

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 RICKY FERGUSON

16
17 The deposition upon oral examination of RICKY
18 FERGUSON, a witness produced and sworn before me,
19 Colleen Brady, Notary Public in and for the County
20 of Monroe, State of Indiana, taken on behalf of the
21 Respondents, at the offices of Bloomington City
22 Hall, 401 North Morton Street, Room 225,
23 Bloomington, Monroe County, Indiana, on the
24 27th day of February 2024, at 10:58 a.m., pursuant
25 to the Indiana Rules of Trial Procedure with
written notice as to time and place thereof.

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1 APPEARANCES

2 FOR THE PETITIONERS:

3 William J. Beggs

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5 211 South College Avenue

6 Bloomington, IN 47404

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9

10 FOR THE RESPONDENTS:

11 Andrew M. McNeil

12 BOSE MCKINNEY & EVANS LLP

13 111 Monument Circle

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15 Indianapolis, IN 46204

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17 amcneil@boselaw.com

18

19 ALSO PRESENT:

20 Margaret Clements

21

22

23

24

25

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1 INDEX OF EXHIBITS

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3 Deposition Exhibit No.:

4 Exhibit 33 - Monroe County property16

5 information document,

6 Bloomington_199199-206

7

8 Exhibit 34 - Monroe County Low TaxInfo19

9 document,

10 Bloomington_199196-198

11

12 Exhibit 35 - Answers of Ricky Ferguson to22

13 the City of Bloomington's First

14 set of Requests for Admissions

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17 Page

18 Previously Marked Exhibits:

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20 Exhibit 27 - Answers of County Residents22

21 Against Annexation Inc., to

22 City of Bloomington's First Set

23 of Request for Admissions

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25 Exhibit 28 - Amended and Supplemented29

Answers of County Residents

Against Annexation Inc. to City

of Bloomington's

Interrogatories

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2 Page

3 DIRECT EXAMINATION 5

4 Questions by Andrew M. McNeil

5

6 CROSS-EXAMINATION35

7 Questions by William J. Beggs

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Page 5

1 (Time noted: 10:58 a.m.)

2 RICKY FERGUSON,

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 Ricky L. Ferguson.

11 Q Mr. Ferguson, where do you live?

12 A 551 West Fairway Lane.

13 Q Is that in Annexation Area 1B?

14 A It is.

15 Q How long have you lived there?

16 A I think 33 years.

17 Q Does anyone live there with you?

18 A No. My boys did till they graduated. But one's

19 46 and one's 50.

20 Q Is there a mortgage on the property?

21 A No. I paid it off just a month ago.

22 Q Congratulations.

23 A Thank you.

24 Q Do you own any other property, real estate,

25 within Annexation Area 1A or 1B other than 551

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1 West Fairway Lane?
 2 A No.
 3 Q Do you work or are you retired?
 4 A I'm retired.
 5 Q Where did you retire from?
 6 A From Crane.
 7 Q Do you ever drive through the City of
 8 Bloomington itself?
 9 A Yeah.
 10 Q Do you ever eat at restaurants in the city
 11 limits?
 12 A Not very often.
 13 Q Do you get groceries or get gas inside the city
 14 limits?
 15 A Yeah, I get groceries at Walmart.
 16 Q Do you ever go to the city parks?
 17 A No.
 18 Q Do you attend civic events, plays, or concerts?
 19 A No.
 20 Q Go to any events at Indiana University?
 21 A No.
 22 Q Do you attend church in the city?
 23 A I attend South Union Church.
 24 Q What the address for that?
 25 A It's down on Rockport Road. I don't know the

Page 7

1 address either. Four miles down Rockport Road.
 2 Q How often in the course of a week do you think
 3 you travel into the City of Bloomington itself?
 4 A Two, three times.
 5 Q To do what?
 6 A To buy groceries.
 7 Q Are you willing to pay fees to the City of
 8 Bloomington for using the city roads, streets?
 9 A No, they are public.
 10 Q Do you know how they are paid for?
 11 A No, but -- I don't know how they are paid for.
 12 Q Do you have any understanding of whether
 13 property tax money is used to fund the City of
 14 Bloomington's road department?
 15 A Probably are but I don't know.
 16 Q Have you ever had to call the fire department
 17 for any reason?
 18 A No.
 19 Q Do you understand which fire department if you
 20 had to call the fire department would be the
 21 first responder to your property?
 22 A Yes. Perry Township.
 23 Q If the Bloomington Fire Department was called
 24 upon to put out a fire at your house, the City
 25 of Bloomington Fire Department, would you be

