

**In The Matter Of:**  
*LIVINGSTON COUNTY ZONING BOARD OF APPEALS*

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*February 17, 2015*

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Original File 0217HRG.txt

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L\*4747\*L\* Page 2159

1 LIVINGSTON COUNTY ZONING BOARD OF APPEALS  
 2 CASE SU-7-14  
 3 PLEASANT RIDGE WIND ENERGY PROJECT  
 4 February 17, 2015  
 5 6:30 PM  
 6 Walton Centre  
 7 100 West Locust Street  
 8 Fairbury, Illinois

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 10 Michael Cornale, Acting Chair  
 11 Rich Kiefer  
 12 John Vitzthum  
 13 Joan Huisman  
 14 Diana Iverson  
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Page 2161

1 (Commencing at 6:30 p.m.)  
 2 **CHAIRMAN CORNALE:** All right, I've got  
 3 6:30. If we could go ahead and get this meeting  
 4 started. Chuck, roll call please.  
 5 **MR. SCHOPP:** Okay, this is the November --  
 6 this is the February 17th, 2015, continuation  
 7 hearing of Livingston County Zoning Board of Appeals  
 8 review of Livingston County Zoning Case SU-7-14,  
 9 Pleasant Ridge Energy, LLC, Pleasant Ridge Wind  
 10 Energy Project.  
 11 Michael Cornale.  
 12 **CHAIRMAN CORNALE:** Here.  
 13 **MR. SCHOPP:** John Vitzthum.  
 14 **MR. VITZTHUM:** Here.  
 15 **MR. SCHOPP:** Rich Kiefer.  
 16 **MR. KIEFER:** Here.  
 17 **MR. SCHOPP:** Diana Iverson.  
 18 **MS. IVERSON:** Here.  
 19 **MR. SCHOPP:** Howard Zimmerman. Joan  
 20 Huisman.  
 21 **MS. HUISMAN:** Here.  
 22 **MR. SCHOPP:** Gibs Nielsen. We do have a  
 23 quorum.  
 24

Page 2160

1 INDEX OF PRESENTERS  
 2 Page  
 3 MICHAEL McCANN  
 4 QUESTIONS BY MR. BLAZER..... 2163  
 5 QUESTIONS BY MR. JOHN SLAGEL..... 2265  
 6 QUESTIONS BY MR. HAYES..... 2274  
 7 QUESTIONS BY MR. FOSDICK..... 2276  
 8 QUESTIONS BY MR. STEIDINGER..... 2284  
 9 QUESTIONS BY CHAIRMAN CORNALE..... 2292

10 INDEX OF EXHIBITS  
 11 Page  
 12 Severson Exhibit 1..... 2162

Page 2162

1 **CHAIRMAN CORNALE:** All right. Certainly  
 2 like to take this opportunity to welcome everybody  
 3 here again this evening. Looks like we still have a  
 4 pretty good-sized crowd. Everybody is sticking with  
 5 us through this process. It's as long for you guys  
 6 as it is for us. Need to take care of a few items.  
 7 Need to get something admitted into  
 8 evidence. I've got a PowerPoint presentation from  
 9 February the 9th from Severson, that's  
 10 S-E-V-E-R-S-O-N, Exhibit 1. Looks like it's about a  
 11 28 page PowerPoint presentation that she presented  
 12 that evening.  
 13 Next item for housekeeping that we needed  
 14 to take care of -- all right, we'll go ahead and get  
 15 going where we left off last week. We had Mr.  
 16 McCann, he was testifying. If you want to come  
 17 forward, Mr. McCann. I believe the applicant has  
 18 additional questions for you that he'd like to  
 19 present. So with that, we'll go ahead and --  
 20 **MR. LUETKEHANS:** Mr. Chairman, before you  
 21 do, I have a question that's more, I guess, a  
 22 housekeeping matter.  
 23 **CHAIRMAN CORNALE:** All right.  
 24 **MR. LUETKEHANS:** We were advised that on

Page 2163

1 February 5th the Regional Planning Commission was  
 2 going to make a recommendation to this board and  
 3 that was going to be submitted last week. I have  
 4 not -- I don't believe that has been submitted, so I  
 5 guess I'm asking what the status of that is today.  
 6 **CHAIRMAN CORNALE:** Okay.  
 7 **MR. SCHOPP:** I never said it'd be  
 8 submitted last week, it's to be submitted this  
 9 month, will be submitted probably next week, so it  
 10 will be done at that point in time. I'm waiting to  
 11 do the soil and water at the same time and I'll just  
 12 put them together, so you'll get it.  
 13 **MR. LUETKEHANS:** Thank you, Mr. Schopp, I  
 14 appreciate it. Just trying to figure it out, thank  
 15 you.  
 16 **CHAIRMAN CORNALE:** All right. With that,  
 17 I think we're ready. Mr. Blazer, you may continue.  
 18 **MR. BLAZER:** Thank you, Mr. Chairman.  
 19 **QUESTIONS BY**  
 20 **MR. BLAZER:**  
 21 Q. Mr. McCann, hello again.  
 22 A. Hello.  
 23 Q. Could you tell me what parts of the record  
 24 of this case that you reviewed to prepare for your

Page 2164

1 report and your testimony?  
 2 **A. I don't have off the top of my head, but I**  
 3 **certainly looked at the application and all the**  
 4 **documents that were appended to it. I reviewed the**  
 5 **comprehensive plan. I reviewed, well, MLS records**  
 6 **and so forth that my study is based on.**  
 7 Q. Did you review County Exhibit 2, which is  
 8 the supplemental information submittal dated October  
 9 15, 2014? Does that ring a bell?  
 10 **A. I don't recognize it by that name.**  
 11 Q. Okay. How about the report that Mr.  
 12 MaRous submitted, Pleasant Ridge Exhibit 41, did you  
 13 review that?  
 14 **A. I did see that, yes.**  
 15 Q. Okay. There are just a few -- a few  
 16 preliminary things that I'd like to go through and  
 17 some factual things that you say in your report. I  
 18 just want to try and find out what the source of  
 19 those statements is, so this shouldn't take long.  
 20 Do you have your report up there with you?  
 21 **A. I do.**  
 22 Q. Okay. If you could turn to page 6. You  
 23 there?  
 24 **A. Yes.**

Page 2165

1 Q. Okay. There's a section here entitled  
 2 Summary of Salient Facts and Conclusions.  
 3 **A. Yes.**  
 4 Q. And you talk about the type of turbines.  
 5 **A. Correct.**  
 6 Q. And then your conclusion here is, "Thus, a  
 7 specific size and model is not identified to a  
 8 certainty and a range of facilities is proposed for  
 9 the special uses." What does that have to do with  
 10 your opinion about impacts on surrounding property  
 11 values?  
 12 **A. Well, nothing that's terribly significant**  
 13 **from the standpoint of value impact because whether**  
 14 **it is the 1.79 or some slightly different or**  
 15 **slightly larger model, based on the data I've**  
 16 **researched, impacts are going to be right in the**  
 17 **same immediate range.**  
 18 Q. All right. And you mentioned the 1.79.  
 19 You do know that Invenergy has identified either the  
 20 GE 1.79-100 or the GE 1.72-103, correct?  
 21 **A. I'll take your word for it. I don't**  
 22 **remember the second one specifically.**  
 23 Q. All right. Well, if -- on the same page  
 24 there, there's another section that you entitled

Page 2166

1 Turbine Size.  
 2 **A. Yes.**  
 3 Q. Or Turbines Size. And you say here,  
 4 "Height from the base to the tip of any blade when  
 5 perpendicular to the ground is 431.4 feet." Do you  
 6 see that?  
 7 **A. Yes, I do.**  
 8 Q. And do you know which turbine you're  
 9 talking about there?  
 10 **A. I believe that was the one that they were**  
 11 **using as the example, and if I recall correctly, it**  
 12 **was the presumed-to-be larger of the two that they**  
 13 **were thinking of.**  
 14 Q. The 103, does that ring a bell?  
 15 **A. Not right -- no, not right --**  
 16 Q. I mean let me just represent this to you  
 17 and I think Mr. Luetkehans will agree. The -- as  
 18 you described it, the height from the base to the  
 19 tip for the 100 is 426.5 feet and the 103 is 431.4  
 20 feet. Can we accept that?  
 21 **A. I won't argue with it.**  
 22 Q. Okay. So based on that, it looks like  
 23 when you're talking about turbine size here on page  
 24 6 of your report you're talking about the 103. Does

Page 2167

1 that seem correct?

2 **A. If that's what you're representing again,**

3 **I can accept that as --**

4 Q. Okay. Now, let's go to page 7 of your

5 report and you talk here about proposed setbacks.

6 **A. Yes.**

7 Q. And you've got -- you reflect 1.1 times

8 the turbine height to the property line, then you

9 have a note, "turbine height of 431.4 feet times 1.1

10 equals 474.54 feet. Applicant Figure 3-2 shows only

11 469 feet setback." And what's the point of you

12 pointing this out in your report?

13 **A. Well, it seemed to be inconsistent with**

14 **what the Livingston code required, a minimum of 1.1,**

15 **so I thought it was important to draw that out.**

16 Q. Well, I suppose that was a very badly

17 worded question. My question is what does that five

18 foot difference have to do with your opinion about

19 impacts on surrounding property values?

20 **A. Well, part of my report is a property**

21 **value impact and part of it is really for the**

22 **purpose of addressing the Criteria 5 or Standard 5**

23 **for approval of a special use, and in that regard I**

24 **was really showing that I had read it pretty**

Page 2168

1 **carefully and this appeared to be an inconsistency**

2 **with what the code requires.**

3 Q. I'm going to show you what's a printout of

4 Pleasant Ridge Exhibit 6.

5 **MR. LUETKEHANS:** That's from the first

6 one, right?

7 **MR. BLAZER:** That's from the October

8 submittal.

9 Q. And actually since that one's -- the

10 legend on that one is so difficult to read, I've

11 also taken the liberty of blowing up the legend and

12 I'm calling it Exhibit 6A. And I'll represent to

13 you, Mr. McCann, that 6A is a blowup of the legend

14 on 6.

15 **A. Okay.**

16 Q. Okay. And if you look at either 6 or 6A,

17 6 is probably a lot more difficult to read, you'll

18 see that it shows a setback of 476 feet not 469

19 feet.

20 **A. Yes, it does show that.**

21 Q. Okay. Do you know why in your report you

22 used the setback map for the 100s when you were

23 talking about the setbacks for the 103s?

24 **A. I copied that particular thing right out**

Page 2169

1 **of the application as it was received or admitted**

2 **from the county website. I wasn't distinguishing or**

3 **wasn't even aware that that exhibit had been updated**

4 **to correct the -- apparently correct or modify or**

5 **adjust the setback. So it's -- that's what was in**

6 **the original application, it's what I used.**

7 Q. Okay. And if I told you that the closest

8 nonparticipating property line to any turbine is, in

9 fact, 476 and a half feet or two feet under the

10 county's requirement, would you have any basis for

11 disputing that?

12 **A. Not off the top of my head, no.**

13 Q. All right, could you go to page 12 of your

14 report? And let me know when you're there.

15 **A. I'm there.**

16 Q. Okay. There's a section here Purpose of

17 Appraisal, the second paragraph. It says, "The

18 purpose of the assignment is also to determine --"

19 **A. Yes.**

20 Q. You there? Okay. And you talk about the

21 purpose and you also conclude that paragraph with

22 "and from a real estate valuation and land use

23 compatibility perspective."

24 **A. Yes.**

Page 2170

1 Q. Okay. And then if you go to page 21 of

2 your report, the last paragraph, you're talking here

3 about an industrial overlay --

4 **A. Yes.**

5 Q. -- is that correct? All right. It is

6 true, is it not, that you're not a land planner?

7 **A. That is true, I'm not a certified land**

8 **planner. I'm a real estate appraiser.**

9 Q. You're not a member of the American

10 Planning Association?

11 **A. I am not.**

12 Q. And you have no education in land

13 planning?

14 **A. Other than 30 years of appraising property**

15 **and studying land and land impacts, but not a formal**

16 **education in land planning as you're alluding to.**

17 Q. Okay. Now, could you go now to page 52 of

18 your report?

19 **A. Yes.**

20 Q. And what you have there is the cover or a

21 picture of the cover of that MPAC, M-P-A-C, study

22 that we talked about last week; is that correct?

23 **A. That is correct.**

24 Q. And then if you could go to page 53. And

Page 2171

1 there you have a bar chart and a table on that page.  
 2 **A. That's correct.**  
 3 Q. All right. I'll hand you what I marked  
 4 last week or we introduced last week as Pleasant  
 5 Ridge Exhibit 197A. You'll recall that that's that  
 6 MPAC study. Could you point out -- this bar chart  
 7 that you have in your report, could you tell me  
 8 where that is in the MPAC study?  
 9 **A. I believe Figure 2 on page 18 is**  
 10 **essentially the same chart without the horizontal**  
 11 **lines drawn in and the corresponding value level or**  
 12 **sale price level that I have marked down the right**  
 13 **side. It is also identical to an exhibit that's in**  
 14 **one of the appendices to this report which, if I**  
 15 **recall correctly, is Figure ES-2.**  
 16 Q. All right. This is actually UCLC Exhibit  
 17 74. I guess it's your version of the same study  
 18 with some of the appendices attached; is that  
 19 correct?  
 20 **A. Pardon me?**  
 21 Q. Is this your version of the same MPAC  
 22 study with the appendices attached? This is the one  
 23 I got from your lawyer, so I'm just trying to find  
 24 out what that's supposed to be.

Page 2172

1 **A. Yes, I believe it does include the**  
 2 **appendices, yes.**  
 3 Q. All right. So if I understand what you  
 4 said correctly, you took the table that's in the  
 5 MPAC study on page 18 and then you added information  
 6 to it; is that correct?  
 7 **A. That's correct.**  
 8 Q. Okay. So as this table appears in your  
 9 report, that does not appear in the MPAC study,  
 10 correct?  
 11 **A. Not the dollar figures. The distances,**  
 12 **the height of the bar charts, the indication as it**  
 13 **relates to the dollar figures that are shown down**  
 14 **the left margin or the vertical axis, it clearly**  
 15 **shows approximately where those figures come in. My**  
 16 **figures are from measuring on a screen basically.**  
 17 Q. I just wanted to be clear that as it's  
 18 represented in your report, this isn't in the study,  
 19 you added information to the bar chart from the  
 20 study, correct?  
 21 **A. I clarified it, yes, sir.**  
 22 Q. Okay. And then the table at the bottom of  
 23 page 53 of your report, where that's from?  
 24 **A. I developed that.**

Page 2173

1 Q. So that's not from the report.  
 2 **A. Pardon me?**  
 3 Q. That's not from the MPAC study?  
 4 **A. That's a summary of the MPAC study and the**  
 5 **bar chart that is right above it based on distances,**  
 6 **based on prices, based on the number of sales that**  
 7 **they're showing, and based on their -- essentially**  
 8 **their what amounts to a control area for their**  
 9 **study, you know, anything beyond 5 kilometers.**  
 10 Q. Got it. So you took it, you derived  
 11 information from the report and inserted it into  
 12 this table. This table as it sits here in your  
 13 report does not appear in the MPAC study.  
 14 **A. That's correct.**  
 15 Q. Okay.  
 16 **A. Probably should, but it doesn't.**  
 17 Q. All right, could you go to page 30 of the  
 18 -- of Exhibit 197A, the MPAC study?  
 19 **A. I'm sorry, say that a little slower.**  
 20 Q. Page 30, 3-0. 197A, it's the shorter one.  
 21 It's easier to get to probably.  
 22 **A. Page 70?**  
 23 Q. 30.  
 24 **A. Page 30.**

Page 2174

1 Q. Right. That's a list of the appendices to  
 2 the report, correct?  
 3 **A. Yes.**  
 4 Q. And one of them is appendix -- is  
 5 identified as Appendix G, Resale Analysis, Lansink  
 6 and MPAC, Industrial Wind Project Sales Review; is  
 7 that correct?  
 8 **A. That's what they labeled it, yes.**  
 9 **MR. LUETKEHANS:** It's attached to 179.  
 10 **MR. BLAZER:** This is 179B. It should be  
 11 in that pile.  
 12 Q. I've handed you, Mr. McCann, what we've  
 13 marked as Pleasant Ridge 179B. Do you recognize  
 14 that to be Appendix G to the MPAC study?  
 15 **A. It looks familiar. I don't have it**  
 16 **memorized, but it looks familiar.**  
 17 Q. Okay. All right, we can move on from  
 18 that. You've reviewed the standards applicable to  
 19 special use in Livingston County, correct?  
 20 **A. I have.**  
 21 Q. All right. And you know that the standard  
 22 applicable to the issue that you're talking about is  
 23 that the use will not substantially reduce the value  
 24 of neighboring property, correct?

