

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
***ex rel.* ERIC TARR,**

Petitioner,

v.

Civil Action No.

KRIS WARNER,
Secretary of State for the
State of West Virginia, and
ZACHARY ABBOTT,

Respondents.

EMERGENCY VERIFIED PETITION FOR WRIT OF MANDAMUS

This Verified Petition for Writ of Mandamus is made pursuant to West Virginia Code § 53-1-1 *et seq.* and West Virginia Rule of Civil Procedure 71.2 to present to this Court the question of whether the residency requirements of the West Virginia Constitution compel the Secretary of State to exclude from the ballot a candidate for election to West Virginia Senatorial District 4, who has not resided in this district for the twelve months preceding the November 3, 2026, general election.

STATEMENT OF THE CASE

More specifically, this petition presents the question of whether Article VI, Section 12 of the West Virginia Constitution compels the Secretary of State to exclude from the ballot a candidate for election to West Virginia Senatorial District 4, who claims he has resided in Putnam County at 328 Wells Hollow Road, Scott Depot, West Virginia but where all evidence indicates the candidate could not have resided there because the house was not owned by Abbott and the owner of the property did not give Abbott permission to reside there.

Petitioner Eric Tarr is a registered voter residing in Putnam County within West Virginia Senatorial District 4 and intends to vote in the November 3rd general election. Petitioner contacted

Respondent Secretary of State and reported to the Secretary of State the facts known to Tarr regarding candidate Zachary Abbott's residency. Though Respondent Secretary of State has been informed of facts that render Abbott an ineligible candidate, no steps have been taken to remove Abbott from the ballot.

Respondent Zachary Abbott ("Abbott") is a Democratic Party candidate for the District 4 Senate Seat. District 4 contains portions of Cabell, Jackson, Putnam Counties and all of Mason County. *See* W. Va. Code § 1-2-1. In filing for office, Abbott listed his residence as Scott Depot and his mailing address as 328 Wells Hollow Road, Scott Depot, West Virginia, an address within District 4. *See* Exhibit 1, Secretary of State Candidate Details. The property at that address was long owned by Phyllis Vandale. Exhibit 2, Property Search Summary. Upon Mrs. Vandale's death, this property conveyed to her daughter, Deborah Barker. Ex. 3, Declaration of Deborah Barker at ¶4.

According to the property owner, Ms. Barker, Respondent Abbott was present at the property to conduct remodeling work on or about February 2026. Ex. 3 at ¶6. Abbott was not given permission by the owner, Ms. Barker, to reside in the home or on the property. *Id.* Neighbors on this dead-end road noticed the presence of three men and confirmed that they were working on the property to prepare the house for sale. Ex. 4, Affidavit of Xerxes Rahmati at ¶6. And on April 7, 2026, Deborah Barker sold the property at 328 Wells Hollow Road to Anthony Verdirame. Ex. 5, Warranty Deed.

All of these facts contradict Abbott's representation that he was a resident at this property or that he even had permission from the owner to reside in this home. Further, in 2025, Abbott paid taxes in Kanawha County and identified a residence at that time as 104 Hopelawn Road, Kanawha County, West Virginia. Ex. 6, Affidavit of Kristina Raynes at ¶9. Abbott has paid no

real or personal property taxes in Putnam County. *Id.* at ¶10. There is no evidence that Abbott has ever lived in District 4 and certainly nothing to suggest he had lived there during the one year preceding the November 2026 election. Abbott therefore cannot remain on the ballot.

STATEMENT REGARDING BRIEFING, ORAL ARGUMENT, AND DECISION

Petitioner requests that this Court enter an expedited briefing schedule. Voting will soon commence and the election is November 3, 2026, and every day that drags on, any voter who votes for Abbott will be voting for a candidate that is not eligible to take office.

Petitioner believes that the dispositive issues raised by this case have been authoritatively decided by the Supreme Court of Appeals, and that the facts and legal arguments can be adequately presented in the briefs. Consequently, especially given the short time available, oral argument is not necessary.

Given the timeframe involved, however, Petitioner respectfully suggests that it may be appropriate for the Court to enter a summary order and follow in due course with the memorandum decision or other opinion explaining the decision.

ARGUMENT

I. Abbott is not eligible for election to Senate District 4 because he does not meet the residency requirements of the West Virginia Constitution.

The residency requirements of the Constitution for election as a senator are clear: “No person shall be a senator or delegate who has not for one year next preceding his election, been a resident within the district or county from which he is elected; and if a senator or delegate remove from the district or county for which he was elected, his seat shall be thereby vacated.” W. Va. Const., art. VI, sec. 12. By its plain terms, this constitutional provision requires residency in the district for at least one year prior to election.

The Supreme Court of Appeals has previously held that this one-year residency requirement “serves a compelling state interest and does not violate the fundamental constitutional rights of either the candidates or the voters.” *Martin v. Jones*, 186 W. Va. 684, 685, 414 S.E.2d 445, 446 (1992) (citing *White v. Manchin*, 173 W. Va. 526, 318 S.E.2d 470 (1984)). Where physical residency is a condition for election, “the residency requirement must be strictly construed.” *State v. Stalnaker*, 186 W. Va. 233, 236, 412 S.E.2d 231, 234 (1991); *State ex rel. Sandy v. Johnson*, 212 W. Va. 343, 349–50, 571 S.E.2d 333, 339–40 (2002) (same). Finally, “[t]he party alleging a change of domicile has the burden of proof.” *Stalnaker*, 186 W. Va. at 236, 412 S.E.2d at 234.