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1 willing to pay a fee for that service?
 2 A No.
 3 Q Why not?
 4 A They should provide it free.
 5 Q Why do you say that?
 6 A Because that's the way it's always been all my
 7 life.
 8 Q At your residence in Fairway Lane, are you
 9 connected to the city water and sewer?
 10 A I am.
 11 Q Are you agreeable to disconnecting from the city
 12 water and sewer in the event the annexation does
 13 not go forward?
 14 A No, I pay a fee for that.
 15 Q Do you understand the fee you pay is the
 16 out-of-city fee?
 17 A I don't understand that, no.
 18 Q Do you know whether the fees charged to people
 19 inside the city limits are lower than the fees
 20 charged to residents outside?
 21 A No, I don't know that.
 22 Q Do you believe it's in your best interest to
 23 continue receiving city water and sewer
 24 services?
 25 A I hadn't thought about it.

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1 Q If the city shut off your sewer connection
 2 because the annexation failed, what would you
 3 do?
 4 A I'd probably get a septic tank.
 5 Q Do you know what the acreage is of your
 6 property?
 7 A One third of an acre.
 8 Q Are you familiar with the organization County
 9 Residents Against Annexation?
 10 A Yes.
 11 Q What do you understand that to be?
 12 A It's a nonprofit organization. County Residents
 13 Against Annexation is a nonprofit, which
 14 Margaret's president of, and I'm on the board of
 15 advisors.
 16 Q How long have you been on the board of advisors?
 17 A Since it started.
 18 Q What do you understand your role to be as part
 19 of the board of advisors?
 20 A Well, advise on things we can do legally, you
 21 know. Not to have politics in it and stuff like
 22 that, you know.
 23 Q Were you involved in setting up or establishing
 24 CRAA as a 501(c)(3) organization?
 25 A No, I wasn't.

| | |
|--|---|
| <p style="text-align: right;">Page 10</p> <p>1 Q Do you understand that donations or 2 contributions to County Residents are tax 3 deductible? 4 A No, I don't. 5 Q Have you made any contributions or donations to 6 CRAA? 7 A I did when I first started. Made \$100 donation. 8 Q Is that the only donation you recall making? 9 A Yes. 10 Q Other than your time, for example? 11 A Right. 12 Q Have you had email or text message 13 communications with other people about 14 annexation related matters? 15 A Only about meetings. 16 Q Like meetings with County Residents group? 17 A Yes. 18 Q Anything beyond -- 19 A No. 20 Q -- meetings? 21 A No. 22 Q When you say about meetings, are you referring 23 to things like "Hey, there's going to be a 24 meetings next Tuesday"? 25 A Yeah, right. Going to be a meeting next</p> | <p style="text-align: right;">Page 12</p> <p>1 Q You mean a year? 2 A Yeah, a year. 3 Q So you said your neighbors' taxes are going to 4 go up \$1,300 a year, \$700 a year. But not your 5 taxes? 6 A No, not mine but a lot of my neighbors. And 7 they're single women. 8 Q Why is it that your taxes won't go up? 9 A I don't know. I must have a 65 or older. 10 Q Do you understand that you have the over 65 11 circuit breaker on your property? 12 A I don't understand it, no, but ... 13 Q Do you understand that your property taxes are 14 lower than your neighbors'? 15 A Yes, but I don't have much of a house. I just 16 have a carport, and I don't have a basement. I 17 just have a single frame house. The others have 18 two-car garages and basements and all that 19 stuff. 20 Q Do you have the homestead exemption on your 21 property? 22 A I don't know. I don't know about that. 23 Q Have you ever looked at what the property tax 24 impact would be on your tax bill if the 25 annexation went forward?</p> |
| <p style="text-align: right;">Page 11</p> <p>1 Tuesday. 2 Q Have you in the last six months kind of looked 3 back through your email messages to find email 4 communications about the annexation? 5 A No, I delete them. 6 Q You delete them on an ongoing -- 7 A Continuing basis, yeah. 8 Q Did you sign a remonstrance petition? 9 A Yes, I did. 10 Q Did you understand by signing the remonstrance 11 petition back in to 2021 or early '22 you were 12 opposing the annexation? 13 A Right. 14 Q Do you still oppose the annexation? 15 A Yes. 16 Q Why? 17 A Because when I walk out in my front yard, the 18 rural effect is gone. I can see one apartment 19 building over there cross Roger street, and then 20 when I get down to the end, I can see all of it. 21 You know, the whole apartment building, 22 apartment complex. 23 So, you know, a lot of my neighbors -- my 24 neighbors their taxes are going to go up like 25 \$1,300 a month \$700 a month.</p> | <p style="text-align: right;">Page 13</p> <p>1 A Yes. 2 Q What did you determine when you looked at it? 3 A It was \$3, but I think they got the decimal 4 point in the wrong place. Because everybody 5 else on Fairway Lane is going to go up 500 to 6 \$1,000. \$1,282 -- the lady across from me is 7 going to go up \$1,282. 8 Q How did you do the calculation or what did you 9 review to see the tax impact on your property 10 would be about \$3? 11 A I did it from a database that Margaret gave me. 12 So like I said, I think they got the 13 decimal point in the wrong place. It's Baker 14 Tilly. Because, you know, \$3 is not much and 15 everyone else wasn't up 5- to \$1,000. \$1,282 is 16 the lady across from me. 17 Q What's her name? 18 A Tamra Best. 19 Q Did she tell you what her taxes would go up, or 20 did you review the Baker Tilly database 21 yourself? 22 A I reviewed it. 23 Q And are there other reasons you have for being 24 opposed to the annexation besides what you just 25 described?</p> |

