

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY
STATE OF INDIANA

WASHINGTON COUNTY COMMISSIONERS
by and through the WASHINGTON COUNTY
BUILDING DEPARTMENT,
Plaintiff,

v.

Case No. 88C01-2105-PL-338

INDIANA-KENTUCKY LAND HOLDINGS, LLC,
SHANNON D. MELTON, and NELLIE M. MELTON,
Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

COMES NOW the Plaintiff, in the person of Travis Elliott, and by its attorney, John F. Dietrich; comes also the Defendant, Indiana-Kentucky Land Holdings, LLC, by its attorneys, Young, Lind, Endres & Kraft, by John A. Kraft; comes also the Defendants, Shannon D. Melton and Nellie M. Melton, pro se;

And this matter is before the Court, upon the Plaintiff's Motion for Summary Judgment and the Response of the Defendant, Indiana-Kentucky Land Holdings, LLC, which Motion and Response read in the following words and figures, to-wit:

(H.I.)

And the Defendant having moved to strike those portions of the Designated Evidence of the Plaintiff which do not meet the standards of Trial Rule 56, meaning the only matter before the Court for consideration of the Motion for Summary Judgment would be the Affidavit of Travis Elliott;

And the Response of the Defendant having designated specific evidence with regard to the County's failure to meet its burden of proof under Trial Rule 56.

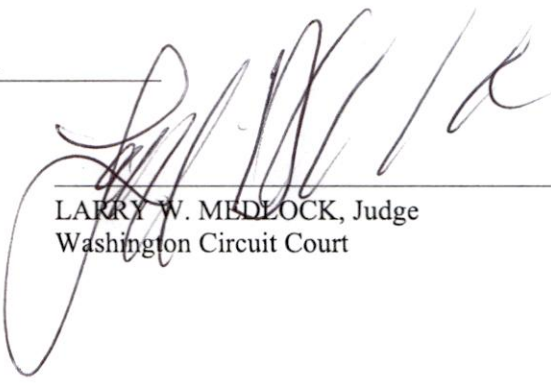
And the Court, being duly advised in the premises, denies the Plaintiff's Motion for Summary Judgment as the Plaintiff has not met its burden of proof and there are genuine issues of material fact based upon the admissible evidence designated herein, as the Plaintiff failed to designate any matters to

grant it summary judgment, specifically, no designation of any ordinance and/or provisions thereof which would require any type of permitting.

Plaintiff has failed to meet its burden to show any type of permit is required and, further, has failed to demonstrate it is entitled to a judgment as a matter of law.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED that the Motion for Summary Judgment filed by the Plaintiff herein is hereby DENIED as there are genuine issues of material fact, which would require a trial on the merits.

Dated 2/21/2022



LARRY W. MEDLOCK, Judge
Washington Circuit Court

Tendered by John A. Kraft, 5496-22

Copies to:
John A. Kraft
John F. Dietrich.