When determining a candidate’s residency, the Supreme Court of Appeals has provided the following test:

This Court has a well-settled body of case law to look to in deciding the issue in this case. We have said that “in West Virginia, the term ‘residence’ is synonymous with the term ‘domicile’ for election law purposes.” Syllabus Point 7, *White v. Manchin*, 173 W.Va. 526, 318 S.E.2d 470 (1984). “A [person] may live in several different places but he [or she] can have only one domicile. Domicile is a place a person intends to retain as a permanent residence and go back to ultimately after moving away.” Syllabus Point 2, *Shaw v. Shaw*, 155 W.Va. 712, 187 S.E.2d 124 (1972). “Domicile is a combination of residence (or presence) and an intention of remaining. If domicile has once existed, mere temporary absence will not destroy it, however long continued.” Syllabus Point 2, *Lotz v. Atamaniuk*, 172 W.Va. 116, 304 S.E.2d 20 (1983). Finally, “[t]he important facts in determining the domicile of a person who has more than one residence are the physical character of each, the time spent and the things done in each place, and whether or not there is an intention to return to the original domicile.” Syllabus Point 4, *Shaw v. Shaw*, 155 W.Va. 712, 187 S.E.2d 124 (1972).

Johnson, 212 W. Va. at 349, 571 S.E.2d at 339 (citation and quotations in original).

Abbott is seeking election from Senatorial District 4. All evidence, however, indicates that Abbott’s reported domicile is false. On his January 31, 2026, filing with the Secretary of State, Abbott identified 328 Wells Hollow Road, Scott Depot, as his residence; however, this property

was long owned by Phyllis Vandale until she passed in January of 2026. Ex. 3 at ¶4. According to the property owner, Ms. Barker, Respondent Abbott was present at the property to conduct remodeling work on or about February 2026. Ex. 3 at ¶6. Abbott was not given permission by the owner, Ms. Barker, to reside in the home or on the property. *Id.*

A neighbor observed the presence of three men at the Vandale property and when he asked them why they were there, he was told that they were doing work on the property. Ex. 4, Affidavit of Xerxes Rahmati at ¶6. These men did not state that they were residing at the home. *See Id.* As a full-time resident of this dead-end road, Mr. Rahmati would have noticed if someone new had moved in and taken up residence on the property.

There is no evidence in any public record to support Abbott’s claim that he is a Putnam County resident much less that he has been a resident for a full year prior to November of 2026. Instead, the publicly available records demonstrate that he has paid taxes in Kanawha County, and never in Putnam County. Ex. 6 at ¶¶9-10. Simply put, Abbott cannot meet his burden of establishing that he has resided in Senate District 4 for one year prior to the election.

II. A writ of mandamus is the appropriate mechanism through which to challenge Abbott’s candidacy.

The Supreme Court of Appeals’ precedent supports the use of a writ of mandamus to challenge the candidacy of a person seeking elected office. The Court has explained that the purpose of mandamus is to enforce “an established right” and a “corresponding imperative duty created or imposed by law.” *State ex rel. Ball v. Cummings*, 208 W. Va. 393, 398, 540 S.E.2d 917, 922 (1999) (citation omitted). In determining the appropriateness of mandamus in a given case, our law is clear that

A writ of mandamus will not issue unless three elements coexist—
(1) a clear legal right in the petitioner to the relief sought; (2) a legal

duty on the part of respondent to do the thing which the petitioner seeks to compel; and (3) the absence of another adequate remedy.

Syl. Pt. 2, *State ex rel. Kucera v. Wheeling*, 153 W. Va. 538, 170 S.E.2d 367 (1969); *State ex rel. W. Va. Citizen Action Group v. Tomblin*, 227 W. Va. 687, 692, 715 S.E.2d 36, 41 (2011) (same).

“In West Virginia a special form of mandamus exists to test the eligibility to office of a candidate in either a primary or general election.” Syl. Pt. 5, in part, *State ex rel. Maloney v. McCartney*, 159 W. Va. at 515, 223 S.E.2d at 610. Thus, “[b]ecause there is an important public policy interest in determining the qualifications of candidates in advance of an election, this Court does not hold an election mandamus proceeding to the same degree of procedural rigor as an ordinary mandamus case.” Syl. Pt. 2, *State ex rel. Bromelow v. Daniel*, 163 W. Va. 532, 533, 258 S.E.2d 119, 120 (1979); Syl. Pt. 3, *Hechler*, 208 W. Va. at 586, 542 S.E.2d at 407 (same). This relaxed standard was first adopted in the context of cases where the petitioner sought to preserve the right to vote or to run for political office. *See, e.g., State ex rel. Sowards v. County Comm’n*, 196 W. Va. 739, 742, 474 S.E.2d 919, 922 (1996); *Johnson*, 212 W. Va. at 348, 571 S.E.2d at 338. The standard has since expanded to cases seeking to prohibit a candidate from running:

While we countenanced easing the standard for issuing extraordinary relief in the context of “preserving” the right to run for political office in *Sowards*, the issues raised in this case, although aimed at prohibiting a candidacy, suggest similar exigencies which require immediate, rather than deferred, resolution. Moreover, as we explained in *Bromelow*, “the principal purpose of the liberalized election mandamus proceeding is to provide an expeditious pre-election hearing to resolve eligibility of candidates, so that voters can exercise their fundamental rights as to all eligible candidates.” *Id.* at 536, 258 S.E.2d at 122; *see also State ex rel. Maloney v. McCartney*, 159 W. Va. 513, 527, 223 S.E.2d 607, 616 (1976) (stating that “intelligent and meaningful exercise of the franchise requires some method of averting a void or voidable election” and recognizing that “some form of proceeding must be available by which interested parties may challenge in advance of a primary or general election the eligibility of questionable candidates in order to assure that elections will not become a mockery....”).

Hechler, 208 W. Va. at 587–88, 542 S.E.2d at 408–09 (citations and quotations in original). As the Supreme Court of Appeals has recognized, prompt resolution of candidate eligibility disputes furthers important public policies:

A consistent line of decisions of this Court during the last fifteen years clearly recognizes that the intelligent and meaningful exercise of the franchise requires some method of averting a void or voidable election. Consequently this Court has recognized that some form of proceeding must be available by which interested parties may challenge in advance of a primary or general election the eligibility of questionable candidates in order to assure that elections will not become a mockery.