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1 A Well, it's just not good for us, you know. The
 2 rural setting is gone. I won't have many taxes
 3 but less that's wrong place -- decimal point is
 4 in the wrong place. I just don't want to be in
 5 the city.
 6 Q I don't remember if I asked you this, when did
 7 you -- what year did you buy your home?
 8 A 33 years ago, I think. It was in October or
 9 November of '91.
 10 Q Have you looked at how your government services
 11 would change? Like what the county is currently
 12 providing compared to what the City of
 13 Bloomington would provide if the annexation goes
 14 forward?
 15 A No, I haven't looked at it.
 16 Q Do you have any understanding about whether your
 17 sewer bill would go down, go up, or stay the
 18 same if the annexation went forward?
 19 A I don't know. I don't know about that.
 20 Q Do you have any information or understanding
 21 about whether your homeowner's insurance would
 22 go up, down, or remain the same following
 23 annexation?
 24 A No, I don't.
 25 Q To your understanding will the annexation, if it

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1 goes forward in 1B, cost you any money other
 2 than whatever the property tax change might be?
 3 A Well, my house was built in 1962. So it's
 4 probably -- I'm probably going to have to dig up
 5 the water lines and stuff for, you know, my
 6 sewer lines and stuff before that. That's going
 7 to cost me about 10, \$15,000.
 8 Q Why would you have to dig up your water or sewer
 9 line?
 10 A Well, if you get a leak -- because my girlfriend
 11 has a leak, had a leak, and it cost her, like,
 12 1,300, \$1,500, \$1,800 to get it fixed. So I'm
 13 thinking my water lines is got to be old and
 14 rusty because the pipes are under the house. So
 15 I'm expecting that to happen before long. I
 16 just had to replace a water heater in my house.
 17 Q But your waterline example, that could happen
 18 whether the annexation goes forward or not;
 19 right?
 20 A It could. Like I said, it will cost me about
 21 \$10,000. That will be an impact on me.
 22 Q Do you agree, that would be an impact from
 23 having to dig up your water lines as opposed to
 24 an impact from the annexation?
 25 A It wouldn't be annexation, but I would have that

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1 money to spend anyway.
 2 Q Right.
 3 A So I couldn't pay higher taxes.
 4 Q Which, to your understanding, is a \$3 increase
 5 unless the decimal point is in the wrong place?
 6 A Unless the decimal point is in the wrong place.
 7 I can't see how it would be \$3.
 8 Q Any other ways in which you think or can
 9 identify how the annexation would cost you money
 10 if it goes forward?
 11 A No. It won't cost me any money but, you know,
 12 it will cost everybody else money. Like I said,
 13 if that's 300 and something dollars, it's going
 14 to be different than \$3.
 15 Q Do you know or have you looked at how the
 16 Bloomington municipal property tax --
 17 Bloomington municipal tax rate compares to other
 18 cities in Indiana?
 19 A No, I haven't.
 20 (Exhibit 33 marked.)
 21 Q Mr. Ferguson, do you have Exhibit 33 in front of
 22 you now?
 23 A Yes.
 24 Q If you look at the top of the first page under
 25 Monroe County, Indiana, do you see where it says

