

ENTERED	
ATTEST, VINCENT RIGGS, CLERK	
OCT 17 2017	
FAYETTE CIRCUIT CLERK	
BY _____	DEPUTY

**COMMONWEALTH OF KENTUCKY  
FAYETTE CIRCUIT COURT  
DIVISION 3  
CIVIL ACTION NO. 17-CI-0640  
(CONSOLIDATED)**

WHITAKER BANK, INC.

PLAINTIFF

v.

ANDOVER GOLF AND COUNTRY CLUB, INC., et al

DEFENDANTS

**COMMONWEALTH OF KENTUCKY  
FAYETTE CIRCUIT COURT  
DIVISION 3  
CIVIL ACTION NO. 17-CI-0986  
(CONSOLIDATED)**

WHITAKER BANK, INC.

PLAINTIFF

v.

BALL HOMES, LLC and  
LOCHMERE DEVELOPMENT CORPORATION

DEFENDANTS

AND

**COMMONWEALTH OF KENTUCKY  
FAYETTE CIRCUIT COURT  
DIVISION 3 (FORMERLY DIVISION 7)  
CASE NO. 17-CI-1360**

BALL HOMES, LLC; and  
LOCHMERE DEVELOPMENT CORPORATION  
and TROY THOMPSON, assignee

PLAINTIFFS

v.

WHITAKER BANK, INC.; and  
ANDOVER GOLF AND COUNTRY CLUB, INC.

DEFENDANTS

**ORDER**

This matter having come before this Court on Friday, September 15, 2017, upon the Motion to Intervene filed by counsel on behalf of Robert M. Bath (as Trustee of the Robert M. Bath Living Trust), Greg Penn, and Hubert McGaughey [hereinafter collectively referred to as the "Andover Property Owners"], and the Court having reviewed the pleadings and heard counsel, this Court finds the Andover Property Owners have made a timely motion claiming an interest relating to the property or transaction which is the subject of the above-styled actions and are so situated that the disposition of the action may as a practical matter impair or impede the Andover Property Owners' ability to protect that interest, and the Andover Property Owners are not adequately represented by existing parties, Therefore, it is hereby ORDERED, DECREED and ADJUDGED that the Andover Property Owners' Motion to Intervene is GRANTED.

This 13 day of OCTOBER, 2017. /s/ JAMES D. ISHMAEL, JR.  
A TRUE COPY  
ATTEST: VINCENT RIGGS, CLERK  
FAYETTE CIRCUIT COURT  
BY [Signature] DEPUTY  
JUDGE, FAYETTE CIRCUIT COURT

TENDERED BY:

[Signature]  
Eric M. Case, Esq.  
EMC Legal PLLC  
*Attorney for Andover Property Owners*

**REVIEWED AND AGREED TO IN  
COMPLIANCE WITH RFCC 19:**

*Carroll M. Redford III by EAC*  
*with permission*

Carroll M. Redford, III, Esq.  
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*Attorneys for Ball Homes, Inc., Lochmere Development  
Corporation, and Troy Thompson*

*NO RESPONSE TO  
OFFER TO ATTEST*

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*John P. Brice by EAC*  
*with permission*

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John N. Billings, Esq.  
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*Attorney for Homeowners Associations*

**CERTIFICATE OF SERVICE**

This is to certify that the foregoing was served by mailing a copy of same on the undersigned on this the \_\_\_\_\_ day of \_\_\_\_\_, 2017 to:

**OCT 17 2017**

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\_\_\_\_\_  
CLERK, FAYETTE CIRCUIT COURT