McCartney, 159 W. Va. at 526–27, 223 S.E.2d at 616; *see also Manchin*, 173 W. Va. at 533, 318 S.E.2d at 477. Consistent with the Court’s holding in *Manchin*, Petitioner has joined the Secretary of State and Abbott as original party respondents to avoid any delay in receiving a motion to intervene.¹

Based on established West Virginia law, Petitioner is entitled to the writ. When a candidate for elected office is ineligible, a writ of mandamus lies against the Secretary of State. *See Manchin*, 173 W. Va. at 547, 318 S.E.2d at 491 (granting writ of mandamus and commanding the Secretary of State to withdraw his certification of candidacy of respondents deemed ineligible to run for the West Virginia Senate and further directing the Secretary of State to direct all election officials, county commissioners, clerks of county commissioners, clerks of circuit courts, boards of ballot

¹ Petitioner has not joined the county clerks or county ballot commissioners as parties. This decision was made in order to expedite this case and save the clerks and commissioners the cost and expense of filing a response to this Petition where they are nominal parties. Petitioner believes that W. Va. Code § 3-1A-6(a) authorizes the Secretary of State, as chief election official, to issue orders to all election officials, county commissions, clerks of county commissions, clerks of circuit courts, boards of ballot commissioners, election commissioners and poll clerks who are required to abide by any orders that may be issued. As such, a writ directed at the Secretary of State is sufficient to provide the relief required by this Petition. This was the same procedure used successfully in *State ex rel. Boley v. Tennant*, 228 W. Va. 812, 818, 724 S.E.2d 783, 789 (2012).

commissioners, election commissioners, and poll clerks associated with the administration of the primary elections to disregard and refrain from tallying, tabulating, certifying, or returning any vote cast, absentee, write-in, or otherwise, for candidates deemed ineligible); *McCartney*, 159 W. Va. at 527–28, 223 S.E.2d at 616–17 (granting writ of mandamus against respondent Secretary of State).

Notably, this court has not hesitated to grant the requested relief even where early voting has begun. *SER Hagerman v. Warner, et al.*, “Order Regarding Candidate Eligibility in WV House of Delegates District 39”, Case No. 18-P-398 (Kan. Co. Cir. Ct., J. Webster, Nov. 2, 2018) at Exhibit 7.

CONCLUSION

For the foregoing reasons, Petitioner requests that this Court grant a rule to show cause, enter an expedited briefing schedule, and after due consideration, grant Petitioner a writ of mandamus. Petitioner believes that the writ should (1) direct the Respondent Secretary of State to withdraw his certification of candidacy of Respondent Abbott, thus declaring him ineligible to run for the West Virginia Senate District 4; (2) further direct the Secretary of State, pursuant to the authority granted by W. Va. Code, § 3-1A-6(a), to direct the respective county clerks and ballot commissioners for the District 4 Counties to strike, omit, or otherwise remove the name of Respondent Abbott from the official ballots to be used in the general election to be conducted in 2026; (3) further direct the Secretary of State, pursuant to W. Va. Code, § 3-1A-6(a), to direct all election officials, county commissioners, clerks of county commissioners, clerks of circuit courts, boards of ballot commissioners, election commissioners, and poll clerks associated with the administration of the primary elections to disregard and refrain from tallying, tabulating, certifying, or returning any vote cast, absentee, write-in, or otherwise, for Respondent Abbott; and

(4) further direct the Secretary of State to direct the respective county clerks to post a sign at all polling places stating the Respondent Abbott is ineligible as a candidate for Senate District 4.

**STATE OF WEST VIRGINIA
ex rel. ERIC TARR,**

By Counsel

/s/ Gretchen M. Callas

Gretchen M. Callas (WVSB # 7136)
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eric@tyreeembree.com

VERIFICATION

I verify under penalty of perjury under the laws of the State of West Virginia that the factual statements in this Petition are true and correct to the best of my knowledge.



Eric Tarr

View Candidate Details



Basic Info

ZACHARY ABBOTT

Office : STATE SENATE - DISTRICT 4

Office Type : STATE RACE

Party : DEMOCRAT

County : -

Residence : SCOTT DEPOT, WV
PUTNAM

Mailing Address : 328 WELLS HOLLOW RD
SCOTT DEPOT, WV 25560

Phone No. : -

Campaign Email : ZSABBOTT711@GMAIL.COM

Filing Date : 01/31/2026

Candidate Phone No. : -

Campaign Website : -

Search Filters

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Party Names

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ALLEN, IVA (1)

ALLEN, R E (1)

ANDERSON, DOROTHY F (1)

ANDERSON, GEORGE J (1)

ANDERSON, MAE (1)