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1 551 West Fairway Lane?
 2 A Yes.
 3 Q And then these pictures. Is that your house?
 4 A It is.
 5 Q If you go to the third page of Exhibit 33, which
 6 in the bottom right-hand corner is 199201.
 7 A Okay.
 8 Q Do you see the valuation -- well, first of all,
 9 do you see the transfer of ownership, August 29,
 10 1991, where you acquired the property? Right
 11 there.
 12 A Right there. Yeah, that's 1991 but don't have
 13 any dollar amount.
 14 Q Right. If you look at valuation record table on
 15 page 201, do you see where the assessment date
 16 for 2022, the second one from the top?
 17 A Yeah.
 18 Q So April 8 of 2022, do you see where the told
 19 valuation was \$146,800?
 20 A Right.
 21 Q And if you go to, say, 2019, do you see where
 22 the total valuation is 108,500?
 23 A Yeah.
 24 Q Do you have any understanding of how the
 25 increase in assessed value -- the impact, the

Page 18

1 increase in assessed value has on your yearly
2 property tax bills?
3 A Yes, because it depends on what's sold in my
4 neighbor. That's what the auditor tells me, the
5 treasurer or whatever. She sends me statements
6 that says property sold in my neighbor for that,
7 and that's my property value, right there.
8 Q What is your understanding, if any, about how
9 that assessed value figure relates to or how
10 it's used in the calculation of your property
11 taxes?
12 A I don't know. Don't have that.
13 MR. BEGGS: Counsel, what number was that
14 exhibit you had?
15 MR. MCNEIL: That was 33.
16 MR. BEGGS: And for the record, is that a
17 document you prepared, counsel?
18 MR. MCNEIL: It's a document that I
19 prepared using the county website, yes.
20 MR. BEGGS: That was prepared last --
21 within the last seven days or whatever the
22 metadata says?
23 MR. MCNEIL: Yes, correct.
24 MR. BEGGS: Thank you.
25

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1 (Exhibit 34 marked.)
2 BY MR. MCNEIL
3 Q Mr. Ferguson, you have Exhibit 34 in front of
4 you now?
5 A Yes.
6 Q Looking on the first page, is that your
7 property --
8 A Yes.
9 Q -- that's shown in the picture?
10 A Yes.
11 Q And if you look at under mortgage company, it
12 says Owen County -- this is on the first page
13 still under property information. Mortgage
14 company: Owen County State Bank. But you've
15 since paid that off; right?
16 A Right.
17 Q And then the homestead -- if you look on the
18 column to the right, there's the "Homestead
19 credit filed?" Answer, "Yes." Do you
20 understand that what that means?
21 A Where's that at?
22 Q It's in the column on the right. Still on the
23 first page.
24 A Still on the first page?
25 Q Yeah. You see on the right where it says

Page 20

1 "TIF: None," it's right --
2 A Oh, yeah.
3 Q Says "Homestead credit filed?" it says, "Yes."
4 Do you have any understanding what that means?
5 A No.
6 Q Below that it says "Over 65 Circuit Breaker?
7 Yes." Do you have any understanding of what
8 that means?
9 A No.
10 Q If you look on the second page of Exhibit 34,
11 it's page 197 in the bottom right-hand corner.
12 A Right.
13 Q At the very bottom, there is a tax history
14 table. And the assessment for 2024 has not been
15 done yet, but if you look at 2023, it shows
16 spring tax bill of \$124.18. Do you see that?
17 There's a spring column and a fall column.
18 It's to the left.
19 A I don't know where you're talking about okay.
20 Q Right --
21 A Oh, okay.
22 Q Do you see where in the 2023 spring column it's
23 \$124.18?
24 A Yes.
25 Q And the same amount for the fall. Do you see