Page 2175

1 **A. Well, again, the use and enjoyment of**  
 2 **property, certainly that is part and parcel of**  
 3 **ownership of a property, part of the bundle of**  
 4 **rights, part of the expectation of the property**  
 5 **owners, yes.**  
 6 Q. And I get that. Right now, I'm just  
 7 talking about value. You understand the standard in  
 8 the county's rules is that the use will not  
 9 substantially reduce the value of neighboring  
 10 property, correct?  
 11 **A. Well, that's an excerpt from that**  
 12 **particular standard, but it's not the entire**  
 13 **standard, that's correct.**  
 14 Q. Okay. And what you've done here to  
 15 establish or to support your opinion that the use,  
 16 in this case, the construction and operation of the  
 17 wind farm, will substantially reduce the value of  
 18 neighboring property is you've done what's called a  
 19 paired sales analysis; is that correct?  
 20 **A. That is correct, yes.**  
 21 Q. All right. And a paired sale analysis,  
 22 we're going to get -- we're going to go through some  
 23 fundamentals here just so everybody understands  
 24 where we're at. Paired sales analysis looks at

Page 2176

1 sales and resales and tries to measure for the  
 2 difference potentially resulting from the  
 3 detrimental condition; is that right?  
 4 **A. It's part of the description that fairly**  
 5 **describes it. It certainly isn't the entirety of**  
 6 **it.**  
 7 Q. Okay.  
 8 **A. But when you're referring to the time**  
 9 **element, that's not how it was applied in my paired**  
 10 **sales analysis.**  
 11 Q. I understand. Generally speaking, that's  
 12 what you're doing, though, you're looking at sales  
 13 and resales to try and compare the differences to  
 14 see the impact of the detrimental condition,  
 15 correct?  
 16 **A. Not only resale. That's a different type**  
 17 **of study. That's a resale study. It can be part of**  
 18 **and is part of what I developed in my paired sales**  
 19 **analysis.**  
 20 Q. Right.  
 21 **A. For example, target sale 1, 2 and 3 is the**  
 22 **same property. What it clearly shows is a very**  
 23 **large decline after the turbines were built, so that**  
 24 **would be a resale analysis. But then pairing up**

Page 2177

1 **each of those first three target sales with other**  
 2 **properties that sold at the same time that were a**  
 3 **greater distance, making the adjustments for the**  
 4 **differences that otherwise exist between homes that**  
 5 **are grouped as closely as possible by age and size**  
 6 **and so forth, why then that leaves the remaining**  
 7 **variable of proximity to the wind turbines and**  
 8 **that's what that analysis solves for.**  
 9 Q. Got it. All right, let's go over a couple  
 10 of things in your report that you rely on sort of  
 11 more as backup information to support your opinions.  
 12 If you could go to page 45 of your report.  
 13 **A. Yes.**  
 14 Q. In here you've got your list, your  
 15 literature review.  
 16 **A. Yes.**  
 17 Q. All right. And you identify what's on  
 18 that list as independent studies; is that correct?  
 19 **A. Yes.**  
 20 Q. And you include your own prior studies,  
 21 right?  
 22 **A. Yes.**  
 23 Q. Okay. And these are ones where you've  
 24 testified for opponents to other wind projects; is

Page 2178

1 that correct?  
 2 **A. I have testified in my prior studies, yes.**  
 3 Q. Yes. And then another one that you  
 4 include is by an individual named Kielisch,  
 5 K-I-E-L-I-S-C-H; is that correct?  
 6 **A. Kielisch is the pronunciation.**  
 7 Q. Kielisch, excuse me, thank you. Well,  
 8 he's from Wisconsin. He probably pronounces it a  
 9 little weird. He is from Wisconsin?  
 10 **A. Yes.**  
 11 Q. Okay. And if I'm correct, tell me if I'm  
 12 wrong, Kielisch compared vacant land within a wind  
 13 farm footprint to vacant land outside the footprint;  
 14 is that correct?  
 15 **A. That was part of what he did, yes.**  
 16 Q. Okay. And do you recall that Kielisch's  
 17 what I'll call inside-the-footprint properties were  
 18 standard rural land and the outside-the-footprint  
 19 properties were in an improved subdivision with  
 20 roads, utilities and other amenities? Do you recall  
 21 that?  
 22 **A. I recall there were some differences with**  
 23 **some of his sale data and some of the sale data**  
 24 **there weren't those differences. He used multiple**

Page 2179

1 **methods in his study.**  
 2 Q. Then the properties outside the footprint  
 3 were also in an area called Fisherman's Estate. Do  
 4 you remember that?  
 5 **A. Not specifically, no.**  
 6 Q. Let me see if I can refresh your  
 7 recollection. This is 201.  
 8 **MR. BLAZER:** Tom, can I get one of yours?  
 9 I seem to be short one.  
 10 **MR. BLAKEMAN:** Just one?  
 11 **MR. BLAZER:** Just one.  
 12 Q. I've handed you what's been marked  
 13 Pleasant Ridge Exhibit 201, and I'll represent to  
 14 you, Mr. McCann, that this is a presentation that  
 15 was submitted during the Deer Run project hearings  
 16 by an individual retained by the applicant in that  
 17 case, and it's a critique of Mr. Kielisch's study.  
 18 And if you look at the slide numbers 27 to  
 19 34, probably start at 27, I think you'll see that  
 20 the outside-the-footprint properties in Mr.  
 21 Kielisch's study were in an area called Fisherman's  
 22 Estate and they were located on the largest lake in  
 23 Wisconsin?  
 24 **A. If that's what it shows, that's what it**

Page 2180

1 **shows. I'm not familiar with this response, so I**  
 2 **can't vouch for it or --**  
 3 Q. Okay.  
 4 **A. -- reviewed it one way or the other.**  
 5 Q. And are you aware that with respect to the  
 6 vacant lots in the inside-the-footprint part of Mr.  
 7 Kielisch's study, brand-new quality homes were built  
 8 on several of those lots near the wind farm after it  
 9 began operating?  
 10 **A. That does not ring a particular bell, but**  
 11 **again I have not had an opportunity to review this**  
 12 **response or verify any of the information in it.**  
 13 Q. Well, if you could take a look at -- let's  
 14 start with slides 21 to 26.  
 15 **MR. LUETKEHANS:** I'm going to --  
 16 **MR. BLAZER:** I'm just asking --  
 17 **MR. LUETKEHANS:** I'm going to object.  
 18 He's asking him to look at a study he's never seen,  
 19 and then he's also taking parts of it and saying  
 20 even though the study -- the report says 30 percent  
 21 were in Fisherman's Estate, he's now asking him --  
 22 he's telling the witness it's a hundred percent, and  
 23 the witness hasn't had a chance to look at this and  
 24 review this. This is really -- this is the kind of

Page 2181

1 stuff we've not been allowing on cross-examination.  
 2 **MR. BLAZER:** Well, if I may respond, Mr.  
 3 Cornale. First of all, I didn't say a hundred  
 4 percent, and all I'm doing right now, since this was  
 5 submitted during a hearing that Mr. McCann testified  
 6 at, I'm asking him to look at some of these slides  
 7 to see if -- simply if they refresh his recollection  
 8 as to the data that was reflected in Mr. Kielisch's  
 9 report which he cites as a source in his report.  
 10 That's all I'm doing.  
 11 **CHAIRMAN CORNALE:** All right, I agree with  
 12 the fact that he did refer to it in his independent  
 13 study, the Kielisch study, but this is rebuttal to  
 14 that Kielisch study. So I guess if there's  
 15 reference to it in the Kielisch study without the  
 16 rebuttal from Larkin, you can specifically ask him a  
 17 question from the Kielisch study.  
 18 **MR. BLAZER:** Okay.  
 19 **BY MR. BLAZER:**  
 20 Q. As you sit here today, you don't recall  
 21 that a number of the vacant lots in the  
 22 inside-the-footprint part of Mr. Kielisch's study  
 23 ended up with quality homes after the wind farm  
 24 began operating?

Page 2182

1 **A. I have not gone out and inspected it, I**  
 2 **have not verified it in any other manner as of**  
 3 **today, that's correct.**  
 4 Q. So you have no idea one way or the other  
 5 what happened in --  
 6 **A. I didn't hear your question.**  
 7 Q. You have no idea one way or the other what  
 8 happened in Mr. Kielisch's study area; is that  
 9 correct?  
 10 **A. The idea that I have is from having read**  
 11 **the study, you know, several years ago, but**  
 12 **certainly not from this rebuttal presentation or**  
 13 **responsive to your questions.**  
 14 Q. Okay, we can move on then. In your  
 15 literature review on page 45 of your report, you  
 16 also rely on some work by Mr. Lansink, correct?  
 17 L-A-N-S-I-N-K.  
 18 **A. Well, I certainly considered it as one of**  
 19 **the independent studies that I reviewed, read, and**  
 20 **have at least a better than passing familiarity with**  
 21 **it. But not to mince words, but when you say rely**  
 22 **on it, I rely on my own work, but other people's**  
 23 **work I consider, you know, for what it's worth to**  
 24 **me.**

Page 2183

1 Q. Okay. And Mr. Lansink was the one who  
 2 worked with you on that human species habitat report  
 3 that you two tried to submit in Ontario that we  
 4 talked about last week, correct?  
 5 **A. We did, in fact, submit it, yes.**  
 6 Q. All right. And that was the one that was  
 7 rejected by the Environmental Review Tribunal?  
 8 **A. Yes, they decided property values have no**  
 9 **place as a question in their hearings.**  
 10 Q. Okay. Let's go back to paired sales now  
 11 that we've gone past some of this stuff. You  
 12 remember we talked a little bit last week about  
 13 Randall Bell's books on detrimental conditions?  
 14 **A. I do.**  
 15 Q. Okay. And I believe you testified that  
 16 Mr. Bell is a recognized expert in the field of  
 17 analyzing detrimental conditions?  
 18 **A. He certainly is a published author, I**  
 19 **believe a recognized expert.**  
 20 Q. Okay.  
 21 **A. In fact, he and I worked on the same case**  
 22 **once upon a time.**  
 23 Q. Do you know who Dr. Thomas Jackson is?  
 24 **A. The name rings a bell, yes.**

Page 2184

1 Q. If you know, is he also a recognized  
 2 expert in the field of analyzing detrimental  
 3 conditions?  
 4 **A. I don't know that he's a recognized expert**  
 5 **in that, but I know that he has a lot of**  
 6 **credentials. I know he allowed his name to be**  
 7 **stamped on the 2013 Berkeley report, but I don't see**  
 8 **any contribution from him in that report --**  
 9 Q. Okay.  
 10 **A. -- including his curriculum vitae or his**  
 11 **certificate, which, you know, if that's his**  
 12 **appraisal, it should be there.**  
 13 Q. All right. Dr. Jackson has published an  
 14 authoritative text on the methods and techniques for  
 15 contaminated property valuation, right?  
 16 **A. Okay.**  
 17 Q. Is that correct?  
 18 **A. It doesn't ring a bell at the moment, but**  
 19 **I've read many treatises and so forth that I don't**  
 20 **necessarily recall all the authors' names.**  
 21 Q. Do you know who Pete Barton DeLacy is,  
 22 D-E-L-A-C-Y?  
 23 **A. Well, I hope so. He was my co-presenter**  
 24 **in a seminar for the Appraisal Institute on this**

Page 2185

1 **very subject, property values near wind farms, back**  
 2 **in 2012.**  
 3 Q. So do you consider him an expert in the  
 4 field?  
 5 **A. Well, I think he knew some things about**  
 6 **wind farms, but his studies frankly lacked anything**  
 7 **that I would consider to be a reliable basis for an**  
 8 **opinion on the subject. He uses assessors' studies**  
 9 **or actually just interviewed assessors as to whether**  
 10 **or not they were reducing assessments for properties**  
 11 **near turbines. And, you know, that's useful for**  
 12 **answering that question, but it's not useful for**  
 13 **answering the question of whether or not there are,**  
 14 **in fact, reduced sale prices or impacts on property**  
 15 **values. So as much as I like the person, I'd have**  
 16 **to answer your question no.**  
 17 Q. Okay. Do you agree with the following  
 18 statement? This is from Randall Bell. The fact  
 19 that a property is impacted by a detrimental  
 20 condition does not automatically mean that it has a  
 21 material impact on the property's value?  
 22 **A. That stands to reason.**  
 23 Q. Okay. And do you also agree with this  
 24 statement from Mr. Bell? In the analysis of

Page 2186

1 detrimental conditions, it is important that the  
 2 appraiser be knowledgeable about available tools,  
 3 properly select and apply those tools, avoid  
 4 unproven or suspect methodologies, and ultimately  
 5 have relevant market data to support opinions and  
 6 conclusions?  
 7 **A. That sounds like the outline for exactly**  
 8 **what I did, so I agree with it.**  
 9 Q. Good. I'm going to ask you some questions  
 10 about basic requirements of a well-constructed  
 11 matched pair analysis, and for each of those I want  
 12 you to tell me if you agree that that's one of the  
 13 requirements, okay?  
 14 **A. Well, I -- it might help if I have the**  
 15 **book, but I certainly have read it, I'm very**  
 16 **well-versed in performing matched pairs analysis,**  
 17 **but go ahead, fire away.**  
 18 Q. So do you agree that the basic  
 19 requirements of a well-constructed matched pair  
 20 analysis are similar properties in terms of size,  
 21 construction and use?  
 22 **A. That's definitely a qualified yes. An**  
 23 **appraiser should always use the best information**  
 24 **available. So using properties that are of the same**

Page 2187

1 use is ideal, that are very similar in size and age  
 2 is ideal, but appraisers also really shouldn't, I  
 3 was going to say can't but that doesn't always work  
 4 for some guys, but they shouldn't invent any  
 5 comparables. Use what the market has provided and  
 6 that's the best information available and that's  
 7 what you should use.  
 8 Q. Okay. Another one of these requirements  
 9 for a well-constructed matched pair analysis,  
 10 similar locations except for the condition being  
 11 analyzed?  
 12 A. Again, within the framework of what the  
 13 market is able to provide, absolutely.  
 14 Q. Okay. And that's -- that's -- what you're  
 15 accounting for there is what's called location  
 16 effect?  
 17 A. Well, that's one word that pretty much  
 18 covers a lot of things, yes.  
 19 Q. Okay. Another one of those elements would  
 20 be similar dates of sale?  
 21 A. Not necessarily because that's something  
 22 that can be an impact that is a result of being  
 23 proximate to a detrimental condition or what some  
 24 people call LULUs, locally unwanted land uses. When

Page 2188

1 you can't find a buyer, maybe some people -- not  
 2 maybe, for sure some people don't reduce their  
 3 prices right away, but, you know, then after  
 4 marketing for a length of time, finding that they  
 5 have to reduce their price to attract a buyer,  
 6 that's when you get the longer marketing times, and  
 7 certainly marketing times are a factor to consider.  
 8 Q. Well, and actually you presupposed my next  
 9 one because my next element of a well-constructed  
 10 matched pair analysis is similar market conditions,  
 11 right?  
 12 A. Well, again, yes, and when you use sale  
 13 dates for each target sale as I've done that are as  
 14 close to it as possible of the overall database of  
 15 properties from the Livingston County MLS database,  
 16 why, you know, that did allow for keeping the  
 17 control sales as close to the target sales as  
 18 possible.  
 19 Q. Okay.  
 20 A. So yes, again, a good outline.  
 21 Q. You're familiar with something called  
 22 Midwest Real Estate Data, known as MRED?  
 23 A. Yes, I am.  
 24 Q. And you subscribe to that in your

Page 2189

1 business, right?  
 2 A. I do.  
 3 Q. Okay. All right, going back to market  
 4 conditions for a moment, I -- I want to ask you a  
 5 few questions about some of the concepts that are  
 6 discussed in Mrs. -- in Mr. MaRous's report,  
 7 Pleasant Ridge Exhibit 41. Do you agree that the  
 8 recent economic recession and decline of the  
 9 residential real estate market is generally  
 10 recognized as starting in December of 2007?  
 11 A. Depending on where, I would agree with  
 12 that, and depending on where, it certainly didn't  
 13 impact the real estate market uniformly everywhere.  
 14 Q. Do you agree that the decline of American  
 15 housing prices began as early as July 2006 and this  
 16 can be considered the time period when the market  
 17 peaked and the bubble was becoming evident in  
 18 general?  
 19 A. Again, it depends; that certainly the  
 20 bubble was stretched pretty far by July 2006, but  
 21 where it sprung leaks and where it burst varies  
 22 place by place.  
 23 Q. And do you agree that in the following  
 24 months the subprime securitized mortgage market

Page 2190

1 collapse led to the financial market's crisis in the  
 2 fall of 2008 and by mid 2009 the longest and most  
 3 severe economic downturn in decades?  
 4 A. Certainly was a tough time in the market  
 5 for a lot of properties. Again, the property values  
 6 were not impacted uniformly and in some cases very  
 7 little, a very little impact compared to the broader  
 8 market statistics overall.  
 9 Q. Do you also agree that six consecutive  
 10 quarters of economic contraction and unemployment in  
 11 excess of 9 to 10 percent led to significant  
 12 declines in housing and other real estate asset  
 13 values since the market peak?  
 14 A. I generally agree, but I'm not sure I  
 15 agree with it as an exact statement, but the  
 16 concepts are no secret; that, you know, when the  
 17 market had its troubles, it was -- it affected a lot  
 18 of property, a lot of regions, a lot of communities,  
 19 but, you know, others were much more resilient and  
 20 not as affected by those kind of downturns. You  
 21 know, in Mr. MaRous's report, he cites examples from  
 22 the Chicago suburbs in some locations that were hit  
 23 real hard, and vis-a-vis Livingston County is not a  
 24 comparison at all.

Page 2191

1 Q. Do you also agree that sustained downward  
 2 pressure on consumer spending and the lack of a  
 3 generally identifiable robust economic recovery  
 4 continued to affect the development potential of  
 5 virtually all properties through 2011 and began an  
 6 identifiable recovery by mid 2012?  
 7 **A. That sounds like something I wrote.**  
 8 Q. Do you agree with it?  
 9 **A. Well, if I wrote it, I agree with it.**  
 10 Q. Okay. Do you agree that prior to current  
 11 indications of at least a partial recovery, the sale  
 12 market was characterized by an increasing number of  
 13 distressed sale asset prices, negligible sales  
 14 velocity and lower overall prices?  
 15 **A. Again, in the markets that I was working**  
 16 **in when I wrote those statements, that absolutely**  
 17 **was true.**  
 18 Q. Okay. And do you agree that the sale  
 19 market in late 2008, in 2009, and with a small  
 20 temporary exception near mid 2010 due to the federal  
 21 home buyer tax credit as well as seasonal  
 22 differences, i.e., winter versus summer time  
 23 periods, was substantially diminished as the buyer  
 24 demand had all but evaporated due to the poor

Page 2192

1 underlying economic support and overall job losses?  
 2 **A. That, again, applies perfectly to some**  
 3 **situations in some locations and not in others.**  
 4 Q. Do you also agree, finally, that  
 5 construction of new homes came to a standstill with  
 6 many builders filing bankruptcy and subdivisions  
 7 remaining unbuilt and vacant, in some cases with  
 8 partial infrastructure in place?  
 9 **A. Certainly those kinds of things have been**  
 10 **going on in the overall northern Illinois real**  
 11 **estate market, but again, that doesn't apply**  
 12 **everywhere out to the same degree.**  
 13 Q. The real estate market you would agree has  
 14 improved in the last year or so, right?  
 15 **A. Yes.**  
 16 Q. All right. But that hasn't translated  
 17 into a return to the boom years, would you agree  
 18 with that?  
 19 **A. Depends on where you define the boom**  
 20 **years, but I would say probably not overall.**  
 21 Q. And do you agree that the boom period was  
 22 marked by easy credit and overbuilding, but today we  
 23 have tight mortgage credit and widespread shortages  
 24 of homes for sale?

Page 2193

1 **A. I don't know about widespread shortages of**  
 2 **homes for sales, but there's -- in some locations**  
 3 **there has been a buildup of demand that has not been**  
 4 **satisfied by increased inventory, but the builders**  
 5 **are catching up with that.**  
 6 Q. If you could go to page 16 of your report?  
 7 **A. 60.**  
 8 Q. 1-6.  
 9 **A. 1-6.**  
 10 Q. And here you're talking about exposure  
 11 time and marketing time; is that correct?  
 12 **A. Yes.**  
 13 Q. And it looks like they're similar  
 14 concepts, is that a fair statement?  
 15 **A. Yes, to some degree. Exposure time is the**  
 16 **amount of time leading up to the assumed sales date**  
 17 **on the appraisal date. The marketing time is the**  
 18 **appraiser's estimate of how long it would take to**  
 19 **sell the property after the effective date of**  
 20 **appraisal.**  
 21 Q. And those concepts are also known as  
 22 cumulative days on market or CDOM; is that correct?  
 23 **A. Well, that's not synonymous with that, but**  
 24 **cumulative days on the market is an expression for**

Page 2194

1 **data that can be used to derive a basis for exposure**  
 2 **time or marketing time.**  
 3 Q. All right. Exposure times were affected  
 4 by the recession; isn't that right?  
 5 **A. In an overall general sense, yes.**  
 6 Q. And listing prices were also affected by  
 7 the recession; is that right?  
 8 **A. Yes, and in some cases worse than others,**  
 9 **you know, for example, some of the study areas that**  
 10 **are in my report.**  
 11 Q. Do you agree that in the recent declining  
 12 market conditions, the tendency of sellers was to  
 13 overprice the initial listing of their property?  
 14 **A. Again, that's a -- that applies whether in**  
 15 **a, in my studies, a target area in close proximity,**  
 16 **within three miles of turbines, and also the same**  
 17 **trend further removed. But as we found in my DeKalb**  
 18 **study, that by comparing the cumulative days on the**  
 19 **market statistic, it was a year longer within the**  
 20 **target area or near the turbines. So yes, it**  
 21 **applies to both; just more so to the turbine areas.**  
 22 Q. So your answer to my question was yes?  
 23 **A. I'm not sure I remember your question.**  
 24 Q. I'll reask it. Do you agree that in the

Page 2195

1 recent declining market conditions, the tendency of  
 2 sellers was to overprice the initial listing of  
 3 their property?  
 4 **A. As values were dropping, that was the**  
 5 **tendency, and that cut across the board in really**  
 6 **everywhere that values were dropping.**  
 7 Q. And do you agree that that resulted in  
 8 subsequent price reductions and/or cancellations and  
 9 re-listings?  
 10 **A. In many cases, yes.**  
 11 Q. And that resulted in longer exposure  
 12 times, right?  
 13 **A. That was one thing that contributed to**  
 14 **longer exposure times. The other, as my study has**  
 15 **borne out, was the lack of marketability, the market**  
 16 **resistance to buying homes near turbines.**  
 17 Q. This one may be quick. 196, Tom. I've  
 18 handed you what's been marked as Pleasant Ridge  
 19 Exhibit 196. Have you ever seen that before?  
 20 **A. Yes.**  
 21 Q. What do you recognize that to be?  
 22 **A. Well, it's a land values and lease trends**  
 23 **study for rural property in Illinois broken down by**  
 24 **regions showing what the commodity pricing trends**

Page 2196

1 **have been as well as land value trends and lease**  
 2 **trends.**  
 3 Q. Is that something you've used in the past  
 4 in your work?  
 5 **A. It is.**  
 6 Q. Okay. And if you go to page 35 of that  
 7 document, that's where the analysis starts for the  
 8 north central region; is that correct?  
 9 **A. Yes.**  
 10 Q. Then if you go to 37. And that's a  
 11 summary table of sales that includes Livingston  
 12 County; is that correct?  
 13 **A. Yeah. Amongst others, yes.**  
 14 Q. Okay. Let's go back -- we're done with  
 15 that. Let's go back to your paired sales opinion.  
 16 Do you recall, I believe you said this last week,  
 17 that in your paired sales analysis you made  
 18 appropriate adjustments. Do you remember that?  
 19 **A. If I didn't say it, I'm saying it now.**  
 20 Q. Okay. Do you agree, Mr. McCann, that in a  
 21 paired sales analysis it is important that the same  
 22 type, size and construction type of property be  
 23 considered because that eliminates the need for  
 24 making significant amounts of adjustments?