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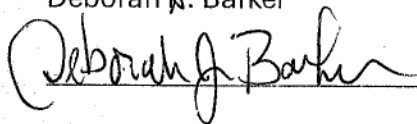
#	View	Scan Pages	Date	Type	Party One	Party Two	Description	File#	Book/Page
1		4	04/02/1981	DEE DEED	VANDALE, ROBERT L JR VANDALE, PHYLLIS JANE	PETERMAN, JAMES F PETERMAN, BETTY V	Amount: \$22,500.00 City/Village: CURRY Comments: CONTAINING 17.192 ACRES, W/ ACCESS TO A 14FT R/W LOCAL SERVICE RD NO.22		256 / 405
2		7	04/02/1981	DEE RIGHTOF WAY	VANDALE, ROBERT L JR VANDALE, PHYLLIS JANE	PARSONS, WOODROW W	City/Village: CURRY Comments: 14 FT RIGHT OF WAY		256 / 398
3		5	05/18/1990	DEE RIGHTOF WAY	MOBLEY, THOMAS J MOBLEY, RUTH J	VANDALE, PHYLLIS PAULEY, MELVIN	Comments: RIGHT OF WAY		325 / 835
4		2	11/08/1993	DEE DEED	VANDALE, ROBERT L JR VANDALE, PHYLLIS JANE	APPALACHIAN POWER COMPANY	[DEED] SCOTT RIGHT OF WAY 09-30-93		352 / 488
5		3	06/28/1999	DEE DEED	SCPIO, OTTO MICHAEL SCPIO, CAROLYN SUE	VANDALE, PHYLLIS JANE	Amount: \$2,000.00 City/Village: SCOTT Comments: 2.82 ACRES M/L-SCOTT 2.82 ACRES M/L [DEE]		402 / 875
6		1	06/28/1999	DEE MAP	VANDALE, PHYLLIS JANE	-----	[MAP]		402 / 878
7		3	06/28/1999	DEE DEED	PAULEY, LOWELL RAY PAULEY, WILLENA DAE	VANDALE, PHYLLIS JANE	Amount: \$3,000.00 City/Village: SCOTT Comments: 6.46 ACRES M/L BIG SCARY CREEK-SCOTT 6.46 ACRES M/L [DEE]		402 / 879
8		101	01/05/2009	ASG ASSIGN	MOUNTAINEER GAS SERVICES INC RINCHER, BERTIE	MOUNTAINEER GAS SERVICES INC	MULTIPLE BOOKS ASSIGNED		47 / 791
9		3	09/27/2010	DEE RIGHTOF WAY	VANDALE, ROBERT VANDALE, PHYLLIS	PUTNAM PUBLIC SERVICE DISTRICT	Amount: \$0.00 City/Village: SCOTT MAP ATTACHED		501 / 83
10		7	05/04/2012	DEE DEED	SCARY CREEK CHURCH OF GOD	VANDALE, PHYLLIS JANE	City/Village: SCOTT Comments: 0.23 ACRE		516 / 599
Related Documents:  Index Type: DEE Kind: CORRECTDEED Book: 510 Page: 37 Date Filed: 09/12/2011 Scan Pages: 3  Index Type: DEE Kind: DEED Book: 636 Page: 596 Date Filed: 04/28/2025 Scan Pages: 4									
11		7	06/28/2019	DTR TRUSTDEED	VANDALE, PHYLLIS JANE	WESBANCO BANK INC	City/Village: SCOTT Comments: 6.46 ACRES M/L		1217 / 119
12		4	04/28/2025	DEE DEED	VANDALE, PHYLLIS JANE	BARKER, DEBORAH J	City/Village: SCOTT Comments: PARCEL ONE: 6.46 ACRES M/L City/Village: SCOTT Comments: PARCEL TWO: 2.82 ACRES M/L		636 / 596
13		1	01/15/2026	OCD	VANDALE, PHYLLIS JANE			2026-00000028	
14		1	05/29/2026	REL RELEASE	WESBANCO BANK INC	VANDALE, PHYLLIS JANE			241 / 163

DECLARATION

1. My name is Deborah ^J~~R~~ Barker who resides in St. Albans, West Virginia. I am an adult over the age of eighteen and I have personal knowledge of the following facts.
2. I am a relative of Phyllis Vandale who was the owner of property and a residence at 328 Wells Hollow Road in Scott Depot, Putnam County, West Virginia.
3. In April of 2025 Phyllis Vandale transferred an interest in that property to me.
4. Upon Phyllis Vandale's passing in January 2026, I became owner of the property at 328 Wells Hollow Road.
5. I sold this property in April of 2026.
6. At no time did I ever give permission to Zachary Abbott to reside in or make his residence at 328 Wells Hollow Road. ~~I do not know Zachary Abbott and I never saw him on the property.~~ He was a remodeling Contractor - hired through Angies list in February 2026
7. If Mr. Abbott was on this property it was without my permission.
8. ~~At no time did Phyllis Vandale inform me that she had permitted Zachary Abbott to reside at 328 Wells Hollow Road. To my knowledge, Phyllis Vandale lived on the property at 328 Wells Hollow Road until _____. If she permitted Zachary Abbott to live on the property in 2025 or 2026 I have reason to believe she would have informed be.~~

These statements are true to the best of my knowledge,

Deborah ^J~~R~~ Barker



This 12 day of October 2026.

Witness: 

DARREN BROWN

AFFIDAVIT

1. My name is Xerxes E. Rahmati and I live at 218 Wells Hollow Road in Scott Depot, West Virginia.
2. Wells Hollow Road is a dead-end road off of Scary Creek Road in Scott Depot. There are approximately four (4) residences on Wells Hollow Road.
3. On or about August 24, 2026, Kristina Raynes reached out to me regarding a person who filed to run against Senator Eric J. Tarr in the 4th District State Senate race who listed his residential address as 328 Wells Hollow Road.
4. The address of 328 Wells Hollow Road was formerly owned by an elderly woman named Phyllis Vandale, who passed away on or about January 2, 2026.
5. After Mrs. Vandale passed away, Deborah Barker inherited the property.
6. Shortly after Mrs. Vandale's death (anywhere from January to March 2026 - because it was very cold outside), I noticed about three (3) strangers that were doing construction work at Mrs. Vandale's residence. I approached them and asked them what they were doing there. One of the men said that they were working for Ms. Barker getting the house ready to sell.
7. I can estimate that the men were at the residence for a couple of weeks working before the house was listed to sell.
8. None of the men working on the house that I talked to were the same man that bought the house in May of 2026.
9. Mrs. Vandale's home was sold by Deborah Barker to Anthony Verdirame, his wife, and his family on or around May 2026. I have never met the man.

10. I spoke to an investigator L.J. Deskins from the West Virginia Secretary of State's Office and relayed all these facts on October 5, 2026.

AFFIANT FURTHER SAYETH NAUGHT.

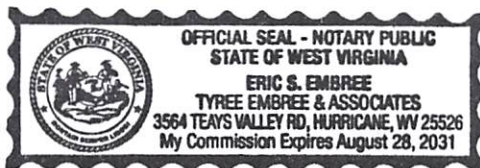


Xerxes E. Rahmati

STATE OF WEST VIRGINIA,
COUNTY OF PUTNAM, to-wit:

The foregoing document was acknowledged before me on this 11th day of October, 2026, by Xerxes E. Rahmati.

My commission expires 8/28/31.