Page 21

1 that?
2 A Yes.
3 Q Were those your property tax payments last year?
4 A I don't know because I had annuity that I paid
5 the bank.
6 Q Through your mortgage?
7 A Through my mortgage, yeah.
8 MR. BEGGS: With respect to 34, and we can
9 maybe stipulate for every other witness, is this
10 also an exhibit you prepared within the last
11 seven day or whatever the metadata shows?
12 MR. MCNEIL: Yes. For everyone that we
13 see, the answer will be --
14 MR. BEGGS: Everyone, meaning, any other
15 Low TaxInfo exhibit you show a witness today or
16 any -- I guess you represented it --
17 MR. MCNEIL: It's from the Elevate website.
18 MR. BEGGS: -- with two photos on the front
19 page?
20 MR. MCNEIL: Yeah.
21 MR. BEGGS: Thank you.
22 BY MR. MCNEIL
23 Q Mr. Ferguson, we're done with that document.
24 Have you ever reviewed the fiscal plan that the
25 City of Bloomington developed as part of the

Page 22

1 annexation?

2 A No.

3 (Exhibit 27 previously marked.)

4 Q Underneath the exhibits we just looked at,

5 there's an Exhibit 27. The title of that is

6 "Answers of County Residents Against Annexation,

7 Inc. to City of Bloomington's First Requests for

8 Admissions." Do you see that?

9 A Yes.

10 (Exhibit 35 marked.)

11 Q And Mr. Ferguson, we've also given you

12 Exhibit 35 right here. Do you see the title on

13 that document "Answers of Ricky Ferguson to the

14 City of Bloomington's First set of Requests for

15 Admissions"?

16 A Right.

17 Q If you turn to page 3 and 4, you see there five

18 separate requests for admissions?

19 A Yes.

20 Q You see the answers to all five say "See

21 response to County Residents Against Annexation,

22 Inc. severed on or about August 4, 2023"?

23 A I do.

24 Q Let's go back to Exhibit 27, which are the

25 CRAA's answers to requests for admissions. So

Page 23

1 if you go to page 3 and 4 of Exhibit 27, do you

2 see there the same five requests for admissions

3 from the ones that were directed specifically to

4 you?

5 A Yes.

6 Q Looking on page 3, at Number 2, it says "Admit

7 that Bloomington has developed and adopted a

8 written fiscal plan and established a definite

9 policy for each annexation territory by

10 resolution as set forth in," and there's an

11 Indiana code section.

12 A Right.

13 Q And the answer is "Deny." My question for you

14 is do you have any information to support or to

15 support the position -- let me ask it this way.

16 Do you have any information about how

17 Bloomington developed it fiscal plan?

18 A No.

19 Q Do you have any information about what's in the

20 fiscal plan?

21 A No.

22 Q If you look on the next page, page 4, Number 3.

23 It says "Admit that the plan complies with,"

24 there's an Indiana code section cited for each

25 annexation territory. Deny. Answer is "Deny."

Page 24

1 Do you have any information about whether

2 or not the city's fiscal plan complies with the

3 Indiana code?

4 A We discussed that in meetings. Might have voted

5 on it, but it's been a long time since I did

6 that. I can't remember.

7 Q And that was a CRAA meeting?

8 A Yes.

9 Q Was there anyone present from Baker Tilly during

10 that meeting?

11 A No.

12 Q This was just the advisory board?

13 A Yeah, it was a meeting.

14 Q How long ago do you believe that was?

15 A I don't know it was a long time ago. A year.

16 Q Is there anything, generally, that you recall

17 that was discussed about the fiscal plan at that

18 meeting?

19 A No, I can't remember.

20 Q Do you have any information -- this is a long

21 question, I'll tell you upfront -- any

22 information to suggest that the fiscal plan does

23 not represent a credible commitment from the

24 City of Bloomington to provide noncapital

25 services to Area 1B in the same manor they

Page 25

1 provide those noncapital services within the

2 city limits within a year of the annexation

3 taking effect if it does?

4 A What do you mean by "capital"?

5 Q I mean streetlights.

6 A Yeah.

7 Q Things like that.

8 A The mayor at that time said we wasn't going to

9 get streetlights and sidewalk, and all that

10 stuff, storm drainage. That's another thing.

11 Tamra Best lives down from us, and the water

12 runs through my backyard, around it -- or around

13 it, down the neighbor's driveway, and he -- she

14 had \$15,000 worth of damage to her shed from

15 water runoff.

16 Q What was your neighbor's name who had that

17 damage?

18 A Tamra Best.

19 Q You said the mayor said we would not get

20 streetlights, sidewalks, or storm water

21 drainage?