Page 2197

1 **A. To the extent that the market data**  
 2 **presents itself or is available, absolutely. And**  
 3 **within the confines of what the market transactions**  
 4 **actually show, by all means use properties that are**  
 5 **most comparable but for that one independent**  
 6 **variable, meaning in a study like this, the**  
 7 **proximity to the turbines, but other than that, do**  
 8 **the best you can to pair up sales with the sale near**  
 9 **the turbine for, again, things like, first of all,**  
 10 **date of sale, as close to that date of sale as**  
 11 **possible as the target sale and then the age and the**  
 12 **size and then making the adjustments for differences**  
 13 **in lot size or acreage or other factors like**  
 14 **finished basements or lack thereof.**  
 15 Q. Okay. And by doing that, you are also  
 16 eliminating the need to use subjective  
 17 determinations to solve for the difference of the  
 18 condition you're supposed to be assessing, right?  
 19 **A. Well, unless you consider using experience**  
 20 **and judgment at all to be subjective, but certainly**  
 21 **many adjustments that I've used in this case are**  
 22 **perfectly consistent with not only my experience in**  
 23 **appraising properties, residential properties, but**  
 24 **also in line with the values and price points of**

Page 2198

1 **these particular sales unlike some studies which**  
 2 **pool data from regions that have values that can**  
 3 **swing, you know, 300 percent and using the same**  
 4 **adjustment, like in a regression statistical study,**  
 5 **for the same value on a bathroom when a bathroom**  
 6 **isn't worth the same in a \$75,000 house as it is in**  
 7 **a \$375,000 house. So yes, I consider my adjustments**  
 8 **very carefully.**  
 9 Q. And I appreciate that information, but  
 10 that wasn't the question I asked you. The question  
 11 I asked you was if you agree that matching the two  
 12 properties as closely as possible eliminates the  
 13 need to use subjective determinations to solve for  
 14 the difference in the condition you're supposed to  
 15 be assessing?  
 16 **A. Matching the properties as close as**  
 17 **possible reduces the impact of adjustments. There's**  
 18 **always adjustments because no property is exactly**  
 19 **like kind, but what I was trying to illustrate for**  
 20 **you without going into a long narrative was that**  
 21 **those adjustments are not the same and there is some**  
 22 **level of experience and judgment required in**  
 23 **determining adjustments rather than just letting a**  
 24 **computer pick them for you.**

Page 2199

1 Q. Well, what you're trying to do is compare  
 2 basically apples to apples, right, as closely as  
 3 possible?  
 4 **A. As close as possible, yes sir.**  
 5 Q. Okay. Now, for this case -- well, I  
 6 suppose it's obvious. Not in this case but in every  
 7 case you have to make sure that the data you use is  
 8 accurate, right?  
 9 **A. Yes.**  
 10 Q. Okay. What data did you review to do your  
 11 paired sales analysis in this case?  
 12 **A. Would you -- I'm not sure I heard you.**  
 13 Q. Sure. What data did you review to do your  
 14 paired sales analysis in this case?  
 15 **A. Well, I started with the Livingston County**  
 16 **MLS database and I also merged it together with, as**  
 17 **you mentioned earlier, the MRED, Midwest Real Estate**  
 18 **Data database, they used to be the Northern Illinois**  
 19 **Multiple Listing Service but it's called MRED now,**  
 20 **and then when that was compiled to the best of my**  
 21 **ability, I also checked it against the Livingston**  
 22 **County assessor's database to look for foreclosures,**  
 23 **square footage, things that in some cases the**  
 24 **realtors had in their listings and in some cases**

Page 2200

1 **they didn't.**  
 2 **So that was the data I looked at to**  
 3 **confirm the facts about the property, the facts**  
 4 **about the sale and the conditions of sale, and the**  
 5 **only thing I would add is that the -- the database**  
 6 **in the county is derived from transfer declarations,**  
 7 **which is essentially an affidavit of the buyer that**  
 8 **I take at face value.**  
 9 Q. So you did review assessor records,  
 10 correct?  
 11 **A. I did use assessor records as well, yes.**  
 12 Q. And did you also use assessor records for  
 13 the studies that you did in Lee and DeKalb Counties,  
 14 the ones that are in your report here?  
 15 **A. I'm pretty sure I did, but I'd have to**  
 16 **double-check my old file on that. It was a couple**  
 17 **years ago, but I believe I did.**  
 18 Q. Okay. Could you turn to page 28 of your  
 19 report? And the paragraphs aren't numbered, so I  
 20 have in my notes here it's the seventh paragraph.  
 21 It's the one that starts "The foreclosure insurance  
 22 sale trends."  
 23 **A. Yes.**  
 24 Q. And you say here, "Note that near the

Page 2201

1 turbines, the foreclosure rate is three times the  
 2 rate in the control area." What's your cut-off for  
 3 near the turbines?  
 4 **A. Three miles.**  
 5 Q. And are you saying that all of the  
 6 foreclosures within three miles of turbines were due  
 7 to the wind farms?  
 8 **A. You can draw your own conclusions from**  
 9 **that, but I can tell you that there is no other**  
 10 **indication that -- of any other factor. For**  
 11 **example, none of these foreclosure sales were by the**  
 12 **landfill or some other impacting land use. And**  
 13 **given the number, I think it's a fair indication**  
 14 **that the turbines definitely had something to do**  
 15 **with it.**  
 16 Q. So it's your testimony that every  
 17 foreclosure in this county within three miles of a  
 18 wind farm resulted from being within three miles of  
 19 a wind farm.  
 20 **MR. LUETKEHANS:** Objection, misstates the  
 21 testimony.  
 22 **MR. BLAZER:** I'm trying to find out what  
 23 he's saying.  
 24 **CHAIRMAN CORNALE:** Go ahead and answer the

Page 2202

1 question.  
 2 **A. No, that is not my testimony. My**  
 3 **testimony is that the foreclosure rate within three**  
 4 **miles of the turbines in Livingston County or**  
 5 **immediately adjacent to Livingston County was at**  
 6 **three times the rate within the number of sales in**  
 7 **those databases as compared to the other rural areas**  
 8 **of Livingston County that were at least three miles**  
 9 **away from any turbine.**  
 10 Q. So --  
 11 **A. Or a landfill for that matter.**  
 12 Q. So are you then saying that that  
 13 differential, that 300 percent difference or 200  
 14 percent difference, was exclusively due to proximity  
 15 to the wind farms?  
 16 **A. I'm saying that it is an elevated level of**  
 17 **foreclosure activity closer to the turbines as**  
 18 **compared to the areas further removed.**  
 19 Q. And did you review every foreclosure  
 20 within three miles of the wind farm in this county?  
 21 **A. What do you mean by review?**  
 22 Q. Did you check the records to see what the  
 23 reasons may have been for the foreclosures?  
 24 **A. No.**

Page 2203

1 Q. And then in the same paragraph here you  
 2 say, "This is consistent with the reports of home  
 3 abandonment near turbines." Do you know which --  
 4 which homes in Livingston County were abandoned due  
 5 to wind farms?  
 6 **A. Well, abandon is a broad term. It can be  
 7 defined a lot of different ways. It's --**  
 8 Q. Well, I'm asking how you defined it, sir.  
 9 **A. I'm trying to do just that. Some people  
 10 might abandon their home upon finally being able to  
 11 find a buyer that would buy it on a short sale but  
 12 otherwise had no intention of leaving. Others might  
 13 have been drummed out by the noise from turbines, as  
 14 Mr. Shindeldecker was, as some other people that I  
 15 have interviewed and know of have demonstrated to me  
 16 and told me -- confirmed to me that the reason that  
 17 they left was because of the turbines or the turbine  
 18 impact, the turbine noise.**  
 19 **Abandonment can also be just stopping  
 20 making the payments, letting it go back to the  
 21 lender and the lender selling it, and that would be  
 22 a foreclosure sale or an REO sale. And when  
 23 somebody feels that they're throwing good money  
 24 after bad, that is not an uncommon occurrence. Not**

Page 2204

1 **everybody does it, but that also fits within the  
 2 framework of how I'm using the term abandonment in  
 3 the context of the range of activity that falls  
 4 under abandonment near wind turbine projects all  
 5 over.**  
 6 Q. All right. So how many people in  
 7 Livingston County told you that?  
 8 **A. None in particular told me.**  
 9 Q. Did any in general tell you that?  
 10 **A. Well, I think I just described a couple.  
 11 Shall I continue? As far as people that have  
 12 abandoned their homes because of the proximity of  
 13 turbines and the noise?**  
 14 Q. In Livingston County, yeah, how many are  
 15 there?  
 16 **A. None in Livingston County.**  
 17 Q. All right. When did you say you did the  
 18 Lee and DeKalb County study?  
 19 **A. 2012.**  
 20 Q. So you didn't do that one for this  
 21 project, correct? The one you did was for some  
 22 other wind farm opposition?  
 23 **A. It's a different study I worked on, yes.**  
 24 Q. Okay. Was that for the Mainstream project

Page 2205

1 in Lee County?  
 2 **A. Yes.**  
 3 Q. Okay. All right, could you go to page 43  
 4 please of your report? This is your paired sales  
 5 analysis summary, is that correct, for Lee and  
 6 DeKalb Counties?  
 7 **A. That's correct.**  
 8 Q. And you're looking -- you looked at 13  
 9 sales; is that right?  
 10 **A. Well, 13 pairs.**  
 11 Q. 13 pairs, excuse me, yes. 13 pairs,  
 12 correct?  
 13 **A. That's correct.**  
 14 Q. All right. And the details for each of  
 15 those properties are at the very tail end of your  
 16 report, right, pages 131 to 143?  
 17 **A. That's correct.**  
 18 Q. Okay. We're not going to go through all  
 19 of them because Mr. Cornale would, I'm sure, cut me  
 20 off, so we're just going to use a few examples.  
 21 **MR. BLAZER:** I'm heading into that section  
 22 now, Mr. Chairman. Did you want to take a quick  
 23 break? It's almost 7:30. It's up to you. I can  
 24 tell you that I'm at the paired sales section, I'm

Page 2206

1 going to do a few of these, and then I'll be done  
 2 with him, but you might want to take a break.  
 3 **CHAIRMAN CORNALE:** Why don't you just keep  
 4 going for a little bit?  
 5 **MR. BLAZER:** Okay, sure.  
 6 **BY MR. BLAZER:**  
 7 Q. All right. Let's go to Lee County then.  
 8 Pair number three, that's on page 133 of your  
 9 report.  
 10 **A. Pair number three on what page?**  
 11 Q. Page 133.  
 12 **A. Okay.**  
 13 Q. All right. And I just want -- this, I  
 14 think, applies to all of them, but let's use this  
 15 one as an example. The target sale is at 1055  
 16 County Line Road; is that correct?  
 17 **A. That's correct, in Paw Paw.**  
 18 Q. And that's a vinyl-sided farmhouse with  
 19 nine rooms, three bedrooms, that was built in 1861  
 20 and it's on a three acre parcel; is that right?  
 21 **A. I'm trying to follow. You were talking a  
 22 little fast.**  
 23 Q. I'm sorry.  
 24 **A. What was the last question? On a three --**

Page 2207

1 Q. It was in --  
 2 **A. -- acre parcel, yes.**  
 3 Q. Okay, and just so we're clear on your  
 4 methods, the target properties are the ones closer  
 5 to the wind turbines and that you say are negatively  
 6 impacted, right?  
 7 **A. Yes, this one in particular was 1469 feet**  
 8 **from a turbine.**  
 9 Q. Okay. And then you're comparing this  
 10 target with a sale at 1759 Franklin Road; is that  
 11 right?  
 12 **A. Well, that's one of the comparisons I**  
 13 **made.**  
 14 Q. That's the one I'm looking at here. This  
 15 is -- we're going to use a few examples. We're not  
 16 going to go through all of them, so --  
 17 **A. No, I'm just trying to make it clear that**  
 18 **it's not the only time I used that pair. I paired**  
 19 **that target sale with at least one --**  
 20 Q. I've got that --  
 21 **A. -- at least a couple other control sales**  
 22 **to test it under different methods or with different**  
 23 **properties.**  
 24 Q. I've got that, Mr. McCann. Right now, I'm

Page 2208

1 just asking you about this one, okay?  
 2 **A. Okay.**  
 3 Q. All right. Stay with me and we'll be done  
 4 a lot faster. So -- and again, just in terms of  
 5 your general methods, the one on Franklin Road is  
 6 the control property that's farther away from the  
 7 wind turbine, right?  
 8 **A. Yes.**  
 9 Q. Okay. And the one on Franklin Road is a  
 10 two story cedar-sided house with six rooms, four of  
 11 which are bedrooms, and that was built in the year  
 12 2000; is that correct?  
 13 **A. I have a note there that says accounted**  
 14 **for condition.**  
 15 Q. I'm just asking for the year that it was  
 16 built. You see that it's the year 2000?  
 17 **A. Yes.**  
 18 Q. Yeah, okay. So this one was built 139  
 19 years after your target property on County Line  
 20 Road; is that correct?  
 21 **A. Without taking the remodelling and so**  
 22 **forth into account, yes, sir.**  
 23 Q. Okay. And it's a five acre lot, is that  
 24 correct, your control?

Page 2209

1 **A. That is correct.**  
 2 Q. Okay. And correct me if I'm wrong,  
 3 although the Franklin Road house was 139 years newer  
 4 and it was on a lot that's two acres larger, you  
 5 still adjusted your control property upwards for  
 6 another \$23,500 for being 412 square feet smaller  
 7 than the target property; is that correct?  
 8 **A. Well, just on the size adjustment, yes.**  
 9 Q. Yes, okay. And then you made another  
 10 \$10,000 adjustment for an insulated, heated and air  
 11 conditioned barn; is that correct?  
 12 **A. Yes.**  
 13 Q. And then another upward adjustment of  
 14 \$5800 for the Franklin Road control property being  
 15 in average condition; is that correct?  
 16 **A. Yes.**  
 17 Q. Okay. Let's go to pair number four.  
 18 That's on page 134. And now here again, as you were  
 19 mentioning before, this one uses the same target at  
 20 1055 County Line Road, right?  
 21 **A. Yes. Again, I had to work with whatever**  
 22 **was there. This was an unusual house, but still**  
 23 **attempted to pair it up with other control sales,**  
 24 **yes.**

Page 2210

1 Q. Okay. And it's looks like the County Line  
 2 Road house is 2,092 square feet; is that correct?  
 3 **A. Are we talking about pair four?**  
 4 Q. Yeah, pair four, the County Line Road,  
 5 your same target, was 2,092 square feet.  
 6 **A. Yes.**  
 7 Q. And you compare with a farmhouse at 1415  
 8 McGirr, that's M-C-G-I-R-R, Road?  
 9 **A. Yes, 2184 square feet, so --**  
 10 Q. Pretty close in size.  
 11 **A. Yes.**  
 12 Q. All right. And this time, they're only 52  
 13 years apart, correct?  
 14 **A. Yes.**  
 15 Q. Okay.  
 16 **A. Again, a cross-section in the market.**  
 17 Q. All right. And just so we're clear in  
 18 terms of size, you show the McGirr Road house as  
 19 being 2184 square feet; is that correct?  
 20 **A. Yes.**  
 21 Q. Would it surprise you to know that the Lee  
 22 County assessor says that that house is actually  
 23 2568 square feet?  
 24 **A. I'm not sure if I could respond to that.**

Page 2211

1 **That I would be surprised that they had it that way**  
 2 **or that the realtor had it that way or whatever --**  
 3 **where that came from?**  
 4 Q. Well, you didn't -- I can't remember what  
 5 you said with respect to Lee County. Did you, in  
 6 fact, review assessor records in Lee County for your  
 7 matched pairs?  
 8 **A. To the best of my recollection, I did.**  
 9 **And I know I've gone in and interviewed the**  
 10 **Supervisor of Assessments Wendy Ryerson about the**  
 11 **sale activity and the appeals and so forth around**  
 12 **the original project in Lee County.**  
 13 Q. This is a lot less daunting than it looks,  
 14 but I'll hand you what I've marked as Pleasant Ridge  
 15 Exhibit 243 which are records relating to some of  
 16 your matched pairs. And you'll see in the lower  
 17 right-hand corner there are little three digit page  
 18 numbers.  
 19 **A. Yes.**  
 20 Q. Okay. Could you go to the page numbered  
 21 16? Let me know when you're there.  
 22 **A. I'm there.**  
 23 Q. And you'll see this is the property record  
 24 for 1415 McGirr Road, correct?

Page 2212

1 **A. I'm looking for the address.**  
 2 Q. Property -- up in the upper right, you see  
 3 the PIN number. Below that is property information  
 4 and below that is property address.  
 5 **MR. LUETKEHANS:** You mean the upper left.  
 6 **MR. BLAZER:** Upper left, excuse me, I'm  
 7 turned around.  
 8 **A. Yes.**  
 9 Q. All right. You see the McGirr Road  
 10 address there?  
 11 **A. Yes.**  
 12 Q. And then if you go farther down to the  
 13 bottom table on this record, you've got building  
 14 information and below the disclaimer you've got  
 15 model name and then you've got total building 2568  
 16 square feet. Do you see that?  
 17 **A. That's what it shows, yes.**  
 18 Q. Okay. Assuming it's true and you were  
 19 approximately 400 feet short in your assessment of  
 20 that control property, that would require a downward  
 21 adjustment to compare it to the County Line Road  
 22 sale, right, the target property?  
 23 **A. It would.**  
 24 Q. Okay. Let's go to pair number five.