NOTARY PUBLIC

Type: DEED
 Recorded: 5/13/2026 8:42:55 AM
 Fee Amt: \$1,363.20 Page 1 of 5
 Revenue Tax: \$1,311.20
 Putnam County Clerk
 Brian Wood County Clerk

BK 649 PG 250 - 254

When Recorded Return To:
 Anthony B. Verdirame and Adriana Verdirame

WV-68032-TEAY



WARRANTY DEED

THIS DEED, made this 7th day of April, 2026, by and between, **Deborah J. Barker**, hereinafter referred to as "GRANTOR", and **Anthony B. Verdirame and Adriana Verdirame**, hereinafter referred to as "GRANTEES".

WITNESSETH: FOR VALUABLE CONSIDERATION OF TEN DOLLARS (\$10.00), and other good and valuable consideration, cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, GRANTOR hereby grants, conveys and warrants with covenants of GENERAL WARRANTY, unto the GRANTEES, for and during their joint lives, with the remainder in fee simple to the survivor thereof, the following lands and property, together with all improvements located thereon, lying in the County of Putnam, State of West Virginia, to-wit:

All the following real estate situate in Scott District, Putnam County, West Virginia, described as follows:

Tract One:

Being a parcel situate in Dave Wells Hollow, Scott District, Putnam County, West Virginia, a more particular description being made as follows:

Beginning at a 5/8" rebar pin set in the westerly line of a 7.18 acre survey property of Deborah Barker (Deed Book 636 Page 596) surveyed concurrently herewith, said rebar being located at West Virginia State Plane Grid, South Zone, NAD1983 Coordinates N 520626.6427, E1717374.4205, thence;

With the line of the 7.18 acre survey S 30°21'45" W a distance of 683.00 feet to a 5/8" rebar pin set on the ridgeline near a fence and in the line of Rodney Parsons (Deed Book 498 Page 669), thence;

With the line of Parsons and the fence N 87°38'47" W a distance of 173.00 feet to a 5/8" rebar pin set marking a corner to Terry Baker (Deed Book 470 Page 252), thence;

With the line of Baker N 21°56'51" E crossing a rebar pin set on line at 711.63 feet and continuing 11.1 feet for a total distance of 722.73 feet to a point in the center of Dave Wells Hollow Road, thence;

With the center of said road N 58°38'55" W a distance of 19.94 feet to a point, thence;

Leaving the center of the road and with the line of Xerxes Rahmati (Deed Book 633 Page 984) the following seven lines:

- 1.) N 5°22'45" W a distance of 14.17 feet to a 5/8" rebar pin found, thence;
- 2.) N 5°22'45" W a distance of 54.87 feet to a 5/8" rebar pin found, thence;
- 3.) S 66°57'47" E a distance of 52.27 feet to a 5/8" rebar pin found, thence;
- 4.) S 37°25'15" E a distance of 29.90 feet to a 5/8" rebar pin found, thence;
- 5.) S 82°37'45" E a distance of 60.27 feet to a 5/8" rebar pin found, thence;

- 6.) S 24°23'27" E a distance of 41.67 feet to a 5/8" rebar pin found, thence;
 7.) S 81°14'47" E a distance of 62.39 feet to a 5/8" rebar pin found marking a corner to the aforementioned Rodney Parsons, thence;

Leaving the line of Parsons S 9°30'49" W a distance of 30.98 feet to a 5/8" rebar pin set, thence;

S 62°30'13" E a distance of 80.80 feet to the POINT OF BEGINNING containing 3.63 acres being a merger of parcels two and three in that deed to Deborah Barker (Deed Book 636 Page 596) and is shown on a plat prepared by Randolph Engineering Company, Inc. titled "BOUNDARY RETRACEMENT SURVEY 3.63 ACRE AND 7.18 ACRE LOTS BEING THE PROPERTY OF DEBORAH J. PARKER..." dated May 6, 2026 and bearing the signature and seal of Donald R. Hayes, West Virginia Professional Surveyor No. 902.

Tract Two:

Being a parcel situate in Dave West Hollow, Scott District, Putnam County, West Virginia, a more particular description being made as follows:

Beginning at a 5/8" rebar pin set in the easterly line of a 3.63 acre survey property of Deborah Barker (Deed Book 636 Page 596) surveyed concurrently herewith, said rebar being located at West Virginia State Plane Grid, South Zone, NAD1983 Coordinates N 520626.6427, E1717374.4205, thence;

N 30°21'45" E crossing a rebar pin set on line and on the original 50 acre division line (Deed Book 122 Page 116) at 33.2 feet and continuing for a total distance of 56.85 feet to a point in the center of Dave Wells Hollow Road, thence;

With the center of said road the following seven (7) lines:

- 1.) S 84°09'22" E a distance of 55.61 feet to a point, thence;
- 2.) S 82°41'38" E a distance of 72.68 feet to a point, thence;
- 3.) S 57°55'02" E a distance of 104.77 feet to a point, thence;
- 4.) S 61°11'14" E a distance of 109.32 feet to a point, thence;
- 5.) S 70°14'07" E a distance of 55.64 feet to a point, thence;
- 6.) S 67°02'00" E a distance of 62.05 feet to a point, thence;
- 7.) S 47°21'13" E a distance of 54.51 feet to a point, thence;

Leaving the center of said road S 32°59'56" E a distance of 44.20 feet to a point in the southerly line of said road (6' from centerline), thence;

S 41°38'32" W crossing the creek a distance of 7.50 feet to a 1/2" pipe found marking a corner to Rodney Parsons (Deed Book 498 Page 669), said pipe being at the southeasterly end of the aforementioned 50 acre division line, thence;

With the line of Parsons and a fence S 41°40'14" W a distance of 506.64 feet to a 3/4" pipe found, thence;

Continuing with Parsons, up the ridge and through two Powerline Towers S 88°26'43" W a distance of 517.97 feet to a 5/8" rebar pin set south of a fence and on the north side of a ridge road, a corner to the aforementioned 3.63 acre parcel, thence;

With the line of the 3.63 acre parcel N 30°21'45" E a distance of 683.00 feet to the POINT OF BEGINNING containing 7.18 acres and is shown on a plat prepared by Randolph Engineering Company, Inc. titled "BOUNDARY RETRACEMENT SURVEY 3.63 ACRE AND 7.18 ACRE LOTS

BEING THE PROPERTY OF DEBORAH I. BARKER," dated May 6, 2026 and bearing the signature and seal of Donald R. Hayes, West Virginia Professional Surveyor No. 902.