22 A Right.

23 Q Were you present when the mayor said that?

24 A No, I was not.

25 Q So how do you know he said that?

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1 A Somebody told me. It was at the city council
 2 meeting.
 3 Q Do you remember who told you?
 4 A No, I don't remember.
 5 Q And you're referring to Mayor Hamilton?
 6 A Yes.
 7 Q What's your best recollection on when that --
 8 you heard that from somebody? Was it 2017 when
 9 it first started? Was it 2021 when they adopted
 10 the ordinances?
 11 A Probably 2021. I can't remember.
 12 Q And when did this situation with the water
 13 damage to Tamra Best's shed, when did that
 14 happen?
 15 A I don't know. I don't know when.
 16 Q But that was -- I mean, that was obviously --
 17 well ...
 18 A Two or three years ago I believe.
 19 Q Do you understand that you're in Perry Township?
 20 A I do.
 21 Q Do you know who the Perry Township trustee is?
 22 A Dan Combs, I think. Dan Combs.
 23 Q Did the county or township do anything to fix
 24 the drainage issue that impacted Tamra Best's
 25 shed?

Page 27

1 A No. She had to pay it out of her pocket. She
 2 tried to get city to do it too, but they didn't
 3 do anything either.
 4 Q Were you involved in trying to get the city to
 5 do something?
 6 A No, I was not.
 7 Q You just heard about that after --
 8 A I heard that.
 9 Q -- from Tamra herself?
 10 A Well, I don't know if Tamra told me or not. She
 11 might have when I was getting her to sign the
 12 remonstrance.
 13 Q If I understand what you're saying, the
 14 homeowner, landowner, who had water damage from
 15 a drainage issue who was opposing annexation was
 16 asking the city to help with the drainage issue?
 17 A She asked the county first and then, I think,
 18 she asked the city. Neither one of them would
 19 do anything. It was from storm water runoff. I
 20 know that for a fact.
 21 Q Do you have any other information about the
 22 city's commitment to providing noncapital
 23 services, like, streetlights, sidewalks, police
 24 protection from the fiscal plan?
 25 A No, I don't have that. I haven't seen the

Page 28

1 fiscal plan.
 2 Q Do you know any information to suggest that the
 3 fiscal plan does not represent a credible
 4 commitment from the City of Bloomington to
 5 provide capital services to Area 1B in the same
 6 manner and scope that it provides within the
 7 city limits within three years of the
 8 annexation?
 9 MR. BEGGS: Object to form of the question.
 10 Foundation. You may answer.
 11 A Three the years, I don't have any information
 12 about that.
 13 Q Do you have any information beyond what you
 14 already described that the fiscal plan does not
 15 comply with the requirements of Indiana law?
 16 A No.
 17 Q Do you have any information on the population
 18 density in Area 1A or 1B on a persons per acre
 19 basis?
 20 A 1B is like 2,500 homes. I don't know about the
 21 persons but it's like 2,500 homes. It's
 22 Batchelor Heights, the Highlands, and everything
 23 down Roger Street. That road, part of that
 24 road.
 25 Q But in terms of population density, do you have

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1 any information on a persons per --
 2 A No, I don't.
 3 Q Do you have any information with respect to
 4 percentage of Area 1A or 1B being subdivided on
 5 an overall acreage basis?
 6 A No.
 7 (Exhibit 28 previously marked.)
 8 Q You should have in your stack there an
 9 Exhibit 28.
 10 A Yes.
 11 Q These are the amended and supplemented answers
 12 of County Residents Against Annexation to
 13 Bloomington's interrogatories. I want to direct
 14 your attention to a few in particular. If you
 15 look on page 2, Question 3.
 16 Question 3 says "Identify each fact witness
 17 that you plan to call to testify in this lawsuit
 18 and provide a summary of their anticipated
 19 testimony."
 20 Do you see that?
 21 A Yes.
 22 Q And if you turn the page to page 4, the very
 23 bottom of page 4 says "Rick Ferguson."
 24 Do you see that?
 25 A Yes.