Page 2213

1 That's on your page 135. Let me know when you're  
 2 there.  
 3 **A. I'm there.**  
 4 Q. Okay. Now, this pair uses a sale at 997  
 5 Woodlawn Road as a target; is that correct?  
 6 **A. Yes.**  
 7 Q. And do you see that the -- in the remarks  
 8 that the view of the turbines is screened by woods;  
 9 is that correct?  
 10 **A. Yes, the view of it.**  
 11 Q. Correct.  
 12 **A. But as I've learned, not the noise.**  
 13 Q. Okay. And your biggest adjustment here  
 14 between the target and control is \$42,300 for the  
 15 acreage difference; is that right?  
 16 **A. Yes, yes.**  
 17 Q. And you're adding \$10,000 per acre to the  
 18 control property on Franklin Road; is that correct?  
 19 **A. That's correct. That was a five acre lot**  
 20 **versus nine and a quarter almost acre lot for the**  
 21 **target sale.**  
 22 Q. Okay, and that's the farmland price,  
 23 right?  
 24 **A. Yes and no. I mean it's certainly**

Page 2214

1 **residential property, but out in the rural areas the**  
 2 **lot values tend to trend or index to the farmland**  
 3 **values, and at that point in time, that's about what**  
 4 **farmland values were then. It's also about what the**  
 5 **incremental difference is between those two lot**  
 6 **sizes.**  
 7 Q. All right. You do know that neither one  
 8 of those properties was farmland, correct?  
 9 **A. Well, I think I just explained that, yes,**  
 10 **these are residential, but that's how the land**  
 11 **values are determined in rural areas.**  
 12 Q. All right. Let's go to pair number six on  
 13 page 136 of your report. And the target here is the  
 14 same one as in pair number five, the one on Woodlawn  
 15 Road, correct?  
 16 **A. Yes.**  
 17 Q. And then the control sale is the one on  
 18 McGirr Road that you used in pair number four,  
 19 correct?  
 20 **A. Yes. We crossed-referenced some indeed.**  
 21 Q. And McGirr Road is a farmhouse that was  
 22 built in 1913.  
 23 **A. Yes.**  
 24 Q. And Woodlawn was built in 1999?

Page 2215

1 **A. In this case, yes.**  
 2 Q. And you show a zero dollar adjustment for  
 3 that 86 year difference; is that correct?  
 4 **A. That is correct, based on the renovation**  
 5 **of that older home.**  
 6 Q. Okay. And then we compare, let me see,  
 7 the target has seven rooms, three bedrooms, 1.1  
 8 baths to your control of 12 rooms, four bedrooms,  
 9 two baths; is that correct?  
 10 **A. Again, yeah, that's something that is**  
 11 **accounted for in the square footage.**  
 12 Q. And you adjusted downward by \$1500; is  
 13 that correct?  
 14 **A. Just for the difference in the bath, but**  
 15 **the room count difference, again, is accounted for**  
 16 **in the square footage. So as everyone pretty much**  
 17 **knows, the partitions are much more moveable, but**  
 18 **the larger the size of the building is really where**  
 19 **the cost of the value is.**  
 20 Q. All right. Let's go to pair number eight,  
 21 page 138. The target on this one is 965 Bingham,  
 22 B-I-N-G-H-A-M, Road, same as pair number seven; is  
 23 that correct?  
 24 **A. The same as pair number seven? Yes.**

Page 2216

1 Q. Okay. And the control property is a sale  
 2 in October 2008 of 1072 Green Wing -- Green Wing  
 3 Road, correct?  
 4 **A. Yes.**  
 5 Q. And Green Wing Road is a ranch house with  
 6 six rooms, two bedrooms, and two baths on 7.68  
 7 acres; is that correct?  
 8 **A. Yes.**  
 9 Q. And that site, Green Wing Road, is wooded  
 10 at the rear and is bordered on the north and west by  
 11 a river; is that correct?  
 12 **A. I don't specifically recall. It's been a**  
 13 **while since I looked at that property.**  
 14 Q. All right, that's fine. You added  
 15 \$37,500, or 10 percent of the sale price, because  
 16 your control was built in 2001 and the target was  
 17 built in 2006; is that correct?  
 18 **A. Which -- which adjustment?**  
 19 Q. 37,500 for the five year differential in  
 20 the date of construction.  
 21 **A. No, no, for the difference in the**  
 22 **condition, that was a 10 percent of the sale price**  
 23 **adjustment, yes, sir.**  
 24 Q. I see. And did you have any indication

Page 2217

1 when you did this one that the control house, the  
 2 one on Green Wing Road, was rundown or dilapidated?  
 3 **A. No, just based on what's -- for an**  
 4 **adjustment like that, I could tell you what my basis**  
 5 **would be is that reviewing the MLS it was not**  
 6 **showing any recent renovation whereas when I knocked**  
 7 **on the door at 265[sic] Bingham Road, I met the**  
 8 **original owner, the first buyer, and that was a**  
 9 **brand-new house, which I went into it, she gave me a**  
 10 **tour of the house, and that was all in brand-new**  
 11 **condition compared to something that was, you know,**  
 12 **not in poor condition but not in brand-new**  
 13 **condition, and the 10 percent adjustment is in line**  
 14 **with what I found for a difference in market value**  
 15 **based on that difference in age as it relates to**  
 16 **condition.**  
 17 Q. So did you do the same thing you just  
 18 described on Bingham Road with the Green Wing Road  
 19 house, knock on the door and tour the property?  
 20 **A. With which property?**  
 21 Q. Your control, Green Wing Road.  
 22 **A. No, I did not.**  
 23 Q. Oh, you didn't, all right. Did you make  
 24 any adjustment downward for the additional

Page 2218

1 facilities at the property on Green Wing Road?  
 2 **A. No. What I show is they both had one**  
 3 **outbuilding at the time of sale, so that's -- that's**  
 4 **a wash.**  
 5 Q. For example, did you make any adjustment  
 6 at all for the fact that the house on Green Wing  
 7 Road has paddocks, a round horse pen, riding area  
 8 and a pasture?  
 9 **A. Not specifically, no, but the target sale**  
 10 **also on five acres had a pasture area, had an old**  
 11 **red barn. The buyer had bought it for his daughter**  
 12 **to raise rabbits, so I guess whatever your animal**  
 13 **preferences are, both properties lend themselves to**  
 14 **that.**  
 15 Q. Well, you do know that the property on  
 16 Green Wing Road is a horse training and boarding  
 17 facility, don't you?  
 18 **A. It might be now. I don't have any**  
 19 **recollection that it was prior to sale.**  
 20 Q. You have no idea what it was when you did  
 21 this study?  
 22 **A. It was a house.**  
 23 Q. All right. You don't know that it was a  
 24 horse training and boarding facility when you did

Page 2219

1 this study?  
 2 **MR. LUETKEHANS:** Objection, assumes facts  
 3 not in evidence.  
 4 Q. I'm sorry. Could you go to page 33 of the  
 5 exhibit I gave you, the Lee County records. Again,  
 6 the numbers are in the lower right-hand corner. And  
 7 that's actually from the MLS, isn't it, or the MRED?  
 8 **A. 2014 MRED, yes.**  
 9 Q. All right. If you look in the remarks,  
 10 great horse facility just outside of Amboy. Do you  
 11 read that?  
 12 **A. I can see that, yes.**  
 13 Q. Okay. Horse stalls and a 30-by-40 barn,  
 14 four 40-by-40 paddocks, 60-foot round pen,  
 15 125-by-200 outdoor riding arena, three acres pasture  
 16 adjacent to barn, wonderful property, facility  
 17 currently used for training and boarding horses.  
 18 Was the target home on Bingham Road used for any of  
 19 those things?  
 20 **A. Well, like I mentioned, it was -- the**  
 21 **buyer's intended use was to raise rabbits as far as**  
 22 **use of the facilities in the barn. Paddocks and**  
 23 **fencing and so forth are improvements that might**  
 24 **have a special value to a particular buyer but not**

Page 2220

1 **necessarily translate into market value on a dollar**  
 2 **for dollar cost basis.**  
 3 Q. But you don't really know since you didn't  
 4 know what it was used for when you did this study;  
 5 is that right?  
 6 **A. Well, I think that probably**  
 7 **mischaracterizes what I knew when I did the study**  
 8 **versus what I remember today.**  
 9 Q. Okay. Let's go to pair number one.  
 10 That's on page 131.  
 11 **A. Sorry, pair number one?**  
 12 Q. Yeah, pair number one, page 131. Your  
 13 target sale here is the one -- or the one closer to  
 14 the wind turbine is at 3495 Lee Road; is that  
 15 correct?  
 16 **A. Yes.**  
 17 Q. That's a frame house built in 1886?  
 18 **A. Yes.**  
 19 Q. And are you aware that after the sale the  
 20 house was demolished and a construction loan for  
 21 \$300,000 was taken out in June 2014?  
 22 **A. No.**  
 23 Q. Do you have any reason to doubt that?  
 24 **A. I think, probably given how close it was**

Page 2221

1 **to the turbines, I wouldn't question it.**  
 2 Q. Could you go -- that same exhibit I handed  
 3 you before, could you go to page 6 please? Bottom  
 4 of the page, you see where it says mortgage history?  
 5 **A. Yes.**  
 6 Q. Mortgage date June 24, 2014, right?  
 7 **A. Yes.**  
 8 Q. Mortgage amount \$300,000, correct?  
 9 **A. Yes.**  
 10 Q. Mortgage lender, whoever that is, Resource  
 11 Bank, and then mortgage purpose, construction. Do  
 12 you see that?  
 13 **A. Yes.**  
 14 Q. Okay. This sale was actually not of the  
 15 house but of the underlying five acre land parcel;  
 16 isn't that right?  
 17 **A. Well, it had a house on it when it sold.**  
 18 **Apparently somebody had a different use for it, as**  
 19 **in building another house perhaps.**  
 20 Q. Well, you do know that it was listed as a  
 21 teardown, don't you?  
 22 **A. I don't recall that specifically, but it**  
 23 **may have been in the MLS.**  
 24 Q. Okay.

Page 2222

1 **A. It was a similar age as the control sale**  
 2 **though, so I used it. It was near the target, you**  
 3 **know, turbine area, so I used it.**  
 4 Q. And you're comparing that house to an  
 5 updated and remodelled farmhouse; is that correct?  
 6 **A. I made a specific comparison. If you look**  
 7 **at the photos in this particular pair, you'll see**  
 8 **that they have similar curb appeal, similar age,**  
 9 **somewhat smaller lot size for the control sale, but**  
 10 **it is part of how appraisers select comps based on**  
 11 **physical characteristics.**  
 12 Q. Okay.  
 13 **MR. BLAZER:** Mr. Cornale, I'm done with  
 14 Lee. I was going to switch to DeKalb. Again, I  
 15 don't know if you want to -- it's about a quarter to  
 16 8:00.  
 17 **CHAIRMAN CORNALE:** Okay, we'll take ten  
 18 minutes. I got 7:42, so why don't we try to come  
 19 back about 7:52 and we'll keep going. DeKalb, you  
 20 don't have a -- two and then we're to Livingston  
 21 County. We care about Livingston County, okay.  
 22 (Recess at 7:42 p.m. to 7:52 p.m.)  
 23 **CHAIRMAN CORNALE:** All right, Mr. Blazer,  
 24 I believe you can go ahead and continue. Now you

Page 2223

1 say you've got two for DeKalb?  
 2 **MR. BLAZER:** Two in DeKalb.  
 3 **CHAIRMAN CORNALE:** Two in DeKalb and then  
 4 we're going to talk about five in Livingston County?  
 5 **MR. BLAZER:** Four or five.  
 6 **CHAIRMAN CORNALE:** Perfect. Go ahead.  
 7 **BY MR. BLAZER:**  
 8 Q. All right. Let's go to -- figuratively,  
 9 let's go to DeKalb County, Mr. McCann. And again,  
 10 just a couple of examples. Pair number one, it's on  
 11 page 139 of your report.  
 12 **A. I'm sorry, where did you say?**  
 13 Q. Pair number one on page 139.  
 14 **A. 139?**  
 15 Q. 1-3-9.  
 16 **A. Okay.**  
 17 Q. All right. Your target, the one near the  
 18 wind turbine, is at 13801 Tower Road; is that right?  
 19 **A. That's correct.**  
 20 Q. And it's a ranch house on five acres with  
 21 a total of five rooms, three of which are bedrooms;  
 22 is that correct?  
 23 **A. Correct.**  
 24 Q. And I assume you know that this property

Page 2224

1 is an alpaca farm?  
 2 **A. I do remember an alpaca farm. If this is**  
 3 **the one that was, yes.**  
 4 Q. Okay. And I assume you know that the  
 5 property is zoned agricultural for small animals and  
 6 horses?  
 7 **A. That does not specifically ring a bell,**  
 8 **but I don't dispute it.**  
 9 Q. You don't dispute it?  
 10 **A. No.**  
 11 Q. Okay. And your control is a 6.56 acre  
 12 property at 4527 West Sandwich Road; is that  
 13 correct?  
 14 **A. That's correct.**  
 15 Q. And this one is zoned improved residential  
 16 not agricultural; is that correct?  
 17 **A. Again, I don't recall the zoning. It was**  
 18 **sold as a residence just like the other one.**  
 19 Q. I'll hand you what's been marked Pleasant  
 20 Ridge Exhibit 244. Those are some records from  
 21 DeKalb County. And if you could go to -- you see,  
 22 again, it has those little three digit numbers in  
 23 the lower right-hand corner?  
 24 **A. Yes.**

Page 2225

1 Q. And could you go to page 4? And you'll  
 2 see there in the remarks that your target property  
 3 is zoned ag for small animals and horses. Do you  
 4 see that?  
 5 **A. I'm reading the listing. I'm looking for**  
 6 **the spot.**  
 7 Q. Remarks below the picture.  
 8 **A. Okay.**  
 9 Q. Okay. And then if you could go to page 8.  
 10 And this is from the assessor. And you'll see  
 11 property class description, improved residential  
 12 lot?  
 13 **A. Is that an assessor description or a**  
 14 **zoning description?**  
 15 Q. The assessor's description. See under  
 16 2014 land use information --  
 17 **A. Yes.**  
 18 Q. -- land use description, improved  
 19 residential; property class description, improved  
 20 residential?  
 21 **A. Oh, okay, an assessor's description versus**  
 22 **a zoning description.**  
 23 Q. And then down at the bottom, zoning  
 24 classification PDR.

Page 2226

1 **A. Okay.**  
 2 Q. And what is PDR?  
 3 **A. Don't recall off the top of my head.**  
 4 Q. All right. Let's go to pair number three.  
 5 That's on your page 141. Let me know when you're  
 6 there.  
 7 **A. I'm there.**  
 8 Q. Okay. And your target here again is that  
 9 same alpaca farm that you used in the first pair we  
 10 looked at, right, on Tower Road?  
 11 **A. Yes.**  
 12 Q. Okay. And your control this time is a  
 13 house on 4.18 acres at 27779 Five Points Road; is  
 14 that correct?  
 15 **A. Yes.**  
 16 Q. And the northern half of that site is  
 17 wooded, correct?  
 18 **A. Again, it's been sometime since I visited.**  
 19 **I don't recall specifically.**  
 20 Q. All right. You added \$15,070 for the  
 21 finished basement of the Tower Road target sale as  
 22 opposed to the unfinished basement of the Five  
 23 Points Road control house; is that right?  
 24 **A. Yes.**

Page 2227

1 Q. And that would be -- that's \$10 a square  
 2 foot?  
 3 A. **Yes, for the subject finished basement  
 4 versus the control sale having a full unfinished  
 5 basement.**  
 6 Q. Right, so that would be 1507 square feet  
 7 to get to the 15,070 number?  
 8 A. **Correct.**  
 9 Q. Okay. The entire footprint of the Tower  
 10 Road house is only 1439 square feet, isn't it?  
 11 A. **1439 square foot, yes.**  
 12 Q. Okay, and you described the condition of  
 13 both houses as average; is that right?  
 14 A. **Yes. For age, yes.**  
 15 Q. Okay. And you made no adjustment in here  
 16 for condition; is that correct?  
 17 A. **That's correct.**  
 18 Q. Are you aware that the house was sold as  
 19 is and is grandfathered to tear down and rebuild?  
 20 A. **It's grandfathered to what?**  
 21 Q. Tear down and rebuild.  
 22 A. **I'm not quite sure I understand what  
 23 you're asking me. The property was grandfathered to  
 24 tear down to rebuild?**

Page 2228

1 Q. Are you aware that it was sold as is?  
 2 A. **As I sit here now, I don't specifically  
 3 recall that. I'm certain --**  
 4 Q. Page 22 --  
 5 A. **I'm certain I was aware of whatever it  
 6 said in the listing at the time I used it.**  
 7 Q. Page 22 of Exhibit 244, Mr. McCann. Let  
 8 me know when you're there.  
 9 A. **Page 22.**  
 10 Q. In the remarks, the last line toward the  
 11 end, sold as is, do you see that?  
 12 A. **Yes, as is. This home is move-in ready.**  
 13 Q. And then down at the bottom under agent  
 14 remarks, this is zoned A-1 but is grandfathered to  
 15 -- excuse me, grandfathered in to tear down and  
 16 rebuild. You're saying you don't know what that  
 17 means?  
 18 A. **It's move-in ready; it's grandfathered to  
 19 tear down and rebuild. I'm seeing a -- quite a  
 20 contradiction in terms. Certainly this broker put  
 21 in those remarks, so -- they're not my remarks.**  
 22 Q. Okay, so you don't know what that means.  
 23 A. **Well, I take "as is, move-in ready" as an  
 24 indication of -- and every one of these listings I**

Page 2229

1 **also looked up on websites at the time to look at  
 2 the interior photos to become more familiar with the  
 3 condition than I could get just from the remarks or  
 4 an exterior photo.**  
 5 Q. All right. Let's go to some Livingston  
 6 County sales. Let's start with T17. That's on page  
 7 128 of your report.  
 8 A. **Okay.**  
 9 Q. And the target house here is 25834 North  
 10 3200 East; is that correct? I'm not from the area.  
 11 I don't know if that's Cabery or Caybery.  
 12 A. **Yes.**  
 13 Q. Okay. And it's a two story frame house,  
 14 correct?  
 15 A. **Yes.**  
 16 Q. You're aware that it was built in 1880?  
 17 **MR. LUETKEHANS: 1880 or 1910?**  
 18 A. **That's what I was looking at because this  
 19 sale, with the comparison made on page 40, I have it  
 20 down as built in 1910.**  
 21 Q. Okay. Well, we may get back to that.  
 22 Now, this one has seven rooms, three bedrooms and  
 23 one and a half baths, right?  
 24 A. **Forgive me, this print is a little fine.**

Page 2230

1 Q. Yeah. I'll represent to you that's what  
 2 your document says.  
 3 A. **Okay.**  
 4 Q. All right. And the house was built over a  
 5 full unfinished basement and has two garages and a  
 6 storage shed, right?  
 7 A. **Three outbuildings.**  
 8 Q. Okay. Now let's look at the control sale.  
 9 It's on page 129. And the control is at 18375 East  
 10 2500 North in Odell, correct?  
 11 A. **Yes.**  
 12 Q. And you say that it sold in November of  
 13 last year for \$175,000?  
 14 A. **Yes.**  
 15 Q. And did you independently verify the sale  
 16 price on this one?  
 17 A. **To the best of my recollection, yes. The  
 18 MLS was the starting point, and when there was any  
 19 question, I also looked at the assessor's website.  
 20 And in some cases there was, for example, personal  
 21 property included in the sale shown by the MLS, but  
 22 the assessor had it down as not having that personal  
 23 property or excluding the personal property, so it  
 24 would only be the sale of real estate that they were**