LSOT: Deed Book 636, Page 596, dated April 18, 2025. Thereafter, Phyllis Jane Vandale died on January 1, 2026.

WV-68032-TEAY

The real estate conveyed by this instrument is subject to all exceptions, reservations, easements, covenants, conditions, agreements, land use regulations, rights-of-way, restrictions, servitudes, municipal ordinances, prior out conveyances, prior conveyances of minerals and rights to extract the same, mineral severances and limitations of use as have been imposed upon such property by Grantor or the predecessors in title, or any governmental authority or estate, to the extent the same are now in effect.

The Grantor warrants that she has no knowledge or reason to believe that the subject property or its substrata contains an underground storage tank which is regulated by the provisions of the WV Underground Storage Tank Act, W. Va. Code Sec. 22-17-19.

The property described above is assessed for taxations purposes for the 2025 year upon the land books for Scott District, Putnam County, West Virginia, as follows:

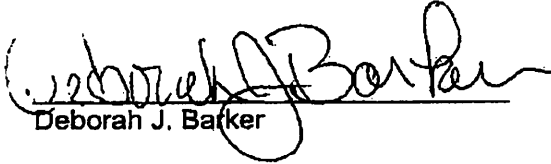
Account No. 16811 & 34112
Phyllis Jane Vandale
10-234-00160005 & 10-234-00160012

DECLARATION OF CONSIDERATION OR VALUE

The undersigned hereby declares that the total consideration paid for the real estate conveyed by the document to which this declaration is attached is \$ [REDACTED]

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK
SIGNATURE PAGE TO FOLLOW

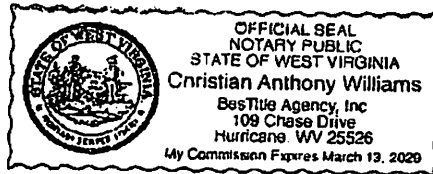
WITNESS the following signature:

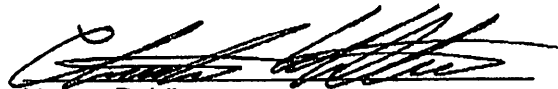

Deborah J. Barker

STATE OF WEST VIRGINIA
COUNTY OF PUTNAM, SS:

The foregoing instrument was acknowledged before me this 7th day of April,
2026 by Deborah J. Barker.

{seal}




Notary Public
State and County Aforesaid

My Commission Expires: 3/13/29

☐ The Grantees intend to occupy the property as a primary residence
☐ The Grantees do not intend to occupy the property as a primary residence

☐ The Grantor does qualify as West Virginia resident for non-resident withholding tax purposes,
and is not subject to State Withholding Tax
☐ The Grantor does not qualify as West Virginia resident for non-resident withholding tax purposes,
and is subject to State Withholding Tax

THIS INSTRUMENT PREPARED BY:

EDWARDS, KLEIN, ANDERSON & SHOPE, PLLC
Attorneys at Law
1426 Sixth Avenue, Suite 201
Huntington, WV 25701

STC 12-39

STATE TAX COMMISSIONER OF WEST VIRGINIA

SALES LISTING FORM

The Instrument May Not Be Recorded If This Form Is Not Completed In Its Entirety

West Virginia Code §§11-22-6, 11A-3-2 & 11A-3-3 (Amended 3-11-95)

Revised 8/12

County: Putnam Taxing District: 10-Scott
 Tax Map No.(s): 234 Parcel(s): 16.5 & 16.12
 Tax Map No.(s): _____ Parcel(s): _____
 Account#: 16811 & 34112
 Mineral ID#: _____
 Grantor's Name: Deborah J. Barker Phone No. (304) 382-3471
 Grantee's Name: Anthony B. Venturante and Adrian Verdame Phone No. (770) 608-5643
 Mailing Address of New Owner: _____
 Mailing Address for Tax Statements: _____
 Most Recent Previous Deed Book No.: 636 Page No.: 596
 Grantor's Source of Title: _____

(If not by "Previous Deed" referenced above.)

Consideration/Value: \$ Real Estate (b) Other Valuable Goods/Services (If Applicable)
 Lot Size or Acreage Involved: 3.86 Ac Big Scary Cr & 0.46 Acres Big Scary Creek 3.43 & 7.18'
 Estate(s) Transferred: Fee

(Examples: Fee, Surface, Mineral, Coal, etc.)

- | | | |
|--|----------|--------------|
| (1) Was this transaction on the open market? | Yes / No | (Circle One) |
| (2) Does this transaction involve more than one parcel? | Yes / No | (Circle One) |
| (3) Was this sale between related individuals or related corporations? | Yes / No | (Circle One) |
| (4) Was this a liquidation, foreclosure or other "Forced" sale? | Yes / No | (Circle One) |
| (5) Is this transaction pursuant to a land contract or owner financing? | Yes / No | (Circle One) |
| (6) Does this transaction include personal property? | Yes / No | (Circle One) |
| (7) Does this transaction include minerals and/or timber? | Yes / No | (Circle One) |
| (8) Any other financing arrangements materially affecting consideration? | Yes / No | (Circle One) |
| (9) Is this a mineral sale only? | Yes / No | (Circle One) |

If "No" to Question 1 or "Yes" to Questions 2 - 8 above, please explain below:

Explanation:

Printed Name: BestTitle Agency, Inc. Signature: Christian Williams Phone Number: (304) 757-8586Filed By (check one): ☐ Buyer ☐ Seller ☒ Agent/Attorney ☐ Other

LIENHOLDER INFORMATION (OPTIONAL)

