

Anderson County jury awards homeowners \$30,000.00 for seller's failure to disclose previous flooding and issues regarding the home being built in a flood zone.

COMMONWEALTH OF KENTUCKY  
ANDERSON CIRCUIT COURT  
CIVIL ACTION NO. 00-CI-304

DEAN AND MARCIE BLEVINS

PLAINTIFFS

v.

TRIAL VERDICT AND JUDGMENT

BENJAMIN AND VICKY BOGGS

DEFENDANTS

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This matter came on for a jury trial on February 27, 2006. Both parties were present with counsel and announced ready for trial. After *voir dire*, the fourteen jurors with the following numbers were seated and sworn: 172, 85, 220, 116, 82, 211, 55, 68, 39, 162, 214, 203, 202, and 196. At the conclusion of this, Court was recessed until March 2, 2006.

On March 2, 2006, both parties presented opening statements to the jury and the Plaintiffs presented their case through the introduction of various exhibits and the sworn testimony of Dean Blevins, Dan Phillips, Jerry Sutton and Art Clay. The Plaintiffs then announced closed at which time the Defendants made a motion for a directed verdict which was overruled. The Defendants then presented their case through the introduction of various exhibits and the sworn testimony of Benjamin Boggs, Bobby Spencer, Larry Morgan and Marcie Blevins. The Defendants then announced closed, the Plaintiffs offered no rebuttal, and both parties made motions for directed verdicts which were overruled. The Court then advised the parties as to the instructions it would give the jury and the Court recessed until March 3, 2006.

On the morning of March 3, 2006, the defendants objected to the punitive

ANDERSON CIRCUIT COURT  
JAN D. ROGERS, CLERK

ENTERED: 3/22/06

BY: 


damage instruction, and that objection was overruled. Then, after the jury was instructed, each party presented closing arguments. Then, jurors 196 and 214 were selected as alternates by lot and excused. The remaining twelve jurors then retired to their deliberations upon which they returned with the following verdict: The jury answered YES on Interrogatory A by a vote of 11-1; the jury answered YES on Interrogatory B by a vote of 10-2; the jury answered NO to Interrogatory C by a vote of 10-2; as to damages, the jury unanimously awarded \$30,000.00 under Instruction No. 6; and, as to punitive damages, the jury unanimously decided not to award punitive damages.

At the request of the Defendants, the jurors were individually polled and they, in accordance with their written verdict form, indicated that the verdict received and announced in open Court was in fact the verdict of the jury.

**WHEREFORE**, the Court having received the verdict and determined that it is proper, now incorporates said verdict as part of its judgment and further finds and enters judgment as follows:

1. Judgment for the Plaintiffs in the amount of \$30,000.00, with interest at the legal rate until paid in full; and
2. Judgment for the Plaintiffs' costs.

This 16<sup>th</sup> day of March, 2006.

  
JUDGE, ANDERSON CIRCUIT COURT

**CLERK'S CERTIFICATE OF SERVICE**

I, Jan D. Rogers, Clerk of the Anderson Circuit Court do hereby certify that a true and correct copy of the foregoing Order was served by first class mail postage prepaid, on this the 22nd day of March, 2006 upon:

David J. Guarnieri  
JOHNSON, TRUE & GUARNIERI  
326 West Main Street  
Frankfort, KY 40601

Marie S. Hellard, P.S.C.  
148 S. Main Street  
Lawrenceburg, KY 40342

Cheryl W. Morgan, dc  
CLERK, ANDERSON CIRCUIT COURT

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