Page 2231

1 **recording and using in their sales ratio study.**  
 2 Q. Well, what does the MLS listing sheet in  
 3 your report, page 129, show as the listing price?  
 4 **A. Well, it shows the original list price of**  
 5 **175 and then list price of 160, so that would have**  
 6 **been, you know, a reduced price at that point.**  
 7 Q. So it was listed at 160; is that correct?  
 8 **A. At the time of --**  
 9 Q. Of the sale.  
 10 **A. Right.**  
 11 Q. And what did it sell for according to your  
 12 MLS sheet?  
 13 **A. 175.**  
 14 Q. So it sold for more than what it was  
 15 listed for?  
 16 **A. The control sale? I'm trying to remember,**  
 17 **counsel, if this is one that they excluded the**  
 18 **personal property that was included with the**  
 19 **transaction but not for recording purposes.**  
 20 Q. Do you recall that one way or the other as  
 21 you sit here today?  
 22 **A. I don't off the top of my head, no.**  
 23 Q. Okay. Did you notice that the listing  
 24 price was \$15,000 lower than the sale price when you

Page 2232

1 prepared your report?  
 2 **A. I'm sure I did.**  
 3 Q. Okay. And if I told you that the county  
 4 assessor, in fact, reports that the sale price was  
 5 \$160,000 and not \$175,000, would you have any basis  
 6 for disputing that?  
 7 **A. Again, that's a -- to the best of my**  
 8 **recollection, some of the properties had some**  
 9 **personal property and that information had to be**  
 10 **vettted out.**  
 11 Q. Mr. McCann, I've handed you what's been  
 12 marked as Pleasant Ridge 245, which is Livingston  
 13 County information. Again, you've got those little  
 14 page numbers. And if you could go to the very last  
 15 page, it's page 34. And then if you go down to the  
 16 summary, it's about halfway down the page, and it  
 17 says year 2014 and then it has a document number,  
 18 sale type, sale date notes, 11/24/2014. And that's  
 19 the sale that you're reflecting in your report,  
 20 right, November 24, 2014? Is that correct?  
 21 **A. I'm checking.**  
 22 Q. Okay.  
 23 **A. I have November 21, 2014.**  
 24 Q. All right. And the price shown, according

Page 2233

1 to the assessor's records, is \$160,000, correct?  
 2 **A. That is what it is showing.**  
 3 Q. Okay. All right. Let's go to T12.  
 4 That's on page 108 of your report. Are you there?  
 5 **A. Yes.**  
 6 Q. Okay. Do you know what a duplex is?  
 7 **A. I'm sorry?**  
 8 Q. Do you know what a duplex is?  
 9 **A. Certainly.**  
 10 Q. Okay. What's a duplex?  
 11 **A. A duplex is one building built as two**  
 12 **units or in some cases convertible back to one unit.**  
 13 Q. All right. And your target here on your  
 14 page 108 is 27510 East 2800 North in Dwight; is that  
 15 correct?  
 16 **A. I'm sorry, my target?**  
 17 Q. Page 108, 27510 East 2800 North.  
 18 **A. Yes.**  
 19 Q. Okay. And it sold in May 2013 for  
 20 165,000; is that correct?  
 21 **A. That's correct.**  
 22 Q. And this is a duplex, right?  
 23 **A. Yes.**  
 24 Q. Okay. And let's look at your first

Page 2234

1 control sale. It's on page 109. And this one's at  
 2 10750 East 1720 North in Pontiac; is that correct?  
 3 **A. Yes.**  
 4 Q. And you say it sold in July 2013 for 237  
 5 -- \$237,500; is that correct?  
 6 **A. That's correct.**  
 7 Q. And did you verify the sale price on this  
 8 one?  
 9 **A. To the best of my knowledge, yes.**  
 10 Q. Well, if I told you that the assessor  
 11 shows an actual sales price of 232,500, 5,000 less  
 12 than what you say, again would you have any basis to  
 13 dispute that?  
 14 **A. Not directly right now.**  
 15 Q. Okay.  
 16 **A. They sometimes make adjustments for**  
 17 **personal property.**  
 18 Q. You don't know that they did that here, do  
 19 you?  
 20 **A. Not as an absolute fact --**  
 21 Q. Okay.  
 22 **A. -- but it's fairly typical some buyers**  
 23 **will exclude things like appliances or other things**  
 24 **that they consider personal property.**

Page 2235

1 Q. But again, you don't know that that's what  
 2 occurred here, right?  
 3 **A. I don't know that as a fact because I**  
 4 **didn't speak with that buyer or the attorney who**  
 5 **filled out the transfer declaration.**  
 6 Q. Okay. And it's your opinion that a one  
 7 story ranch style brick house with a crawl space and  
 8 seven rooms and three bedrooms is a good match with  
 9 a duplex constructed over a full basement; is that  
 10 correct?  
 11 **A. Well, again, I had to work with whatever**  
 12 **the market presented, and since that particular**  
 13 **property near the turbines was a duplex, I first**  
 14 **looked for sales that were near the same sale date**  
 15 **and as close as possible in age and size. Again,**  
 16 **the duplex, that's a side-by-side ranch, half on a**  
 17 **basement, half on a slab; could easily be converted**  
 18 **to a single family home that was large. So I worked**  
 19 **with what I had, but I didn't characterize it the**  
 20 **way you did.**  
 21 Q. And how easily could a house that was  
 22 built originally as a duplex be converted into a  
 23 single family home?  
 24 **A. Put an opening in a wall.**

Page 2236

1 Q. Okay. Were you ever inside that house?  
 2 **A. No.**  
 3 Q. Okay. And with respect to your control  
 4 property, did you adjust for the location of that  
 5 property on a cul-de-sac in a development  
 6 overlooking Rooks Creek?  
 7 **A. I don't believe I did, no.**  
 8 Q. All right. Page 110, your second control  
 9 sale, that's 9850 North 300 East, Gridley, sold  
 10 November 2012 for 220,000; is that correct?  
 11 **A. Yes.**  
 12 Q. All right. And here again, it's your  
 13 opinion that a one story ranch house with seven  
 14 rooms and three bedrooms is a good match with a  
 15 duplex; is that correct?  
 16 **A. That's not how I framed it. My answer is**  
 17 **pretty much the same as before. I worked with what**  
 18 **the market had. Since that property was a duplex, I**  
 19 **picked comps that were as close in time as possible,**  
 20 **as close in size and age as possible, and that would**  
 21 **be more or less interchangeable in the market for**  
 22 **somebody looking for that type of property.**  
 23 Q. Now, you've excluded foreclosures from  
 24 your matched pairs; is that correct?

Page 2237

1 **A. That's correct.**  
 2 Q. And that's because foreclosures aren't  
 3 considered arm's length transactions, right?  
 4 **A. Generally that's true. That's not always**  
 5 **a fact, but as a -- as a rule of thumb and the way I**  
 6 **applied it here, if I found any indication of**  
 7 **foreclosure, I did not use it in the paired sales.**  
 8 Q. All right, let's look at T10. It's on  
 9 page 103 of your report.  
 10 **A. I'm sorry, at page?**  
 11 Q. Page 103.  
 12 **A. Okay.**  
 13 Q. And your target here is 24447 North 2050  
 14 East in Odell, correct?  
 15 **A. Yes.**  
 16 Q. And you indicate that it sold in April  
 17 2013 for \$220,000, right?  
 18 **A. Yes.**  
 19 Q. And are you aware that this property was  
 20 turned over to Fannie Mae by a sheriff's deed in  
 21 July 2010?  
 22 **A. Well, that's not the sale I used.**  
 23 Q. I understand that. We're going to look at  
 24 the property history a little bit. Are you aware

Page 2238

1 that this property was turned over by a sheriff's  
 2 deed to Fannie Mae in July 2010?  
 3 **A. Not as I sit here now, but I know as I was**  
 4 **going through the database and seeing some of the**  
 5 **properties that had sold and resold, there were some**  
 6 **that -- in fact, a prior transaction had been**  
 7 **disqualified from my study on that basis.**  
 8 Q. Why don't -- you have Exhibit 245 there,  
 9 the Livingston County information. If you could go  
 10 to page 14 please.  
 11 **A. Page 14.**  
 12 Q. 1-4, correct. And you'll see the summary  
 13 is about the middle of the page and it shows in --  
 14 actually July 2, 2010, sheriff's deed for \$191,847.  
 15 Do you see that?  
 16 **A. I do.**  
 17 Q. Okay. And did you see this before you  
 18 prepared your report?  
 19 **A. Yes, I would have seen this because the**  
 20 **database search did include 2010.**  
 21 Q. Okay. And that was a foreclosure, right?  
 22 That's -- the sheriff's deed is a result of a  
 23 foreclosure, correct?  
 24 **A. It can be for other reasons too, but it**

Page 2239

1 **certainly is the indication in 2010. It's not**  
 2 **something that an appraiser could use as qualified**  
 3 **arm's length sale.**  
 4 Q. Right. And then are you aware that a  
 5 company called -- excuse me, are you aware that it  
 6 was then sold in December 2010 by Fannie Mae to a  
 7 company called Falcon Home Builders for \$48,000?  
 8 **A. That does ring a bell.**  
 9 Q. Okay. And that's, in fact, reflected on  
 10 page 16 of this exhibit, right? If you go to  
 11 Pleasant Ridge Exhibit 245, page 16, see there's a  
 12 section there on sales history.  
 13 **A. Yes.**  
 14 Q. Okay. And then Falcon Home Builders was  
 15 the seller in the April 2013 sale that you mentioned  
 16 for \$220,000, right?  
 17 **A. Yes.**  
 18 Q. Okay. Now, your first control sale is on  
 19 page 104 and it's 10750 East 1720 North in Pontiac,  
 20 correct?  
 21 **A. You're going a little fast for me,**  
 22 **counsel.**  
 23 Q. I'm sorry, I'll slow --  
 24 **A. I'm not on the same page as you are.**

Page 2240

1 Q. I go the same speed until June tells me  
 2 I'm going too fast, so --  
 3 **A. Well, I'm telling you you're going too**  
 4 **fast.**  
 5 Q. Okay, it's page 104.  
 6 **A. 104.**  
 7 Q. 10750 East 1720 North in Pontiac.  
 8 **A. 10750 East 1720 North Road.**  
 9 Q. Okay. And this is actually the same one  
 10 you used for your T12, right?  
 11 **A. Possibly.**  
 12 Q. Okay.  
 13 **A. Yes.**  
 14 Q. So again, we have that same -- we  
 15 discussed this with T12. We have that same \$5,000  
 16 discrepancy between what you say is the sale price  
 17 and what the assessor says is the sale price, right?  
 18 **A. Yes.**  
 19 Q. Okay. And it's your opinion that a one  
 20 story ranch style brick house with a crawl space,  
 21 seven rooms, including three bedrooms, is a good  
 22 match for a two story framed, eight room, four  
 23 bedroom house over a full basement; is that correct?  
 24 **A. Again, counsel, I explained to you how I**

Page 2241

1 **selected the control sales, and I'll readily agree,**  
 2 **I'll tell you up front, that they're not all a**  
 3 **perfect fit, but they were a better fit by virtue of**  
 4 **dates and the other parameters I used. So what I**  
 5 **wasn't doing was, you know -- I was just using the**  
 6 **best sales available to fit that criteria.**  
 7 Q. Okay. Did you adjust in this pair for the  
 8 fact that the control property is on a cul-de-sac in  
 9 a development overlooking Rooks Creek?  
 10 **A. No, sir.**  
 11 Q. All right. Let's go to the second control  
 12 sale, page 105. 17759 East 1700 North in Pontiac,  
 13 do you see that?  
 14 **A. Yes.**  
 15 Q. Okay. You say it sold in August 2013 for  
 16 265,000; is that correct?  
 17 **A. Yes.**  
 18 Q. And if I told you that the assessor  
 19 reports a sale price of 257 five not the 265 that  
 20 you say, would you have any basis for disputing  
 21 that?  
 22 **A. Not without double-checking the website**  
 23 **again for --**  
 24 Q. Page 22 of the exhibit.

Page 2242

1 **A. -- what exactly the exclusion was.**  
 2 Q. Page 22 of Exhibit 245, Mr. McCann.  
 3 **A. 22?**  
 4 Q. Uh-huh. Last market sale and sales  
 5 history, sale price 257,500 for the July 10, 2013,  
 6 sale. Do you see that?  
 7 **A. Yes.**  
 8 Q. All right. And are you aware that this  
 9 one, your control property, sold six years earlier  
 10 in June 2007 for \$275,000?  
 11 **A. Not that I can think of off the top of my**  
 12 **head, but --**  
 13 Q. Same page, next column. June 12th, 2007,  
 14 \$275,000, do you see that?  
 15 **A. I don't know why it's not jumping out at**  
 16 **me, Mike -- I mean counsel.**  
 17 Q. Right here, page --  
 18 **A. That might explain it.**  
 19 Q. You went to the wrong page.  
 20 **A. Yes, I see that this printout shows**  
 21 **\$275,000, yeah.**  
 22 Q. And finally, this is a one story ranch  
 23 style house, right, the control property?  
 24 **A. I'm sorry, that's control what?**

Page 2243

1 Q. Your control sale on page 105, it's a one  
 2 story ranch style house, correct?  
 3 A. Yes.  
 4 Q. And your target is a two story house; is  
 5 that correct?  
 6 A. Yes.  
 7 Q. Okay. I think we just have maybe one or  
 8 two more. T6, page 87.  
 9 A. **T6, page 87.**  
 10 Q. Yes.  
 11 A. **Okay.**  
 12 Q. Your target is 17670 East 3200 North,  
 13 Blackstone; is that correct?  
 14 A. **It says Dwight on the listing.**  
 15 Q. Well, it's 17670 East 3200 North, right?  
 16 A. **Yes.**  
 17 Q. And it sold in April 2010 for \$87,000; is  
 18 that right?  
 19 A. **April 2010 for 87,000, yes, sir.**  
 20 Q. And are you aware that a sheriff's deed  
 21 was issued in December 2009 for \$215,137?  
 22 A. **I -- if it's on the record, if it's in the**  
 23 **list of sales of the property, then I would've been**  
 24 **aware of it and would not have used that. It's a**

Page 2244

1 **sheriff's sale.**  
 2 Q. If you go to page 4 of that Exhibit 245.  
 3 Again, last market sale in sales history, the second  
 4 column.  
 5 A. **Let me catch up, let me catch up.**  
 6 Q. Oh, I'm sorry. I get there faster. Are  
 7 you there?  
 8 A. **I'm on page 4. Your question?**  
 9 Q. Last market sale in sales history,  
 10 December 29, 2009, sale price 215,137. Do you see  
 11 that?  
 12 A. **Yes, I do.**  
 13 Q. Buyer name, Federal National Mortgage  
 14 Association, which is Fannie Mae, right?  
 15 A. **Correct.**  
 16 Q. Seller name, sheriff of Livingston County,  
 17 do you see that?  
 18 A. **I do.**  
 19 Q. That was a foreclosure, right?  
 20 A. **It would appear to be so.**  
 21 Q. Okay. Do you know why the house sold for  
 22 only \$87,000 just five months later?  
 23 A. **Not specifically, other than it was listed**  
 24 **on the open market and sold -- this is, I'm sorry,**

Page 2245

1 **what, T6?**  
 2 Q. T6.  
 3 A. **It sold after a 49 day marketing time. So**  
 4 **what I would probably have to say is they wanted to**  
 5 **get a reasonably quick sale on it because otherwise**  
 6 **there's no way that house would have sold in 49 days**  
 7 **that close to the Top Crop turbine.**  
 8 Q. Well, if you look at -- if you stay on  
 9 that same page that I focused you on, page 4 of our  
 10 exhibit, you'll see that the seller in April of 2010  
 11 was something called Self Help Ventures Fund?  
 12 A. **Yes, I see that.**  
 13 Q. All right. And are you aware that Self  
 14 Help Ventures is a company that uses SBA program and  
 15 tax credits to subsidize loans?  
 16 A. **No, not specifically.**  
 17 Q. Are you aware that if one of their loans  
 18 defaults, they take the property back like any  
 19 lender and will sell as quickly as possible because  
 20 of the program terms?  
 21 A. **I'm not familiar with that organization.**  
 22 Q. You mentioned earlier this evening  
 23 something called an REO sale.  
 24 A. **Yes.**

Page 2246

1 Q. And what's an REO sale?  
 2 A. **Real estate owned. Once the bank has**  
 3 **already taken title to the property, if they're**  
 4 **putting it on the market, they advertise it as REO.**  
 5 Q. All right. And do you know if this  
 6 \$87,000 sale that you're using as your target was an  
 7 REO sale by Self Help Ventures Fund?  
 8 A. **I'm not aware of Self Help Ventures Fund**  
 9 **being a lender that sells properties that are REO,**  
 10 **so no.**  
 11 Q. And actually you don't even -- you have no  
 12 idea what Self Help Ventures Fund is, right?  
 13 A. **Doesn't sound like Fannie Mae or a bank.**  
 14 **It just sounds like Self Help Ventures Fund. Never**  
 15 **seen a bank by that name.**  
 16 Q. All right. Let's take a look at the  
 17 description of this house. It's on page 87 of your  
 18 report. This is a one story modular house. And  
 19 what's a modular house?  
 20 A. **Built in components and assembled on site.**  
 21 Q. And it has seven rooms, three bedrooms,  
 22 two full baths, and there's a four car detached  
 23 garage with a bathroom, right?  
 24 A. **There was a series of questions there.**

Page 2247

1 **I'm trying to, you know --**  
 2 Q. I'm sorry, let me break it up.  
 3 **A. Sure.**  
 4 Q. Modular house, we agree that that's what  
 5 it is, right?  
 6 **A. Yes.**  
 7 Q. All right. Seven rooms, three bedrooms,  
 8 two full baths?  
 9 **A. Yes.**  
 10 Q. Four car detached garage?  
 11 **A. Looking through the listing.**  
 12 Q. That's all right, we can move on. That's  
 13 okay.  
 14 **A. Okay.**  
 15 Q. We don't have to spend a lot of time on  
 16 that. Your first control sale, page 88, 12920 East  
 17 1100 North in Chenoa?  
 18 **A. Yes.**  
 19 Q. Sold May 2010 for 232,750; is that  
 20 correct?  
 21 **A. Yes.**  
 22 Q. And I guess for the same reasons that  
 23 you've indicated before, you think that a one and a  
 24 half story house with a full basement is a good

Page 2248

1 match for a modular house on a concrete slab?  
 2 **A. Again, counsel, I'm just working with**  
 3 **whatever the market had to provide. If I had found**  
 4 **five sales of modular homes at or near the same sale**  
 5 **date, I would have certainly used those.**  
 6 Q. But you didn't find anything like that,  
 7 right?  
 8 **A. The market was not cooperative with**  
 9 **modular homes.**  
 10 Q. All right. Your second control is -- it's  
 11 on page 89 of your report, 10635 East 1700 North in  
 12 Pontiac, right?  
 13 **A. Yes.**  
 14 Q. And that one sold in June 2010 for  
 15 175,000?  
 16 **A. Yes.**  
 17 Q. And how did you adjust for the location of  
 18 that property in a subdivision next to Rooks Creek?  
 19 **MR. LUETKEHANS:** Objection, assumes facts  
 20 not evidence.  
 21 **CHAIRMAN CORNALE:** Just go ahead and  
 22 answer the question.  
 23 **A. How did I adjust that control sale?**  
 24 Q. For the fact that it's in a subdivision

Page 2249

1 next to Rooks Creek.  
 2 **A. I did not.**  
 3 Q. All right. Third control sale, 19095 East  
 4 1700 North in Pontiac. Do you see that one?  
 5 **A. Yes.**  
 6 Q. Sold in June 2010 for 178,000?  
 7 **A. Yes.**  
 8 Q. How did you adjust for the location of  
 9 that property in a subdivision near Rooks Creek?  
 10 **A. The only location adjustment that was left**  
 11 **was the proximity to the turbines, so that's what I**  
 12 **was solving for.**  
 13 Q. All right. So if you didn't adjust for  
 14 the location, this one's in a superior place?  
 15 **A. Well, that remains a matter of opinion, I**  
 16 **guess, that that's a superior location. The lot**  
 17 **size in rural locations are not always using the**  
 18 **same parameters which you might use in a suburban**  
 19 **location.**  
 20 Q. All right. Let's go to the next one.  
 21 It's on page 90. 30596 North 700 East in Manville.  
 22 Do you see that one?  
 23 **A. I'm sorry, page 90.**  
 24 **MR. LUETKEHANS:** Wrong page, wrong page.