Check if ☐ change of name or addressName: Loonsteady, LLCAddress for Notice: 8401 Greensboro Drive, McLean, VA 22102

INTEREST IN PROPERTY

Surface Owner's Rights	Deed Book: _____	Page No.: _____
Fiduciary Interest	Relationship to Owner: _____	
Lienholder	Trust Deed Book No.: _____	Page No.: _____
Other		

To Be Completed By County Clerk:	Sheriff's Use Only
Stamp Fee Paid: _____	Date Received: _____
Date Recorded: _____	Effective Dates of Lien: _____
New Deed Book No.: _____	Date Entered: _____
New Deed Book Page No.: _____	Entered By: _____
Date of Transaction: _____	Tax Ticket No.: _____

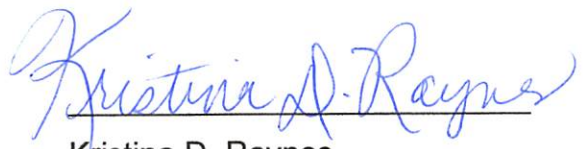
COPIES. WHITE-ASSESSOR CANARY-SHERIFF PINK-TAX COMMISSIONER GOLDENROD-PREPARER

AFFIDAVIT

1. My name is Kristina D. Raynes and I am the Prosecuting Attorney in Putnam County, West Virginia.
2. Senator Eric J. Tarr is a personal and family friend.
3. On or about August 24, 2026, Senator Tarr reached out to regarding a discrepancy in the residential address in the filing information for his opponent, Zachary Abbott, in the State Senate race for the 4th District.
4. Senator Tarr sent me a screenshot via text message of Abbott's filing which listed his residential address as 328 Wells Hollow Rd., Scott Depot, West Virginia, but erroneously listed the residential county as "Kanawha" instead of "Putnam."
5. My partner, Xerxes Rahmati, lives in that area, which is a small, dead-end road.
6. I contacted Rahmati and asked him if he was aware of a person named Zachary Abbott who lived at 328 Wells Hollow Road.
7. Rahmati texted me back and said that residence once belonged to his elderly neighbor, Mrs. Vandale, who passed away on or about January 2, 2026.
8. I recall visiting that residence on a few occasions with Rahmati and his children to take food to Mrs. Vandale on holidays because she lived alone.
9. I did an online search of real and personal property taxes for "Zachary Abbott" in Kanawha County and saw that he had previously paid taxes in 2025 and his residence was listed as 104 Hopelawn Road in Kanawha County, West Virginia.
10. I then did an online search of real and personal property taxes for "Zachary Abbott" in Putnam County, and there were no records.

11. I then did an online search of "328 Wells Hollow Road, Scott Depot" in the Putnam County real and personal property tax records and there were several entries under the name "Phyllis Vandale."
12. Rahmati then advised me that Phyllis Vandale's heir sold her home and the new owner's name was Anthony Verdirame.
13. I did a search for "328 Wells Hollow Rd, Scott Depot" online on the Putnam County Clerk's website for a deed transfer. I found a Grantor, Deborah Barker (assumed to be Mrs. Vandale's heir) granted the said property to the grantee, Anthony Verdirame, on or about May 2026.
14. I relayed the learned information to Senator Tarr.
15. Senator Tarr asked me for Rahmati's information so he could be contacted by an investigator from the West Virginia Secretary of State's Office, and I complied.

AFFIANT FURTHER SAYETH NAUGHT.


Kristina D. Raynes

STATE OF WEST VIRGINIA,
COUNTY OF PUTNAM, to-wit:

The foregoing document was acknowledged before me on this 11th day of October, 2026, by Kristina D. Raynes.

My commission expires 8/28/31




NOTARY PUBLIC

FILED

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

2018 NOV -2 PM 4:59

STATE OF WEST VIRGINIA EX REL.

MARION SHANNON HAGERMAN,
Petitioner,CATHY S. GATSON, CLERK *ll*
KANAWHA COUNTY CIRCUIT COURT

v.

Civil Action No. 18-P-398
Honorable Carrie L. WebsterMAC WARNER, WEST VIRGINIA
SECRETARY OF STATE, JESSE JOHNSON,
and VERA McCORMICK, CLERK OF
KANAWHA COUNTY, WEST VIRGINIA,
Respondents.**ORDER REGARDING CANDIDATE ELIGIBILITY IN WV HOUSE OF DELEGATES**
DISTRICT 39

On October 31, 2018, came the parties, by their respective counsel, for a hearing regarding Petitioner Marion Shannon Hagerman's Emergency Petition for Writ of Mandamus. The issue presented in the Petition, in pertinent part, is whether the West Virginia Secretary of State, a constitutional officer and chief elections officer for the State of West Virginia, can be compelled to remove from the election ballot a candidate for the West Virginia House of Delegates in District 39, namely Jesse Johnson, where *Article VI, Section 12 of the West Virginia Constitution* provides that a delegate shall reside within the district from which he is elected one year preceding his election, and where all evidence indicates that said candidate has not resided in District 39 for one year preceding the election.¹

Upon review of the filings, the evidence submitted, including the sworn testimony of Jesse Johnson, the Respondent herein, and the arguments of the parties, and for reasons stated on the record, the Court finds and concludes as follows:

1. Jesse Johnson is the putative nominee of the Mountain Party for the West Virginia House of Delegates in District 39 for the 2018 General Election.

¹ Petitioner is seeking relief on remand from a WVSCA Order dated October 24, 2018, where the matter was remanded to circuit court for development of the record. The undersigned was assigned to the case on October 30, 2018.