Page 30

1 Q It says "If called, Mr. Ferguson would be asked
 2 to testify as a landowner about his opposition
 3 to annexation, city services versus other
 4 provided services, and the impact of the
 5 annexation upon him."
 6 Do you see that?
 7 A Right.
 8 Q We've touched on that a little bit, but let me
 9 ask you this: What information do you have or
 10 belief do you have about the services the city
 11 would provide following annexation compared to
 12 the services you receive presently?
 13 A I don't know. City hasn't annexed yet. So I
 14 don't know what services they would provide.
 15 Q Have you looked at any of the annexation
 16 materials from the city on what services the
 17 landowners in 1B would benefit from if
 18 annexation went forward?
 19 A Well, I know they don't do leaf pickup anymore
 20 and that's what I was hoping they would do.
 21 Q Does the county?
 22 A Yeah -- no, the city.
 23 Q No, I know. Did the city used to pick up your
 24 leaves?
 25 A No, city didn't but they used to give it. The

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1 county never did. City used to give it but they
 2 don't anymore.
 3 Q The city used to but the county never did?
 4 A Right. They don't do that now. I have a lot of
 5 leaves.
 6 Q Any other information about city services or
 7 what you may receive if the annexation goes
 8 forward compared to what you presently enjoy?
 9 A No.
 10 Q I had asked you a direct question earlier about
 11 why you were opposed to the annexation. Is
 12 there anything else that you haven't shared with
 13 us that is part of your opposition to the
 14 annexation?
 15 A Nothing else that I know of.
 16 Q The last clause in the answer here is the impact
 17 of the annexation on you. Other than potential
 18 change in property taxes, what is your
 19 understanding of how the annexation would impact
 20 you if it goes forward?
 21 A We're not supposed to get any streetlights or
 22 sidewalks, all the city services we should get.
 23 Q And that's based on the conversation you talked
 24 about earlier; right?
 25 A Right.

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1 Q Anything else besides that?
 2 A No, that's it.
 3 Q Then if you look on page 11, Question Number 12,
 4 it says "Identify and list all facts and
 5 documents supporting your contention in the
 6 petition that the annexation will have
 7 significant financial impact upon the residents
 8 and/or owners of land in the annexation
 9 territory and identify each witness."
 10 Do you see that?
 11 A Yes.
 12 Q Page 12, there's a supplemental answer. Says
 13 "If called to testify the following individuals
 14 may be asked to testify about the significant
 15 economic impacts of annexation upon Areas 1A and
 16 1B," and do you see your name listed on the --
 17 A Yes, I do.
 18 Q You've talked about your neighbors and the
 19 impacts on some of them of the tax increases
 20 based on the Baker Tilly information or other
 21 information.
 22 A Right.
 23 Q Any other significant financial impacts on you
 24 or other landowners?
 25 A Not me but my neighbors, Brett White, who lives

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1 next door to me. I showed him the Baker Tilly
 2 estimate the other day. He said, "That much?"
 3 He's got two little kids, and he can't afford
 4 that much, you know. Or he acts like he
 5 couldn't.
 6 Q Do you remember what the -- according to Baker
 7 Tilly -- what the increase would be?
 8 A No, I don't. I don't. It would be, like, \$840,
 9 or something, per year.
 10 Q Did you say Rick White?
 11 A Brett White, B-r-e-t-t.
 12 Q Oh, Brett. Thank you. And that was a
 13 conversation you recently had with Mr. White?
 14 A Yes, I just had it the other day with him.
 15 Q Then looking at Exhibit 28, Question 13,
 16 "Identify and list all facts and documents
 17 supporting the contention in the petition that
 18 the annexation is not in the best interest of
 19 owners of language in annexation territory."
 20 Do you see that question?
 21 A Yes.
 22 Q And then on page 13, there's a supplemental
 23 answer where you are identified as someone who
 24 may testify about the impact of the annexation
 25 upon them and upon their businesses. For you,

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1 it would be just you, individually, not a
 2 business?
 3 A Right.
 4 Q Anything that we haven't talked about concerning
 5 the annexation's impact on you?
 6 A No, not on me.
 7 Q Anything we haven't talked about concerning the
 8 impact of annexation on your neighbors? You
 9 mentioned Tamra Best, you mentioned Brett White.
 10 Other neighbors with tax increases, is there
 11 anything else that you can think of?
 12 A No. I don't know, you know. I don't know what
 13 they feel about it. They all signed the
 14 remonstrance except for about two or three.
 15 And, you know, Jan lives next door to me, Jan
 16 Sexton. Diane Hoopstra lives across the street.
 17 Sara Hulen just bought the house. Their all
 18 taxes are going to go up.
 19 Q Is that information you've had from talking with
 20 them or looking at the Baker Tilly report or
 21 both?
 22 A Yeah, talked to them.
 23 Q Is there any other -- I'm just trying to make
 24 sure we covered all the basis here so if you
 25 testify at the trial in this case, for example,