Page 2250

1 You were just on page 90 for the control sale for  
 2 T6.  
 3 **MR. BLAZER:** I apologize.  
 4 Q. Never mind, it's okay. Now, you had  
 5 mentioned earlier this evening sort of in response  
 6 to one of my questions something about T1, 2 and 3.  
 7 **A. Yes.**  
 8 Q. And I kind of lost track. I was focussing  
 9 on you rather than taking notes. What was your  
 10 point about T1, 2 and 3?  
 11 **A. You were asking about resales and I was**  
 12 **describing that that's a property that was sold and**  
 13 **resold and, in fact, resold again. The property**  
 14 **sold three times, so it resold twice, and the more**  
 15 **recent sale showed the biggest drop after the**  
 16 **turbines were built.**  
 17 Q. And actually those three sales you  
 18 specifically called out in your report, right?  
 19 **A. I did.**  
 20 Q. Page 29, first paragraph of your report.  
 21 **A. I think I still need these. Yes.**  
 22 Q. And what was the point of your discussion  
 23 in this paragraph in your report?  
 24 **A. Well, the paragraph is fairly**

Page 2251

1 self-explanatory, that it sold three times, it's  
 2 target sale T1, 2 and 3, losing value each time, but  
 3 the first sale was in 2009 while the Minonk project  
 4 was pending. And what I'm addressing here is what  
 5 somebody remembered or referred about the Hinman  
 6 study that was done in 2010 by the Twin Grove Wind  
 7 Farm in McLean County. And what that ISU student,  
 8 Jennifer Hinman, had opined is that something called  
 9 wind farm anticipation stigma theory, because in her  
 10 study she was finding that before the turbines are  
 11 actually built the property values are dropping to  
 12 some degree, but then she goes on to say that after  
 13 the projects are built, that the property values  
 14 soar, and that's not what this resale shows. This  
 15 shows after the property -- after the project was  
 16 built, the property value dropped 28 percent, which  
 17 that's not soaring in my book.  
 18 Q. And it's your opinion that those price  
 19 drops are due exclusively to the proximity to the  
 20 wind farm?  
 21 A. It's perfectly consistent with what the  
 22 majority of the data shows, yes, sir.  
 23 Q. Okay. So you consider this property,  
 24 these three sales of the same property, a good

Page 2252

1 example supporting your opinion about the negative  
 2 impact of a wind farm on property values; is that  
 3 right?  
 4 A. It's one property amongst many, counsel.  
 5 I did call it out in my report for the reasons I've  
 6 stated, but I don't hang my hat on any one  
 7 transaction or any one computer printout for that  
 8 matter. I take it all into account and use the best  
 9 information I have available at the time to prepare  
 10 my appraisals and my studies. And there's a reason  
 11 appraisers don't just use one comp to appraise  
 12 properties. That way, you get a good cross-section  
 13 of the market and you get a much more reliable  
 14 indication of value.  
 15 Q. Okay. Now this property, T1, 2 and 3,  
 16 obviously it's the same one, and it's -- let's start  
 17 with the first one. If you go to page 63 of your  
 18 report.  
 19 A. Yes.  
 20 Q. And the address is 18687 North 100 East  
 21 Road in Flanagan.  
 22 A. Yes.  
 23 Q. All right. And on page 63, you've got a  
 24 listing in there or a sheet indicating that it sold

Page 2253

1 in August 2009 for \$143,000, correct?  
 2 A. Yes.  
 3 Q. Have you ever been to that house?  
 4 A. I did drive past most of these back in  
 5 November.  
 6 Q. Did you ever actually go inside this  
 7 house?  
 8 A. No.  
 9 Q. All right. You didn't knock on the door  
 10 like you did with that one you mentioned a while ago  
 11 in Lee County?  
 12 A. No, I didn't.  
 13 Q. All right. And then on page 67, you have  
 14 a sale a couple years later, June 2011, for 119  
 15 nine; is that correct?  
 16 A. Yes.  
 17 Q. And as I understand it from that paragraph  
 18 that we looked at on page 29 of your report, you  
 19 attribute that drop between August of '09 and June  
 20 of '11 to Hinman's wind farm anticipation stigma; is  
 21 that correct?  
 22 A. Well, I was addressing that particular  
 23 point. The sale lent itself to it, yes.  
 24 Q. And then the third sale is reflected on

Page 2254

1 page 74 in your report, correct?  
 2 A. Yes.  
 3 Q. And this shows a sale price in February  
 4 2012 of \$127,000, right?  
 5 A. No, that one I remember specifically that  
 6 the website -- the assessor's website showed that  
 7 there was 17,000, or whatever the difference was, in  
 8 personal property, and I used what they recorded for  
 9 the real estate.  
 10 Q. Mr. McCann, I've given you Pleasant Ridge  
 11 Exhibit 246 which is the assessor's records for this  
 12 property that we're talking about. You see that,  
 13 right?  
 14 A. Yes. You gave me two copies actually.  
 15 Q. You have two copies there?  
 16 A. Right.  
 17 Q. All right, you can take one with you. So  
 18 my -- just following up on what you said, you did  
 19 check the assessor's information for this property,  
 20 right?  
 21 A. This one distinctly rings a bell, yes.  
 22 Q. Okay. And if we look at page 2 of the  
 23 exhibit I just handed you, it does show a 2012 sale  
 24 price of \$110,000, right?

Page 2255

1 **A. Yes, just as I have in my analysis report.**  
 2 Q. Right. Do you know who Michelle Lipe is?  
 3 That's L-I-P-E.  
 4 **A. Not off the top of my head.**  
 5 Q. If I told you she's the person who bought  
 6 the house in 2009 and sold it in 2011, would you  
 7 have any reason to dispute that?  
 8 **A. Not independently, no.**  
 9 Q. All right. Do you know who Joan Bullard  
 10 is?  
 11 **A. I'm sorry?**  
 12 Q. Joan Bullard, B-U-L-L-A-R-D, do you know  
 13 who that is?  
 14 **A. No, can't say that I do.**  
 15 Q. Have you spoken to any local real estate  
 16 salesperson or brokers in this area to discuss your  
 17 opinions about impacts of property values?  
 18 **A. Not specifically for that purpose, no,**  
 19 **sir. It's -- I develop my opinions independently.**  
 20 Q. Thank you.  
 21 **A. I have certainly over the years spoken to**  
 22 **many, many brokers about their experience in**  
 23 **marketing properties near projects, and I believe I**  
 24 **allude to that in my report.**

Page 2256

1 Q. Right, but you didn't do that here.  
 2 **A. I don't believe I did.**  
 3 Q. All right.  
 4 **A. Well, maybe Mr. Steidinger.**  
 5 Q. Well, if you go to page 4 of the exhibit I  
 6 just handed you, Exhibit 246.  
 7 **A. I'm sorry, what page?**  
 8 Q. Page 4, the last page.  
 9 **A. The last page.**  
 10 Q. There you go. You'll see on the sales  
 11 history the buyer in 2009 was Michelle Lipe.  
 12 **A. Yes.**  
 13 Q. And then in 2011 she was the seller for  
 14 119 nine?  
 15 **A. That's what it shows, yes.**  
 16 Q. Or 119.  
 17 **A. Yeah, 119.**  
 18 Q. And she sold it to somebody named David  
 19 Olita, O-L-I-T-A, do you see that?  
 20 **A. That's what the record shows.**  
 21 Q. And then the sale that you're focussing  
 22 on, the one for 110,000 in 2012, somehow the seller  
 23 at that point is someone named David Hernandez, do  
 24 you see that?

Page 2257

1 **A. I do.**  
 2 Q. Okay. Do you know of any of the  
 3 circumstances that led to Ms. Lipe buying this house  
 4 in 2009 for \$143,000?  
 5 **A. Best of my recollection, it was listed on**  
 6 **the market, and that's the real criteria, that if**  
 7 **it's being competed for with the same -- competing**  
 8 **for the same buyers and competing with other**  
 9 **properties, that's the main criteria, not the**  
 10 **individual decisions or thought processes or**  
 11 **circumstances.**  
 12 Q. All right. And is it your opinion that  
 13 the -- when she sold the house two years later for  
 14 roughly 24,000, \$23,000 less, it was because of wind  
 15 farm anticipation stigma?  
 16 **A. I'm telling you that that's consistent**  
 17 **with that, that this sale was very consistent with**  
 18 **what the ISU/Hinman study showed, but it also was**  
 19 **contrary to what the conclusion of that study was on**  
 20 **the anticipation stigma because the value didn't**  
 21 **soar, the value continued to plummet.**  
 22 Q. If I were to tell you that Ms. Lipe was a  
 23 widow with small children and there were so many  
 24 problems with the condition of the house that she

Page 2258

1 could not take care of it, would you have any reason  
 2 to dispute that?  
 3 **A. Again, the personal circumstances -- the**  
 4 **property is still competing for the same buyers.**  
 5 **CHAIRMAN CORNALE:** Mr. McCann, why don't  
 6 we stick to the evidence --  
 7 **MR. LUETKEHANS:** Well --  
 8 **CHAIRMAN CORNALE:** -- on the sheet here.  
 9 **MR. LUETKEHANS:** -- it's an unfair  
 10 question. He's already said he doesn't know who Ms.  
 11 Lipe is.  
 12 **CHAIRMAN CORNALE:** Right, why don't we --  
 13 **MR. LUETKEHANS:** Let's just -- I mean Mr.  
 14 Blazer is now testifying.  
 15 **CHAIRMAN CORNALE:** Yeah, let's just deal  
 16 with the record here, the sales history record, not  
 17 the reasons for the sale.  
 18 **MR. BLAZER:** Okay.  
 19 **BY MR. BLAZER:**  
 20 Q. Do you have any knowledge of the fact that  
 21 this property consistently suffered water  
 22 infiltration in the basement, had mold problems --  
 23 **MR. LUETKEHANS:** Same objection.  
 24 **CHAIRMAN CORNALE:** Yes.

Page 2259

1       **MR. BLAZER:** This will be 247.  
2       Q. Let me know when you're done reading that,  
3       Mr. McCann.  
4       **A. I've read it.**  
5       Q. Just one question. Do you have any  
6       personal knowledge of any of the statements in that,  
7       whether any of those statements are true or false?  
8       **A. The only thing I can verify is true is the**  
9       **17,000 in personal property that the assessor's**  
10       **office removed from the sale price.**  
11       Q. And do you know what that \$17,000 in  
12       personal property was attributed to?  
13       **A. It didn't say and it doesn't say.**  
14       Q. All right. So if I was -- if I was to  
15       tell you that somebody accepted calling a garage  
16       personal property, you would have no way of knowing  
17       whether --  
18       **MR. LUETKEHANS:** Objection.  
19       Q. -- that is true or not?  
20       **MR. LUETKEHANS:** Is Mr. Blazer going to  
21       keep testifying? First of all, we have an exhibit  
22       here that no one has authenticated, the witness  
23       hasn't seen, and now we're having -- on top of that,  
24       we're having him testify. I would move to strike

Page 2260

1 Pleasant Ridge Exhibit 247 until he's bringing  
2 someone in. Otherwise, I'll put a lot of exhibits  
3 in that have no one to authenticate, and I have not  
4 been allowed to.  
5       **MR. BLAZER:** I haven't moved to admit  
6 Exhibit --  
7       **CHAIRMAN CORNALE:** Mr. McCann, have you  
8 ever seen 247?  
9       **A. I have not.**  
10       **CHAIRMAN CORNALE:** Is any of the  
11 information in your opinion accurate on that  
12 regardless or not including the prices at the  
13 bottom?  
14       **A. Not as far as I know. I have no**  
15 **independent knowledge of it.**  
16       **CHAIRMAN CORNALE:** Okay. Did you rely on  
17 this document or any information herein to assess  
18 the value of the home?  
19       **A. Only the part where it says 17,000 in**  
20 **personal property was reduced from -- subtracted**  
21 **from the sale price for recording purposes at the**  
22 **county.**  
23       **CHAIRMAN CORNALE:** Okay. And that's  
24 reflected in the record.

Page 2261

1       **A. It is.**  
2       **CHAIRMAN CORNALE:** Okay, so we're going to  
3 strike 247. All right.  
4       **MR. BLAZER:** For the record, Mr. Cornale,  
5 I hadn't moved to admit 247. I just asked him if he  
6 had any independent knowledge of it.  
7       **CHAIRMAN CORNALE:** Okay.  
8       **MR. BLAZER:** And I'm not moving to admit  
9 247. We'll have a different witness down the road  
10 to deal with that exhibit.  
11       **CHAIRMAN CORNALE:** Okay, I just moved to  
12 strike 247, so 247 is out.  
13       **AUDIENCE VOICE:** Thank you.  
14 **BY MR. BLAZER:**  
15       Q. Now, Mr. McCann, let's turn to property  
16 value guarantees. You say in your report, it's on  
17 page 5, that Invenergy's application is deficient,  
18 in essence, because there's no proposal for a  
19 property value guarantee; is that correct?  
20       **A. In essence, that's what I say, yes, sir.**  
21       Q. Okay. And it's your position that a  
22 property value guarantee would insure against value  
23 loss caused by a project for the nonparticipating  
24 property owners; is that correct?

Page 2262

1       **A. One can if it's properly designed,**  
2 **properly administered, yes, sir.**  
3       Q. And how do property value guarantees do  
4 that?  
5       **A. There's a lot of different ways it could**  
6 **be written, a lot of different ways it could be**  
7 **handled. Some are better than others. Certainly**  
8 **leaving the property value guarantee administration**  
9 **to the project developer, at least in my experience**  
10 **from talking with people that have been trying to**  
11 **work with a property value guarantee that's**  
12 **administered by the applicant or the developer, it**  
13 **doesn't really work.**  
14       Q. That's not my question, sir, I'm sorry.  
15       **A. I'll try --**  
16       Q. My question --  
17       **A. -- to answer.**  
18       Q. My question is how would a property value  
19 guarantee insure against value loss caused by the  
20 project for the nonparticipating property owners?  
21       **A. Well, the concept is simple. Have the**  
22 **property appraised at the time of a sale or a buyout**  
23 **or at the point in time that a property owner elects**  
24 **that they're going to stay anyhow despite the change**

1 in character of the area or the noise or what have  
2 you, and it's really not much different than the  
3 easements or neighbor agreements that the developers  
4 pay people for except it indexes it to the actual  
5 value of the property and not some arbitrary number,  
6 you know, plucked out of the air for some reason or  
7 on some basis.

8 **Property value guarantees are used not**  
9 **just with wind farms in some cases, but also mining**  
10 **properties and with landfills, and they're more and**  
11 **more common. It's just another type of insurance**  
12 **when a large scale intensive use is being located**  
13 **next to properties that are residential in nature,**  
14 **because they tend to be the most sensitive, and**  
15 **changes the character of the area enough that it can**  
16 **create flight from neighborhoods or otherwise**  
17 **diminish the marketability.**

18 Q. So you're saying it would pass the risk of  
19 loss off to the developer, is that basically the  
20 point?

21 A. Well, only the risk of loss related to  
22 their project, yes, sir.

23 Q. Okay. The project -- when we talked about  
24 your DeKalb County study, the project, the wind

1 have a deep enough pocket to go toe to toe with  
2 somebody like NextEra.

3 Q. Now, you do know that the Florida Power  
4 and Light turbines in DeKalb County are 476 feet  
5 tall, right?

6 A. That sounds right.

7 Q. 45 feet taller than the ones proposed  
8 here?

9 A. I haven't climbed one to measure it, but  
10 that's -- I wouldn't dispute that.

11 MR. BLAZER: Okay, that's all I have, Mr.  
12 Chairman.

13 CHAIRMAN CORNALE: All right. We're at  
14 the point now where we can take some questions from  
15 the audience. Any interested parties not  
16 represented by counsel have any questions of Mr.  
17 McCann at this time? I've got a couple out here, so  
18 why don't you head over to Mr. Luetkehans and grab  
19 that microphone.

20 QUESTIONS BY  
21 MR. SLAGEL:

22 Q. My name is John Slagel. I have a small  
23 house in the country right where they're going --  
24 they're going to build three wind turbines by it.

1 project that we were dealing with was one that was  
2 developed by Florida Power and Light; is that right?

3 A. They're -- yes, they're a paper subsidiary  
4 of NextEra.

5 Q. All right. And you do know that Florida  
6 Power and Light did enter into property value  
7 guarantees in DeKalb County?

8 A. I recommended one at that hearing, and  
9 yes, I'm very well aware of that because at first  
10 the hearing officer recommended denial partly on the  
11 basis that NextEra would not voluntarily do it, but  
12 then they went ahead and after that recommendation  
13 offered up a value guarantee that to my mind was a  
14 very weak one.

15 Q. But they did enter into it with the  
16 approval of the county, correct?

17 A. That's one way to put it, but it certainly  
18 was not with the administration of the county. In  
19 fact, I spoke with Mr. Miller, the planning  
20 commissioner, the chairman for the county, he  
21 confirmed that, in fact, the way they did it was a  
22 private agreement between the developer and the  
23 property owners, which leaves a lot of weakness for  
24 the property owner. They're just not -- they don't

1 Right now, the southern view's a clear view, nothing  
2 except for houses on the other side of the mile.  
3 It's on a very quiet street. There's just a  
4 small --

5 MR. LUETKEHANS: I don't mean to  
6 interrupt, but, Mike, is your mic on because I'm  
7 hearing the --

8 MR. BLAZER: No.

9 MR. LUETKEHANS: I'm sorry, I apologize.

10 A. I'm listening, John.

11 Q. Okay. Anyway, they're going to build  
12 three turbines within the southern view, at that  
13 angle basically.

14 A. Okay.

15 Q. They are going to be 1864 foot, 1881 foot,  
16 and 2391 foot from my house there. Like I say, it's  
17 on a quiet road, it's very quiet, there's no traffic  
18 at night. Do you think this will impact the  
19 property values of that house?

20 A. It certainly falls within the shorter  
21 distances that value impacts are measurable and  
22 measured in other locations, so all the conditions  
23 are ripe for it if they build turbines that close to  
24 your home, yes, sir.

1 Q. Okay. This is a question I've asked  
2 another property value person here. If you have --  
3 I know it's impossible, but if you have two houses  
4 that are basically identical and they're both up for  
5 auction but one has 20 to 30 hours of flicker on it  
6 a year, will they sell for the same price?