2. Mr. Johnson presently resides at 4 Lakeshore Drive, Cross Lanes, West Virginia, which is within the geographic boundaries of the 39th District. However, Mr. Johnson has resided at this address only since May of 2018, at the earliest. Prior to that date, Mr. Johnson resided outside the 39th District, at an address that he asserts was within the legislative boundaries of District 39 in or around 2010. This finding is undisputed and was also established by the documents submitted by the Petitioner, Respondent Johnson, and Johnson's testimony under oath.
3. Mr. Johnson testified that he filed his nomination and candidacy papers for District 39 at the Secretary of State's office on the last day he could file for office. His nomination papers, prepared by the Secretary of the Mountain Party, listed his previous address in Elkview, West Virginia. He was subsequently informed by the staff that his Elkview address was no longer in the 39th District. Mr. Johnson testified he then informed staff that he currently resided at 4 Lakeshore Drive, Cross Lanes, WV, and asked if he could amend his certificate of candidacy form. Mr. Johnson also testified that a staff attorney for the Secretary of State's office showed him the constitutional provision contained in the state's constitution that requires senators and delegates to reside in the district from which he or she is elected for a year prior thereto. See W. Va. Const., Art. VI, § 12. Notwithstanding this exchange between Mr. Johnson and the Secretary of State's attorney, Mr. Johnson filed his candidacy papers in District 39, using his Lakeshore address as his residence. Mr. Johnson testified that the Secretary of State's office accepted his candidacy documents and did not question his eligibility notwithstanding his presentation of two different forms with two different addresses in two different delegate districts.
4. On August 31, 2018, the Secretary of State received an "Elections Complaint Form," alleging that Mr. Johnson was not eligible to run in the 39th District because he did not meet the one year residency requirements.

5. On or about September 6, 2018, the Secretary of State responded to that complainant stating, "the allegations may warrant a criminal investigation, which may be impeded or endangered by the administrative procedures contained in" the rules it cited.
6. Thereafter, an appeal of the Secretary of States' failure to act was made to the WVSCA, where it was dismissed and remanded to circuit court for the [evidentiary] development of a record.
7. Although the Secretary of State did not present any witnesses or offer any evidence at the hearing, other than documents that were filed in response to the petition, its attorney stated that the Secretary of State informed Mr. Johnson of the complaint [presumably in writing] and gave him ten days to file a response. The Secretary of State maintains it is not permitted to disclose any document pertaining to the [criminal] investigation; and further contends that the Secretary of State is not authorized to remove an otherwise ineligible candidate from the ballot, and therefore cannot be compelled to remove a candidate from the ballot because it is without authority to do so, and that the proper party to compel is the Kanawha County Clerk's office. The Secretary of State admits it has jurisdiction over the complaint that was filed, and it is undisputed that the statute mandates that legislative candidates must file their candidacy papers with the Secretary of State.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The parties agree that the threshold question the Court must decide is whether Mr. Johnson meets the residency requirements set forth in the West Virginia Constitution:

"No person shall be a senator or delegate who has not for one year next preceding his election, been a resident within the district or county from which he is elected; and if a senator or delegate remove from the district or county for which he was elected, his seat shall be thereby vacated." W. Va. Const., Art. VI, § 12.
2. Based on Mr. Johnson's testimony, and the documents presented by the Petitioner in his petition, the Court finds that Mr. Johnson has not resided within the 39th District for one

(1) year next preceding the 2018 General Election, and CONCLUDES that he is therefore ineligible to be a candidate for the House of Delegates from that district.

3. The second question concerns what the proper remedy is given that Mr. Johnson is already on the ballot along with three other candidates in District 39 and early voting has already commenced, with over 1,000 ballots reportedly cast in District 39 at the time of the hearing. Thus, the Court finds that it is not feasible to remove Mr. Johnson's name from the ballot. However, because Mr. Johnson is ineligible to be a candidate, an equitable remedy is necessary to ensure that voters of the district are aware that Mr. Johnson is ineligible to hold the office of Delegate for the 39th District.
4. Accordingly, it is hereby **ORDERED** that no votes cast for Mr. Johnson for the House of Delegates in District 39 shall be counted. However, ballots on which a vote for Mr. Johnson was cast shall not be affected as it pertains to votes cast for any other office.
5. Further, it is hereby **ORDERED** that a notice shall be prominently posted at all voting precincts wherein Mr. Johnson's name will appear on the ballot, which shall read as follows:

BY ORDER OF THE CIRCUIT COURT OF KANAWHA COUNTY

MOUNTAIN PARTY NOMINEE JESSE JOHNSON IS NOT AN ELIGIBLE CANDIDATE FOR THE OFFICE OF HOUSE OF DELEGATES IN DISTRICT 39 IN THE 2018 GENERAL ELECTION. VOTES CAST FOR JESSE JOHNSON IN THIS ELECTION WILL NOT BE COUNTED.

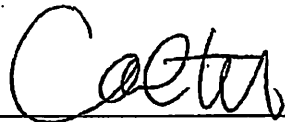
6. It should be noted that Respondent Mac Warner, West Virginia Secretary of State, contests his status as a proper party to this litigation. The hearing on October 31, 2018, did not address or include any arguments on this issue. Accordingly, this Order does not reach a decision on this question.
7. The Court, by and through this Order, hereby admonishes the Secretary of State for its inaction. Whether it is a proper party or not, it is inconceivable to the Court that this clear cut issue of candidate ineligibility was not timely addressed, when it could and should have

been, and as a result, potentially thousands of voters in District 39 will be disenfranchised from voting for this office or whose votes will not be counted.. The Court does intend to address this inexcusably failure at a later date.

8. The Court notes the objections of the parties to any adverse rulings contained herein.

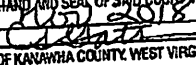
The Clerk of the Court shall distribute a certified copy of this Order to all counsel and parties of record.

IT IS SO ORDERED.

 11/2/18
The Hon. Carrie L. Webster
Thirteenth Judicial Circuit
Circuit Court of Kanawha County

(Note: Draft Order submitted by attorney below was substantially revised by the Court).

Charles R. Bailey (WV Bar #0202)
Marc J. Slotnick (WV Bar #5956)
Adam K. Strider (WV Bar #12483)
BAILEY & WYANT, PLLC
500 Virginia Street, East, Suite 600
Post Office Box 3710
Charleston, West Virginia 25337-3710
(304) 345-4222

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT.
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 2nd
DAY OF December 2018.  CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA