <b>increasing</b> 9:11 <b>index</b> 3:1 4:1 <b>indiana</b> 1:1,6 1:10,18,19,20 17:1,4,12,14 18:12 19:6 20:3 21:3 <b>indianapolis</b> 2:11	<b>j</b> 2:3 19:5 <b>jacomina</b> 15:18 <b>janine</b> 1:17 17:3 18:9,13 <b>job</b> 5:18 <b>jobs</b> 11:15	<b>m</b> 2:8 3:3 5:8 <b>madam</b> 19:10 <b>made</b> 20:7 <b>make</b> 5:20 19:15 <b>march</b> 1:19 17:13 18:5 19:4 <b>margaret</b> 2:15 <b>marked</b> 4:2 14:18 <b>matter</b> 5:5 17:8 19:12 <b>mckinney</b> 2:9 <b>mcneil</b> 2:8 3:3 5:8,11 16:2 <b>mentioned</b> 9:19 11:17 <b>midwest</b> 22:1	<b>name</b> 5:9,11 11:21 15:19 19:6 20:3,4,15 21:3,4,21 <b>need</b> 5:25 6:4 8:16 9:20 <b>needed</b> 8:4 <b>neighborhood</b> 11:3 <b>new</b> 11:14 <b>news</b> 12:16 13:19 <b>night</b> 12:13 <b>nisbet</b> 1:14,16 5:2,10,11 13:22 16:10 17:5 19:9 20:4 20:9 21:4,13 22:20 <b>north</b> 1:19 17:11
<b>k</b>	<b>l</b>		
<b>kind</b> 11:15 <b>kirby</b> 11:11,11 <b>know</b> 5:23 6:1 6:5 7:14,16 8:22 13:17,22	<b>land</b> 15:7,24 <b>large</b> 17:5 <b>lawbr.com</b> 2:5 <b>legal</b> 19:1 22:1 <b>letter</b> 19:19 <b>letters</b> 14:3 <b>levels</b> 12:22 13:14 <b>light</b> 11:16 <b>line</b> 15:17 21:7 22:3		

<p><b>notarial</b> 18:4  <b>notary</b> 1:17  17:3 18:11  19:25 20:10,18  21:15,23 22:23  <b>noted</b> 5:1 16:5  <b>notes</b> 11:24  <b>notice</b> 1:21  <b>novac</b> 11:22  12:20  <b>np0681591</b>  18:13  <b>number</b> 8:21  11:18 12:10  14:20 15:13  19:8  <b>numbers</b> 21:7</p>	<p><b>opposing</b> 7:18  <b>opposition</b> 7:23  <b>oral</b> 1:16  <b>outside</b> 10:9  <b>own</b> 6:18 8:17  <b>owners</b> 15:6,24</p>	<p><b>place</b> 1:21  12:16  <b>plans</b> 6:21  <b>please</b> 5:9 8:5  19:14  <b>pocket</b> 11:24  11:25  <b>police</b> 8:18,20  11:17 12:18  13:6  <b>potential</b> 10:17  <b>prefer</b> 19:16  <b>present</b> 2:14  <b>presented</b>  17:19  <b>pretty</b> 5:17  <b>previously</b> 4:2  14:18  <b>procedure</b> 1:20  17:14 20:5  21:5  <b>process</b> 5:17  <b>produced</b> 1:16  <b>production</b>  19:23  <b>profit</b> 1:6  <b>property</b> 7:14  7:15 9:1,6,11  9:14,19 10:16  13:22,25 14:9  14:15  <b>protection</b> 8:24  <b>provide</b> 5:15  <b>public</b> 1:17  17:3 18:11</p>	<p>20:10,18 21:15  21:23 22:23  <b>purchased</b>  19:17  <b>pursuant</b> 1:20  17:14</p>
<p><b>o</b></p>	<p><b>p</b></p>	<p><b>police</b> 8:18,20  11:17 12:18  13:6  <b>potential</b> 10:17  <b>prefer</b> 19:16  <b>present</b> 2:14  <b>presented</b>  17:19  <b>pretty</b> 5:17  <b>previously</b> 4:2  14:18  <b>procedure</b> 1:20  17:14 20:5  21:5  <b>process</b> 5:17  <b>produced</b> 1:16  <b>production</b>  19:23  <b>profit</b> 1:6  <b>property</b> 7:14  7:15 9:1,6,11  9:14,19 10:16  13:22,25 14:9  14:15  <b>protection</b> 8:24  <b>provide</b> 5:15  <b>public</b> 1:17  17:3 18:11</p>	<p><b>q</b></p>
<p><b>observation</b>  11:1  <b>offhand</b> 13:24  <b>office</b> 19:14  <b>officers</b> 8:21  11:18 12:10,13  <b>offices</b> 1:18  17:10  <b>official</b> 7:23  20:15 21:21  <b>ohio</b> 19:2  <b>online</b> 12:4  <b>opportunity</b>  5:14  <b>oppose</b> 9:3  <b>opposed</b> 8:1,6</p>	<p><b>p.m.</b> 1:20 5:1  16:5 17:13  <b>page</b> 3:2 4:2  15:3,11,11  21:7 22:3  <b>paid</b> 14:1  <b>paragraph</b>  15:17  <b>part</b> 7:7 21:9  <b>parties</b> 17:21  <b>parts</b> 12:6  <b>party</b> 17:25  18:2  <b>pay</b> 13:25  <b>peak</b> 13:2  <b>people</b> 12:7  <b>person</b> 17:24  <b>personally</b>  20:11 21:15  <b>perspective</b>  10:25  <b>petition</b> 7:18  <b>petitioners</b> 1:8  2:2  <b>phone</b> 11:25  12:1 19:3  <b>pl</b> 1:4</p>	<p><b>question</b> 5:22  6:1 8:3,5 15:3  15:3  <b>questions</b> 3:3  5:8,18 16:2,3</p>	<p><b>r</b></p> <p><b>read</b> 12:5,6  20:5,6,12 21:5  21:6,17  <b>reading</b> 19:12  19:19  <b>real</b> 6:18  <b>rearrange</b> 13:1  <b>reason</b> 6:5 21:8  22:3  <b>reasons</b> 8:6,6  9:2  <b>recall</b> 13:24  14:3  <b>receipt</b> 19:19  <b>record</b> 5:9 6:23  17:18 21:9  <b>reference</b> 19:8  20:2 21:2  <b>referenced</b>  19:11 20:11  21:15</p>