7 **A. Bottom line is I don't believe so if an  
8 honest disclosure is made to the prospective buyer.  
9 You know, the -- whatever they call the industry  
10 standard of allowing 10 or 20 or 50 hours of flicker  
11 is not a property owner's standard. It's a -- it's  
12 not something that you expect at a single family  
13 home, so a lot of people probably wouldn't ask.**

14 **But if you were to sell a property like  
15 that and make that disclosure, I think from the  
16 evidence I've seen, that includes the easements in  
17 gross that were recorded on the Canadian properties  
18 and others that I've seen that disclose to a buyer  
19 that there is going to be flicker, that the living  
20 environment might be affected, then you see  
21 discounts. When you have a fully informed buyer,  
22 fully informed seller under those conditions, that  
23 it includes flicker, yes, there can be some pretty  
24 significant discounts, you know, to get the property**

1 **MR. SLAGEL:** Okay, okay, fine.

2 **BY MR. SLAGEL:**

3 Q. So let me put it to you this way. If the  
4 house -- if the noise modelling predicts that the  
5 house will be -- in an application predicts that the  
6 noise modelling -- if the noise modelling predicts  
7 that the house will be under the IPCB limits, will  
8 this prevent property value loss?

9 **A. No. The statutory limits, whether that be  
10 IEPA or Illinois Pollution Control Board, are often  
11 cited, and in other states, their own standards.  
12 That the applications I've reviewed and have worked  
13 on and listened to as much testimony as you all have  
14 been hearing on this matter, they typically claim  
15 that they will comply with the statutory limits, but  
16 there's a real disconnect between that and the  
17 nuisance factors that do occur sometimes even within  
18 those statutory limits.**

19 **So one standard of measure does not insure  
20 that there will not be a value loss that's related  
21 to nuisance or what some people will refer to as  
22 health impacts, like sleep deprivation and so forth.  
23 I'm not an acoustician or nothing, there's no --  
24 certainly no argument with Mr. Blazer about that,**

1 **sold.**

2 Q. Okay, thank you. With the previous  
3 witnesses, I've asked a lot of questions about noise  
4 modelling. I'm very concerned on this project, the  
5 submitted application, the 107 worst receptors were  
6 mostly right at the legally allowed Illinois  
7 Pollution Control Board, IPCB, limits. Have you  
8 heard developer experts describe noise modelling in  
9 other applications?

10 **MR. BLAZER:** Objection, beyond the scope  
11 of this witness's expertise as to noise modelling.  
12 Also beyond the scope of any of his testimony.

13 **CHAIRMAN CORNALE:** Mr. Blazer, it's not  
14 your witness.

15 **MR. LUETKEHANS:** Right.

16 **CHAIRMAN CORNALE:** You just objected to  
17 the witness. All right, but --

18 **MR. LUETKEHANS:** Beyond the scope isn't  
19 his objection.

20 **CHAIRMAN CORNALE:** It is beyond -- now,  
21 Mr. Slagel, can you put that in terms of property  
22 value and then you're allowed the question. You've  
23 asked him a noise model question and it is beyond  
24 the scope of this witness.

1 **but what I can tell you when it comes to noise is  
2 that when the background level is increased, that's  
3 when people start noticing it, and when it's much  
4 louder where they're actually feeling the sound,  
5 what some people refer to as infrasound or low  
6 frequency noise, that's when the problems occur, and  
7 that's usually during the sleeping hours or what  
8 should be the sleeping hours.**

9 Q. Okay. Do you know -- and you talked about  
10 the -- do you have any examples of houses that  
11 you've studied or actually met the people that, say,  
12 abandoned their homes that where actually in their  
13 application the sound modelling showed that they  
14 were under the limits?

15 **A. I can think of a couple, sure. Mr.  
16 Shineldecker who I mentioned earlier, and as timing  
17 would have it, now several years later, he's finally  
18 been able to sell his property at what amounts to a  
19 40 percent loss by my appraisal and measurement of  
20 it, very detailed. I visited that house in June  
21 2011 before the application for that Consumers  
22 Energy project was even filed. He had started  
23 trying to sell the property at that point. I  
24 appraised it using the local counts of course.**

1 Then through the whole process, the  
2 project got built, they were assured that they  
3 would, you know, not exceed the Michigan standard  
4 for noise limits, and -- but that's not what his and  
5 his wife's experience was as he reported it to me in  
6 follow-up interviews. They ended up sleeping in  
7 their basement to try to get away from the noise.  
8 That is one of the real-life effects that go beyond  
9 modelling and numbers that the engineers spoke to.

10 But they finally were able to sell their  
11 property for really a bargain price if it wasn't for  
12 the turbines, but that's what it really represents  
13 is market value with the turbines present, so it's  
14 the -- it's the impaired value or 40 percent less  
15 than it would have been.

16 And just real briefly on that. When I  
17 appraised it in 2011, I used comps from that point  
18 in time. I've updated that just in the last few  
19 days since I learned that it had sold. And in Mason  
20 County where it's located, the property values have  
21 gone up 15 percent county-wide, according to the  
22 Michigan Board of Realtors printouts, yet his  
23 property sold -- in fact, if I tracked that value up  
24 by 15 percent, what it sold for was 40 percent less

1 noise as a covered issue for property.

2 Q. Okay, thank you. This is not much to do  
3 with -- this a general question. When you're  
4 picking comps, do you prefer -- it's hard to find  
5 that house that's exactly the same value. Do you  
6 prefer to pick a lower valued house and add up or a  
7 higher valued house and add down? It's just I'm  
8 curious about it.

9 A. Well, really just whatever the market  
10 shows. Can't always find the perfect comp, it's  
11 kind of hard to find the perfect comp, so I don't  
12 exclude either nor include either, lower or higher,  
13 and within, you know, certain parameters. Certainly  
14 if it's a million dollar comp, would not adjust it  
15 down to a \$100,000 house. That would be way too  
16 much adjustment.

17 Q. Okay.

18 MR. SLAGEL: That's it for my questions.  
19 Thank you.

20 A. Thank you.

21 CHAIRMAN CORNALE: I believe I had another  
22 interested party out there. Please state your name  
23 for us and then go ahead with your questions.

24 MR. HAYES: John Hayes.

1 than that. So in current terms it's a 40 percent  
2 loss. And that's very much related to his  
3 experience with the noise even though he stuck it  
4 out and, you know, finally found a buyer.

5 Q. Was he a participant in that wind farm?

6 A. No, he was not, certainly not a willing  
7 one.

8 Q. And how close was it to his house?

9 A. I believe the closest one -- have it in my  
10 report actually, or PowerPoint. 1,139 foot setback  
11 from the nearest turbine.

12 Q. Thanks. Have you seen this letter? It's  
13 a letter from Country Financial amending its  
14 language on --

15 A. Yes, I have. It has been circulated.

16 Q. How at all does this relate to your  
17 opinion on the reduction of real estate values?

18 A. Well, what this particular letter advises  
19 the valued client is that they will -- they're now  
20 applying an additional exclusion to their coverage.  
21 And as it's relevant here, or could very well be  
22 relevant here, is that now it excludes pollutants  
23 that now include noise, and it goes on with some  
24 other things, but it says specifically excluding

1 QUESTIONS BY

2 MR. HAYES:

3 Q. There was some I don't know whether to  
4 call it testimony or comment earlier tonight about  
5 setbacks and the closest setback to the base of a  
6 turbine, and I don't remember the exact number,  
7 seemed like it was 470 feet or something a little  
8 bit less than 500, I believe, to a nonparticipant's  
9 property line. Anybody dispute that because I'm not  
10 sure I remember that.

11 But I just got to thinking, you know, that  
12 the property values of neighbors is not supposed to  
13 be diminished by the -- whatever is built, whether  
14 it be a landfill or a turbine or whatever. But what  
15 if that property owner, that nonparticipant, happens  
16 to have 500 feet away from the base of this turbine  
17 some ground that's maybe got some trees on it, maybe  
18 has a creek goes through it, an ideal place for a  
19 subdivision, and they decide to see about putting a  
20 subdivision there. And if everything went through  
21 and it was granted, what would these turbines 500  
22 feet away from the subdivision do to the value of  
23 those lots when he puts them on the market to sell  
24 them?

1 **A. Well, the big picture is I believe it**  
 2 **would decrease the marketability and the market**  
 3 **acceptance of that location. So under valuation**  
 4 **theory, that would certainly indicate the value**  
 5 **would go down or the lots would sell for lower**  
 6 **prices or they wouldn't sell at all. I think an**  
 7 **example could probably be found, or two, of**  
 8 **something that, you know, was built by a turbine by**  
 9 **somebody that maybe got a great deal on the land and**  
 10 **thought, you know, I don't mind looking at them and**  
 11 **I don't mind hearing them. Not everybody in the**  
 12 **market reacts the same way, but there's certainly --**  
 13 **the large amount of data that's out there that shows**  
 14 **a negative market reaction pretty well demonstrates**  
 15 **that that wouldn't really be a safe subdivision**  
 16 **investment as far as they go.**  
 17 **Q. Well, I'll take that to be that the**  
 18 **property value would be decreased, and if that's the**  
 19 **case, in your opinion would this be a violation of**  
 20 **county ordinances?**  
 21 **A. Well, it certainly isn't consistent with**  
 22 **the criteria for approval. Any proposed special use**  
 23 **is supposed to be able to prove up a finding that**  
 24 **there -- you know, that it won't diminish the**

1 **Q. Oh, you did go and visit these, all these**  
 2 **houses and stuff in Livingston County?**  
 3 **A. Well, I wouldn't say I visited them all,**  
 4 **but I spent a couple days looking at lots of**  
 5 **properties in Livingston County including the**  
 6 **properties in the study.**  
 7 **Q. Did -- did you do just these properties or**  
 8 **did you do farmsteads or how did you determine these**  
 9 **certain properties you wanted to look at? I mean,**  
 10 **when I look in the country, I see houses, I see**  
 11 **barns, I see sheds, I see bins, I see all kinds of**  
 12 **stuff. What did you look at specifically?**  
 13 **A. Well, what I looked at specifically was a**  
 14 **basis for empirical measurement of whether or not**  
 15 **there's any value difference or value loss here in**  
 16 **Livingston County, and for that, I first tracked**  
 17 **down the rural residential properties that were**  
 18 **within three miles of turbines. And then the rest**  
 19 **of the database, after building the database from**  
 20 **the MLS, were vetted out to separate properties that**  
 21 **were outside that three mile area that were used for**  
 22 **comparison purposes. So during that process, I was**  
 23 **back and forth, you know, a couple times definitely**  
 24 **looking at some of the target sales, I also saw many**

1 **neighboring property values, and I don't believe the**  
 2 **market evidence shows that at all. I think it shows**  
 3 **the opposite, that it does depreciate properties.**  
 4 **MR. HAYES:** That's all, thank you.  
 5 **CHAIRMAN CORNALE:** All right, do I have  
 6 anybody else in the audience that would like to ask  
 7 Mr. McCann a question? Please state your name.  
 8 **MR. FOSDICK:** Larry Fosdick,  
 9 F-O-S-D-I-C-K. Just a couple quick questions here.  
 10 **QUESTIONS BY**  
 11 **MR. FOSDICK:**  
 12 **Q. I never did get -- what's the title of**  
 13 **your report? What did they call this?**  
 14 **A. I'm sorry, I didn't understand you.**  
 15 **Q. The title, did you have a --**  
 16 **A. Oh, it's a property value impact study and**  
 17 **zoning compliance valuation.**  
 18 **Q. Property value impact study. I don't**  
 19 **write too fast. Okay, a couple of these questions**  
 20 **have already been answered. You did not physically**  
 21 **go out and see and appraise and do all this stuff**  
 22 **yourself, right?**  
 23 **A. Oh, actually I did. I did the majority of**  
 24 **the work on this.**

1 **of the control sales and, for that matter,**  
 2 **properties that, you know, were not sold.**  
 3 **Q. Did any of those sales include hog houses,**  
 4 **anything agriculturally-related?**  
 5 **A. I don't recall any --**  
 6 **Q. Any barns --**  
 7 **A. -- hog houses.**  
 8 **Q. -- silos, bins, anything like that?**  
 9 **A. Most of them were farmstead properties,**  
 10 **but I don't believe any of the comps that I used had**  
 11 **any working farms on them.**  
 12 **Q. So you mainly looked at houses, is that**  
 13 **what you're saying?**  
 14 **A. Yeah, definitely houses and on small**  
 15 **acreage, you know, rural residential. Some of the**  
 16 **properties I looked at certainly were carved out of**  
 17 **farms where the landowner sold off the farmstead at**  
 18 **some point, and some of them were just houses built**  
 19 **just as a residence and never part of a working**  
 20 **farm, but the older ones almost all were originally**  
 21 **part of working farms.**  
 22 **Q. Did you take into consideration when you**  
 23 **were looking at your comparisons that one house**  
 24 **might be in an area that's economically different**

1 than a house four or five miles away?  
 2 **A. Overall I was treating Livingston County**  
 3 **as one market because I was using the Livingston**  
 4 **County MLS. It's a Livingston County zoning matter.**  
 5 **That's what the application is for the project to be**  
 6 **built if it's approved. I steered clear -- I**  
 7 **excluded, I should say, any of the sales**  
 8 **transactions in Pontiac, you know, inside the city**  
 9 **limits, some have Pontiac mailing addresses, but as**  
 10 **well as, you know, Streator and Dwight, and -- or in**  
 11 **town in Odell even. I was focussing on the rural**  
 12 **residential where most of the impacts will occur and**  
 13 **where the question of proximity is most relevant.**

14 Q. You don't take into consideration we've  
 15 got Class A soils in some spots where a typical  
 16 farmer there might make \$100, \$200 an acre more than  
 17 the person that's on top of a ridge that when they  
 18 go to sell property the local market might not be  
 19 quite the same?

20 **A. I didn't specifically evaluate farmland by**  
 21 **soil qualities. I'm aware of what you're talking**  
 22 **about though; that certainly the higher the**  
 23 **productivity index of land, the more attractive it**  
 24 **is for farming.**

1 neighbor payment for the life of this project, which  
 2 could compensate for some of his possible home  
 3 devaluation. The neighbor that owns only the  
 4 farmland will also get payments if the wind project  
 5 is built. However, if it is not built, he stands to  
 6 lose much more than the homeowner does over the life  
 7 of this project. How can the homeowner, the county  
 8 or others compensate him for his lost revenue?  
 9 You've given us examples here of how the wind  
 10 companies should compensate if house lost value.  
 11 How can the property/land be compensated if it's not  
 12 built? Have you done any studies on that?

13 **A. Well, to some degree I have. What I can**  
 14 **tell you is that right now we're just cresting the**  
 15 **peak, near as I can tell, on land values in**  
 16 **Livingston County, McLean County and other good**  
 17 **farmland. So if there's anybody with a large tract**  
 18 **of land that is anywhere near to investing for**  
 19 **compensation, they're sitting on an asset that has**  
 20 **never been more valuable and this would be an**  
 21 **excellent time to sell. Property owners --**  
 22 **homeowners don't necessarily have that same**  
 23 **opportunity though, so there's quite a difference.**

24 Q. So you didn't come up -- in your

1 Q. Well, I just know as you drive through the  
 2 country you see very nice-looking houses, and  
 3 typically when you get into the poorer farm grounds,  
 4 you get into poorer, not-quite-so-pristine houses.  
 5 Doesn't always effect that way, but a lot of times  
 6 it does. And typically that's where these windmills  
 7 are going up is in the lower, where you would start  
 8 off with the lower quality, the lower priced  
 9 farmstead --

10 **AUDIENCE VOICE:** Whoa, whoa.

11 Q. -- than what you've got --

12 **CHAIRMAN CORNALE:** Mr. Fosdick, do you  
 13 have a question? This is the --

14 Q. The question is did you take any of that  
 15 into consideration?

16 **AUDIENCE VOICE:** What in the world?

17 **A. I did not evaluate the productivity**  
 18 **indexes of any of the land around the property, so**  
 19 **the answer is no.**

20 Q. Okay. This question is about a couple of  
 21 my neighbors. I've got two neighbors. One owns a  
 22 house on small acreage. The other neighbor just  
 23 owns farm ground. If the wind project is approved,  
 24 the neighbor that owns the house will probably get a

1 presentation, I noticed you came up with examples to  
 2 compensate homeowners, but you didn't come up with  
 3 any examples to compensate landowners.

4 **A. Well, I have in the past included**  
 5 **agricultural property in my studies, and I can tell**  
 6 **you that, for example, the Aerial Applicators**  
 7 **Association, they've passed a resolution saying that**  
 8 **they reserve the right to not fly near --**

9 **MR. BLAZER:** Objection, assumes facts not  
 10 in evidence.

11 **MR. LUETKEHANS:** He's putting it into  
 12 evidence. He asked the question.

13 **MR. BLAZER:** No, the question was --

14 **CHAIRMAN CORNALE:** Mr. Fosdick, could you  
 15 restate your question?

16 Q. My question is on your presentation you  
 17 show different ways to compensate homeowners. You  
 18 showed no way to compensate the landowner. The  
 19 landowner will lose a lot more money than what the  
 20 homeowner is going to lose. And now county-wide you  
 21 would think if you're doing a property value input  
 22 study, that you would have taken all of the  
 23 properties in the county in consideration, which is  
 24 also hog buildings, bin sites, I mean everything.

1 What you've concentrated on it seems to me is  
2 houses. So I don't know if this is a proper, even a  
3 proper name for this study, but it --

4 **CHAIRMAN CORNALE:** Is there -- Mr.  
5 Fosdick, is there a question here? I'm not seeing  
6 the question. I understand you -- you're trying to  
7 get at the cost for the landowner. I'm not sure  
8 what that is. There's --

9 Q. If it's built, the landowners stand to  
10 gain financially for every acre of ground that is in  
11 the site of this approximately 30,000 acres in this  
12 project.

13 **MR. LUETKEHANS:** I hesitate to object, but  
14 that's not the standard that we're looking at. The  
15 standard is whether it's injurious to the other  
16 people. It's not whether it's --

17 **CHAIRMAN CORNALE:** This is an opportunity  
18 cost issue, yeah, so --

19 **MR. FOSDICK:** Well, I feel like --

20 **CHAIRMAN CORNALE:** -- since the turbines  
21 are not in place and the homes are, we have to look  
22 at the injurious value to the homes rather than the  
23 land or the potential opportunity cost to the  
24 landowners. So not necessarily a valid question.

1 **A. No.**

2 Q. But they felt that you were worthy to  
3 testify at their -- or to present at their meetings  
4 or whatever circumstances they were in?

5 **A. Well, I think you're referring to probably  
6 the most preeminent one, the Appraisal Institute  
7 seminar, and I was specifically invited by them. I  
8 didn't ask them if they wanted me to. They sought  
9 me out.**

10 **MR. LUETKEHANS:** Brad, excuse me.  
11 (Discussion off the record.)

12 **BY MR. STEIDINGER:**

13 Q. Next question. Did you make any  
14 adjustments in your paired sales analysis to come up  
15 with a predetermined result?

16 **A. Of course not. It's the numbers ended up  
17 where they ended up. The proper way to do an  
18 appraisal is objectively and as unbiased as possible  
19 working with the best information available.**

20 Q. Okay. The LBNL 13 uses a three to ten  
21 mile and states that if there's an effect in the  
22 three to ten mile range, the target data losses will  
23 be much higher than shown. I believe you show a  
24 control group distance of 10.1 miles in one of your

1 **MR. FOSDICK:** Well, I'm just trying to get  
2 at how we treat everybody fairly. I think it is a  
3 loss to the landowner.

4 **CHAIRMAN CORNALE:** All right, that's your  
5 opinion.

6 **MR. FOSDICK:** But --

7 **CHAIRMAN CORNALE:** We'll accept that as  
8 testimony later. Questions.