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1 and you're talking about reasons you oppose the
 2 annexation, is there anything else that we
 3 should put on the table before we finish off?
 4 A No.
 5 MR. BEGGS: Object to form.
 6 THE WITNESS: What's that?
 7 MR. BEGGS: I made an objection to the
 8 question for the record.
 9 MR. MCNEIL: Mr. Ferguson, I believe those
 10 are all the question I have for you. Thank you
 11 for your time.
 12 CROSS-EXAMINATION,
 13 QUESTIONS BY WILLIAM J. BEGGS:
 14 Q Where do you buy groceries, Rick?
 15 A Walmart.
 16 MR. BEGGS: No further questions. Thank
 17 you.
 18 (Time noted: 11:40 a.m.)
 19 AND FURTHER THE DEPONENT SAITH NOT.
 20
 21
 22
 23 _____
 24 Ricky Ferguson
 25

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1 STATE OF INDIANA)
) SS:
 2 COUNTY OF MONROE)
 3 I, Colleen Brady, a Notary Public in and for
 4 the County of Monroe, State of Indiana at large, do
 5 hereby certify that Ricky Ferguson, the deponent
 6 herein, was by me first duly sworn to tell the
 7 truth, the whole truth, and nothing but the truth
 8 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 Room 225, Bloomington, Monroe County, Indiana, on
 13 the 27th day of February 2024, commencing at the
 14 hour of 10:58 a.m., pursuant to the Indiana Rules
 15 of Trial 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

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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 *Colleen Brady*
 9 Colleen Brady
 10
 11 Seal, Notary Public My Commission Expires:
 12 State of Indiana March 8, 2029
 13
 14 Colleen Brady County of Residence:
 15 Commission No. NP0732235 Monroe
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

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1 Veritext Legal Solutions
1100 Superior Ave
2 Suite 1820
Cleveland, Ohio 44114
3 Phone: 216-523-1313
4 March 15, 2024
5 To: Mr. Beggs
6 Case Name: County Residents Against Annexation Et Al v. The Common
Council of the City Of Bloomington Et Al
7
8 Veritext Reference Number: 6465804
9
10 Witness: Ricky Ferguson Deposition Date: 2/27/2024
11
12 Dear Sir/Madam:
13
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 Sincerely,
25 Production Department
NO NOTARY REQUIRED IN CA

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1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS
2
3 ASSIGNMENT REFERENCE NO: 6465804
CASE NAME: County Residents Against Annexation Et Al v. The
Common Council of the City Of Bloomington Et Al
4 DATE OF DEPOSITION: 2/27/2024
WITNESS' NAME: Ricky Ferguson
5 In accordance with the Rules of Civil
6 Procedure, I have read the entire transcript of
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 _____
Ricky Ferguson
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
13 They have read the transcript;
They signed the foregoing Sworn
Statement; and
14 Their execution of this Statement is of
their free act and deed.
15
16 I have affixed my name and official seal
17 this ____ day of _____, 20____.
18 _____
Notary Public
19 _____
Commission Expiration Date
20
21
22
23
24
25

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1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS
2
3 ASSIGNMENT REFERENCE NO: 6465804
CASE NAME: County Residents Against Annexation Et Al v. The
Common Council of the City Of Bloomington Et Al
4 DATE OF DEPOSITION: 2/27/2024
WITNESS' NAME: Ricky Ferguson
5 In accordance with the Rules of Civil
6 Procedure, I have read the entire transcript of
my testimony or it has been read to me.
7 I have listed my changes on the attached
8 Errata Sheet, listing page and line numbers as
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
11 I have executed the Errata Sheet, as well
as this Certificate, and request and authorize
12 that both be appended to the transcript of my
testimony and be incorporated therein.
13 _____
Date Ricky Ferguson
14
15 Sworn to and subscribed before me, a
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;
18 They have listed all of their corrections
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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1 ERRATA SHEET
2 VERITEXT LEGAL SOLUTIONS MIDWEST
3 ASSIGNMENT NO: 2/27/2024
4 PAGE/LINE(S) / CHANGE /REASON
5 _____
6 _____
7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____
20 Date Ricky Ferguson
21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
22 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.

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

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