<p><b>referring</b> 9:6  <b>relating</b> 5:4  <b>relative</b> 17:25  <b>remember</b>  12:25 13:8  <b>remonstrance</b>  5:13 7:18  <b>remonstrators</b>  1:8 2:2  <b>removal</b> 9:22  <b>rent</b> 7:12  <b>repaved</b> 8:12  10:22 11:5  <b>rephrase</b> 5:25  <b>report</b> 11:20,21  12:1,8,9,14,15  12:20,23 13:16  13:19  <b>reporter</b> 20:7  <b>reports</b> 12:16  <b>represented</b>  17:21  <b>request</b> 21:9,11  <b>required</b> 19:25  <b>research</b> 13:18  <b>researching</b>  12:19  <b>residence</b> 18:13  <b>residential</b>  11:14  <b>residents</b> 1:6  4:3 14:24 19:6  20:3 21:3  <b>respect</b> 15:22  15:23</p>	<p><b>respondents</b>  1:12,18 2:7  17:10  <b>responder</b> 15:4  <b>retired</b> 7:9  <b>returned</b> 19:18  <b>review</b> 19:14  20:1 21:1  <b>richard</b> 1:14,16  5:2,10 16:10  17:5 19:9 20:4  20:9 21:4,13  22:20  <b>right</b> 9:24 10:7  11:11  <b>rmr</b> 1:17  <b>road</b> 11:8,10,11  11:11  <b>roads</b> 8:12,13  8:14  <b>robertson</b> 2:3  <b>rules</b> 1:20  17:14 20:5  21:5  <b>rumors</b> 12:17  <b>running</b> 6:3  <b>runs</b> 11:11</p>	<p><b>seal</b> 18:4,11  20:15 21:21  <b>section</b> 15:12  <b>see</b> 13:3,6 15:9  15:11,12,19  <b>seen</b> 12:8 13:13  13:18  <b>sense</b> 5:20  <b>series</b> 5:18  <b>service</b> 10:1,8  <b>services</b> 10:9  <b>set</b> 18:3  <b>sewer</b> 10:1,4,7  <b>shape</b> 8:13,15  11:6  <b>sheet</b> 21:7,10  21:18 22:1  <b>sheriff's</b> 13:14  <b>showed</b> 13:1  <b>showing</b> 12:10  12:21  <b>sign</b> 7:17,20  <b>signature</b> 17:20  18:8 19:14  <b>signed</b> 7:22  20:13 21:18  <b>signing</b> 19:12  19:19</p>	<p><b>solutions</b> 19:1  22:1  <b>sorted</b> 10:18  <b>south</b> 2:4 6:8  <b>specific</b> 9:12  <b>specifically</b> 9:6  13:5  <b>specifics</b> 9:13  <b>ss</b> 1:1 17:1  <b>staffing</b> 12:21  13:2,13  <b>started</b> 12:19  <b>starts</b> 15:18  <b>state</b> 1:1,18 5:9  9:16 11:8 17:1  17:4 18:12  20:10 21:15  <b>statement</b>  20:13,14 21:19  21:19  <b>stay</b> 10:10  <b>stenographic...</b>  17:16  <b>stephen</b> 2:9  <b>street</b> 1:19 6:8  17:11  <b>streets</b> 10:25  11:4,5</p>
	<p><b>s</b>  21:8,8 22:3  <b>saith</b> 16:6  <b>says</b> 15:12  <b>schedule</b> 13:9  <b>scheduled</b> 1:20  <b>scheduling</b>  13:1</p>	<p><b>similar</b> 13:13  <b>simple</b> 5:17  <b>sincerely</b> 19:21  <b>sir</b> 19:10  <b>six</b> 13:9  <b>smith</b> 15:18</p>	<p><b>subject</b> 10:14  <b>subscribed</b>  20:10 21:14  22:21  <b>suite</b> 2:10 19:2  <b>sunger</b> 2:12</p>

<p><b>superior</b> 19:1  <b>supplemental</b>  15:12,13  <b>supplemented</b>  4:3 14:24  <b>supporting</b>  15:5  <b>sure</b> 6:6  <b>sworn</b> 1:16 5:3  17:6 20:10,13  21:14,18 22:21</p>	<p><b>testimony</b> 5:15  17:18 20:6,7  21:6,9,12  <b>thank</b> 16:3  <b>thereof</b> 1:21  <b>think</b> 8:9,18,18  10:11 12:11  16:1  <b>third</b> 15:17  <b>thirty</b> 19:18  <b>three</b> 6:12 8:12  10:22 13:10</p>	<p style="text-align: center;"><b>u</b></p> <p><b>uh</b> 12:2  <b>under</b> 17:16  <b>understaffed</b>  12:19 13:7  <b>understand</b>  5:22 7:22 9:20  10:3,8  <b>understanding</b>  8:20 9:9,12  11:19  <b>unger</b> 2:9  <b>unretired</b> 7:3  <b>user</b> 10:12  <b>utility</b> 9:25  10:18</p>	<p><b>west</b> 11:8  <b>whereof</b> 18:3  <b>wife</b> 6:16  <b>william</b> 2:3  19:5  <b>witness</b> 1:16  18:3 19:9 20:1  20:4,11 21:1,4  21:15  <b>witnesses</b> 15:8  <b>wjbeggs</b> 2:5  <b>wondering</b>  13:18  <b>work</b> 7:1,5  <b>working</b> 6:24  7:9  <b>written</b> 1:20</p>
<p style="text-align: center;"><b>t</b></p>	<p><b>time</b> 1:21 5:1  7:7,8 12:11  13:4,6 16:5  <b>times</b> 13:2  <b>transcribed</b>  17:16 20:7  <b>transcript</b>  17:17 19:11,16  20:5,12 21:5  21:11,17  <b>trash</b> 8:16,17  10:6,9,14  <b>trial</b> 1:20 17:14  <b>tried</b> 14:15  <b>true</b> 17:18  <b>truth</b> 5:3,4,4  17:7,7,8  <b>truthfully</b> 5:19  <b>turn</b> 15:2,11  <b>twenty</b> 6:12  <b>two</b> 7:7  <b>typewritten</b>  17:17</p>	<p style="text-align: center;"><b>v</b></p> <p><b>v</b> 19:6 20:3  21:3  <b>value</b> 14:7,13  <b>veritext</b> 19:1,8  22:1  <b>vs</b> 1:9</p>	<p style="text-align: center;"><b>y</b></p>
<p><b>table</b> 12:21  13:8  <b>tables</b> 12:23,25  <b>take</b> 6:4 9:22  11:10  <b>taken</b> 1:18 17:9  17:15 19:11  <b>talked</b> 12:7  <b>talking</b> 14:6  <b>tax</b> 7:15 8:10  9:6,14 10:16  14:15  <b>taxes</b> 8:8 9:11  9:19 13:22,25  14:9  <b>tell</b> 5:3 8:5 17:6  <b>terrible</b> 8:15  11:6  <b>territory</b> 15:7  15:25  <b>testified</b> 5:5  <b>testify</b> 15:14,15  15:22</p>	<p style="text-align: center;"><b>w</b></p> <p><b>waived</b> 19:13  19:20  <b>want</b> 11:21  <b>waste</b> 9:19,22  10:17  <b>water</b> 10:1,4,7  <b>way</b> 5:15 8:20  <b>we've</b> 12:7  <b>went</b> 6:23 7:7</p>	<p><b>yeah</b> 6:25  <b>year</b> 14:3  <b>years</b> 6:12 7:7  8:13 10:23  14:10  <b>yonkers</b> 6:8  10:22</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.

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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.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted

fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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