9 **MR. FOSDICK:** That will be all, thank you.

10 **A. Thank you.**

11 **CHAIRMAN CORNALE:** Thank you. Any other  
12 individuals in the audience that have a question?

13 **MR. STEIDINGER:** Brad Steidinger.

14 **A. Hello.**

15 **MR. STEIDINGER:** Hi there. Just a few  
16 brief questions.

17 **QUESTIONS BY**

18 **MR. STEIDINGER:**

19 Q. First of all, you mentioned that you've  
20 testified in I believe it's over 21 state and  
21 federal courts and that you've also presented  
22 seminars to professional appraisal bodies or groups.  
23 Were you a member of each body that you presented  
24 to?

1 studies and MPAC used a five mile setback.

2 **A. I actually used 5 kilometers which  
3 translates pretty closely to three miles.**

4 Q. Okay. What would you consider to be a  
5 safe control distance from the turbine?

6 **A. That's a real good question and I haven't  
7 seen a one-size-fits-all answer. From my  
8 perspective, three miles works. I guess it starts  
9 with that 1.1 times the height, that's what I call  
10 the tipover distance, and then you can have what's  
11 in the turbine manuals, some of them at least,  
12 they'll refer to like an evacuation zone, it's more  
13 like 15, 1600 feet. And there, if a turbine starts  
14 on fire or anything within that range, you know,  
15 you're supposed to, you know, run downwind and get  
16 away from -- at least that far away from the  
17 turbine. So that at a minimum seems to be a safety  
18 setback.**

19 **But I also know of instances with blade  
20 throw or ice throw that have gone beyond even that  
21 evacuation setback, if you will. Recent report out  
22 of Ireland, a turbine collapsed and threw a blade  
23 chunk I think it was 2600 feet, right about a half a  
24 mile. I can't tell you statistically what the**

Page 2287

1 chances of a blade coming through your roof are, but  
 2 I know I wouldn't want it. Well, we're talking  
 3 about setbacks. And so it progresses as you think  
 4 of that.  
 5 I think the next one would really be, you  
 6 know, the noise impacts. And depending on who you  
 7 talk to, and, you know, I consider the firsthand  
 8 reports to be much more reliable from people who  
 9 actually experience it, and those can extend quite a  
 10 bit further. I've heard a lot of a mile and a  
 11 quarter, mile and a half.  
 12 Then I look at the property value data and  
 13 see that it's -- as the turbines have gotten larger,  
 14 it seems that the impacts on property values have  
 15 gone further. Some of the original information I  
 16 looked at was with shorter turbines, lower power  
 17 output. Apparently the impacts were not reaching as  
 18 far, like some of the early work out of the UK on  
 19 this subject.  
 20 I've read a few things, but I can't vouch  
 21 for them, although I read that low frequency noise  
 22 can extend quite a bit further than even three  
 23 miles. So for people that are highly susceptible to  
 24 that --

Page 2288

1 MR. BLAZER: Objection.  
 2 A. -- I don't know.  
 3 MR. BLAZER: Beyond the scope of this  
 4 witness's expertise.  
 5 A. That pretty much concludes my remarks on a  
 6 safe setback. There's a lot of different things to  
 7 consider.  
 8 Q. Okay, I'll move on to the next question.  
 9 You offered some suggestions as ways to lower the  
 10 risk of nearby property owners that could be  
 11 adversely affected by the wind farm projects. Do  
 12 your suggestions, in your opinion, make wind farm  
 13 construction impossible?  
 14 A. Of course not. I did an analysis a few  
 15 years back that, you know, using a typical size of  
 16 wind farm, number of turbines and the cost, and  
 17 based on the population density in the example I  
 18 used, it would only amount to a --  
 19 MR. BLAZER: Objection, beyond the scope  
 20 of this witness's expertise. He hasn't testified  
 21 that he has any knowledge whatsoever on the cost or  
 22 the development process for constructing a wind  
 23 farm.  
 24 CHAIRMAN CORNALE: I believe the question

Page 2289

1 was does his theory or his thought on wind farm make  
 2 it impossible to develop a wind farm? Is that  
 3 pretty much --  
 4 MR. STEIDINGER: That's correct.  
 5 CHAIRMAN CORNALE: Okay.  
 6 A. As it relates to the property value  
 7 guarantee --  
 8 CHAIRMAN CORNALE: No.  
 9 A. -- I think he was asking.  
 10 CHAIRMAN CORNALE: Okay.  
 11 A. I think.  
 12 CHAIRMAN CORNALE: Is that --  
 13 BY MR. STEIDINGER:  
 14 Q. My question is the suggestions he's made  
 15 about property value and ways to protect that for  
 16 the -- for the nonparticipants that could be  
 17 adversely affected by that, do these conditions that  
 18 he is suggesting make it impossible to build a wind  
 19 farm?  
 20 MR. BLAZER: And this witness hasn't  
 21 indicated any knowledge whatsoever about what goes  
 22 into the financing or construction of a wind farm.  
 23 MR. LUETKEHANS: It's a setback question.  
 24 MR. BLAZER: No, it's --

Page 2290

1 MR. LUETKEHANS: It's a setback question.  
 2 Is there a place where you can build it under these  
 3 setbacks that he's talking about? That's the  
 4 limitation of the question, and I would like it to  
 5 be asked if he can answer that question.  
 6 CHAIRMAN CORNALE: Yeah, why don't you  
 7 answer. You're not -- this has nothing to do with  
 8 the financial capabilities of a wind farm, rather  
 9 the feasibility of this in relation to property  
 10 values.  
 11 A. Well, I was prepared to answer regarding  
 12 an analysis just like that I have done in the past,  
 13 but I think the real thrust of your question was  
 14 property value guarantees within the setback that  
 15 we're talking about, and no, I don't believe it  
 16 would financially kill the project.  
 17 Q. Okay. My last question. How long should  
 18 a homeowner who feels that they are dealing with  
 19 some adverse effects from a wind farm, how long  
 20 should they wait to market their property to wait  
 21 for the market to stabilize and to rebound or  
 22 recover? Is there a time frame where we would make  
 23 a recommendation that you should wait a certain  
 24 amount of time?

1 **A. I hesitate to give a recommendation on**  
 2 **that because if anybody followed my advice and it**  
 3 **didn't work out right for them, you know, I don't**  
 4 **think I'd be answering any more questions. But with**  
 5 **a property value guarantee in place, that would**  
 6 **allow for a more reasonable basis for people to sell**  
 7 **properties without being under some artificial**  
 8 **deadline that you have to sell within three months**  
 9 **or six months or a year or the property value**  
 10 **guarantee goes away. It should be something that**  
 11 **lasts long enough that people can act in a prudent**  
 12 **manner and decide whether or not it, you know,**  
 13 **bothers them, because I'm sure they can find a**  
 14 **number of people that say it doesn't bother them and**  
 15 **that might be perfectly content living amongst**  
 16 **turbines, but there's many that won't and don't.**

17 **MR. STEIDINGER:** Okay, I have no more  
 18 questions. Thank you.

19 **CHAIRMAN CORNALE:** Thank you. Anybody  
 20 else from the audience with questions? Anybody else  
 21 out there? All right. We reserved our right to ask  
 22 some questions. We may have some. County staff  
 23 have any? I have just a couple. Of course I have a  
 24 couple.

1 **635 days, cumulative days on the market, and in the**  
 2 **control area, which averaged closer to ten miles**  
 3 **from any turbines, it was 297 days, so -- but the --**  
 4 **that information frankly was not available on MPAC**  
 5 **because I wanted to do the same type of analysis.**  
 6 **The Livingston MLS didn't lend itself to**  
 7 **backtracking the prior listing, so all I really had**  
 8 **was the most recent sale in time and that would**  
 9 **include, you know, changes in brokers that -- you**  
 10 **know, all it is is the last listing. So I really**  
 11 **had to, you know, use the Lee and DeKalb study for**  
 12 **purposes of showing what the impact on marketing**  
 13 **time is because that data was available.**

14 **Q.** Okay. All right. Next question regarding  
 15 a similar thing. If you were -- if you were hired  
 16 by a bank to perform an appraisal on any of these  
 17 properties, these are the same devaluation or --  
 18 inflation or devaluations that you would apply to a  
 19 standard appraisal in your expertise.

20 **A. If I was doing an appraisal for a bank,**  
 21 **and actually I've seen some where they have**  
 22 **started -- appraisers have started discounting, but**  
 23 **just like this study, it really shouldn't be done**  
 24 **arbitrarily, there should be some basis for it. And**

1 **QUESTIONS BY**  
 2 **CHAIRMAN CORNALE:**

3 **Q.** All right. As we went through all these  
 4 sales earlier, something really jumped out at me,  
 5 and for those in the audience, of course you don't  
 6 even have that available at the time, but the CDOM  
 7 and I think we made some reference to that earlier.

8 **A. I'm sorry, what?**

9 **Q.** The CDOM.

10 **A. Okay, cumulative days on the market.**

11 **Q.** Okay. What was discerning to me was -- am  
 12 I reading this right? I mean in several of these  
 13 instances these people are seeing almost double the  
 14 time that -- on the market. Is that a -- like,  
 15 okay, paired sale Lee County three, 133. If I read  
 16 that correctly, that tells me that Lee sale 2T was  
 17 on the market for 1,041 days.

18 **A. That's correct.**

19 **Q.** Lee sale 3C, 544 days; is that correct?

20 **A. Yes.**

21 **Q.** Okay. So that's almost double for the  
 22 ones near the turbine; is that --

23 **A. Well, that's right. It's actually the**  
 24 **target area in Lee that was -- the Lee average was**

1 **frankly, picking comps that are near turbines means**  
 2 **you don't need to make an adjustment for the**  
 3 **turbines because that impact is already there, but**  
 4 **if you're going to use a comp from ten miles away, I**  
 5 **would suggest to any appraiser that, you know, look**  
 6 **a little further -- look a little closer actually.**

7 **Q.** Okay, okay. But I guess more for my  
 8 question is you -- just as an example, you devalued  
 9 a home that had three versus five acres at 10,000 an  
 10 acre. That was a standard procedure and you would  
 11 apply that if you had to do an appraisal not just  
 12 relative to this study group.

13 **A. Absolutely. These are fairly typical**  
 14 **adjustments. The only thing that's not typical is**  
 15 **what we're trying to solve for, and, in fact, I**  
 16 **believe did solve for, which is what is that one**  
 17 **other category, the one independent variable, what**  
 18 **does it do to the dependent variable, meaning the**  
 19 **value or the sale price. And with everything else**  
 20 **pretty well controlled for, some people might input**  
 21 **or adjust it, as appraisers use the term, and that**  
 22 **leaves the difference as being the proximity to the**  
 23 **turbine. And that could be anything from the visual**  
 24 **or the esthetics or the noise. I just call it**

Page 2295

1 market resistance because I don't know what's in  
 2 everybody's mind. I've talked to enough people that  
 3 I know what's in a lot of their minds, but I don't  
 4 know for every single sale what's in a buyer's or  
 5 seller's minds.  
 6 Q. Okay, thank you.  
 7 A. Sure.  
 8 CHAIRMAN CORNALE: Any other questions  
 9 from the ZBA? County staff? All right. Mr.  
 10 McCann, I think we're -- we've completed you. All  
 11 right.  
 12 A. Thank you.  
 13 CHAIRMAN CORNALE: All right. So we've  
 14 gotten through Mr. McCann's property values. I  
 15 believe the next witness that we'll have, and it's  
 16 not going to be this evening, is Mr. Steidinger has  
 17 something to add with property value.  
 18 I believe just from previous -- I believe  
 19 there will be opportunity for individuals to again  
 20 speak following Mr. Steidinger's presentation, so  
 21 I -- we've got a list here of individuals. We'll  
 22 leave where we left off. I don't know if maybe we  
 23 should --  
 24 MR. LUETKEHANS: Mr. Cornale, I do -- I

Page 2296

1 have been approached by a couple people who are I  
 2 think on the list who wish to testify tomorrow  
 3 night. I will send an email out first thing in the  
 4 morning as to who. Those people will be identified  
 5 so that everybody --  
 6 CHAIRMAN CORNALE: How many do you have?  
 7 MR. LUETKEHANS: I think there's only two  
 8 or three that have reached out to me at this point.  
 9 There may be others. I know there's -- I know we've  
 10 had the mayor of Forrest reach out who's testifying  
 11 tomorrow night I think.  
 12 CHAIRMAN CORNALE: Okay.  
 13 MR. LUETKEHANS: So I guess we'll  
 14 try and -- I mean whoever is reaching out to me, I'm  
 15 telling them to come, and then we can go down the  
 16 list from there if it's acceptable.  
 17 MR. BLAZER: If I may, Mr. Cornale, we've  
 18 also been advised that a number of people will be  
 19 here tomorrow intending to speak. My suggestion is,  
 20 because a number the last time you did this either  
 21 weren't prepared or weren't here, I would recommend  
 22 that you start from the top of the list again and  
 23 work your way down. I think that's the most  
 24 equitable way to do it.

Page 2297

1 As for the mayor of Forrest, my  
 2 understanding is that he's intending to come next  
 3 week and not tomorrow.  
 4 MR. LUETKEHANS: Oh, okay, because I  
 5 thought it was tomorrow. That was -- the 25th,  
 6 okay. I mean I just -- I don't want to tell people  
 7 to come and not have them -- I mean who are making  
 8 special trips. I mean that's just kind of silly,  
 9 so --  
 10 CHAIRMAN CORNALE: Okay, okay. Mr.  
 11 Steidinger, can you give me an indication of  
 12 approximately on your presentation time? And I --  
 13 MR. STEIDINGER: 20, 25 minutes.  
 14 CHAIRMAN CORNALE: 20, 25 minutes.  
 15 MR. BLAZER: 20 at the most.  
 16 CHAIRMAN CORNALE: 20, that's an hour,  
 17 take a break. Okay, so it looks like we'll have an  
 18 hour and a half of opportunity to probably go  
 19 through individuals, so if we can kind of plan with  
 20 that. Can we leave it with that, Mr. Luetkehans,  
 21 like that?  
 22 MR. LUETKEHANS: Yeah, that's fine. I'm  
 23 just trying to -- I don't want to have someone call  
 24 me and say they're only coming to testify. But it's

Page 2298

1 an hour and a half. These people are talking a few  
 2 minutes.  
 3 CHAIRMAN CORNALE: Okay, all right.  
 4 MR. LUETKEHANS: These aren't hour  
 5 testimonies by any stretch.  
 6 CHAIRMAN CORNALE: Okay.  
 7 MR. BLAKEMAN: Do you know how many you  
 8 think might be here tomorrow night?  
 9 MR. BLAZER: Three, four, six probably.  
 10 CHAIRMAN CORNALE: Okay.  
 11 MR. BLAZER: Probably a good half dozen  
 12 from what we've been told.  
 13 MR. BLAKEMAN: That are not on the list.  
 14 MR. BLAZER: No, everyone's on the list.  
 15 MR. BLAKEMAN: Everyone who's already on  
 16 this list.  
 17 MR. BLAZER: The sign-up list, correct. I  
 18 mean I think the general assumption is that you're  
 19 going to go -- start at the top and work your way  
 20 down again.  
 21 MR. BLAKEMAN: We already started. Those  
 22 people had their first shot. They're going to have  
 23 another shot.  
 24 MR. BLAZER: Okay.

Page 2299

1           **CHAIRMAN CORNALE:** All right, let me leave  
 2 everybody with this thought, all right? I just want  
 3 to throw this out there, all right?  
 4           As we move forward through this arduous  
 5 process, it is evident that many of you are  
 6 frustrated or tired out of this process, and I get  
 7 that. In recent testimonies we have heard much  
 8 reference to an outdated WECS ordinance and lack of  
 9 satisfaction testifying in front of this particular  
 10 board instead of the full county board.  
 11           I will remind each of you this process has  
 12 been in place for all special use applications since  
 13 the inception of county zoning board ordinances.  
 14 This process has not been altered or varied to  
 15 accommodate WECS applications. Rather, it is the  
 16 same process some of you may have taken if you have  
 17 home-based businesses or special property uses,  
 18 albeit not as long and not including pounds of  
 19 exhibits and hours of testimony.  
 20           This is the correct and appropriate forum  
 21 to have these discussions, and as a member of the  
 22 county myself, I can appreciate this open discussion  
 23 as all governing bodies have not adopted similar  
 24 processes.

Page 2300

1           Regarding conversations about an outdated  
 2 WECS ordinance, I will remind each of you that this  
 3 ordinance is and was in effect when this particular  
 4 application was presented. A committee has been  
 5 created to discuss this ordinance, and comments  
 6 regarding this ordinance should be presented in that  
 7 particular setting. We must move forward with the  
 8 ordinance in place at the time.  
 9           I will admittedly take responsibility for  
 10 the current ordinance and the details within. Some  
 11 six to eight years ago, meetings similar to this  
 12 were held at the historic courthouse to discuss the  
 13 possibility of any WECS ordinance. Steps were taken  
 14 to adopt something to allow our county to explore  
 15 additional property uses and opportunities for our  
 16 residents and property owners.  
 17           From these public hearings, which very few  
 18 of you were in attendance, specific details were  
 19 omitted in an effort to be more flexible to  
 20 opportunities. Frankly, most of these conversations  
 21 revolved around aviation hazards and siting with  
 22 aerial application in mind. Little, if any,  
 23 conversation was had regarding flicker, noise  
 24 studies, health effects, infrasound or avian impact,

Page 2301

1 which now consumes our time almost exclusively.  
 2           Aviation and aerial application has been  
 3 touched on briefly by the applicant during these  
 4 proceedings, but truly is a testament to the  
 5 flexibility of the process Livingston County  
 6 residents are afforded. The WECS ordinance omitting  
 7 specific details is relying on the special use  
 8 process in public hearings to flesh out  
 9 considerations that are important to the evolution  
 10 of our county.  
 11           I heed the same warning to those involved  
 12 in the committee today. Specific details allow very  
 13 little flexibility and provide an irrevocable legal  
 14 avenue for development. This possibly could  
 15 generate an application that satisfies all the  
 16 requirements and must be passed based solely on its  
 17 ordinance fulfillment. Today our ordinance allows  
 18 us the liberty to discuss changing circumstances.  
 19           I've asked Chuck to make available several  
 20 copies of what we've referred to as Standards for  
 21 Special Use, Mr. McCann has made reference to those,  
 22 which I encourage those in attendance to pick up a  
 23 copy. This document helps guide our board through  
 24 the process of determining the potential impacts on

Page 2302

1 zoning applications.  
 2           The Standards for Special Use document  
 3 accompanies all zoning cases we hear and applies a  
 4 consistent set of guidelines for us to follow.  
 5 Granted, each objection may be considered and  
 6 different weight placed on that consideration.  
 7 Certain characteristics may even be too large to  
 8 overlook and a specific condition placed on the  
 9 application to offset these issues.  
 10           Moving forward, I would like to give each  
 11 and every concerned citizen the opportunity and  
 12 tools necessary to make your voice be heard. I ask  
 13 that you consider the Standards for Special Use  
 14 document in your conversations and focus more in the  
 15 conversation on why the application should be  
 16 considered for special use, how it meets or does not  
 17 meet the criteria, and give our board the  
 18 information and viewpoints necessary to make a  
 19 reasonable and founded decision.  
 20           I, however, would like to warn each of you  
 21 that as you testify, your testimony is subject to  
 22 cross-examination. Be careful as you include  
 23 evidence in your conversations that you may not  
 24 understand as you could be questioned on it. If you

Page 2303

1 make a reference to a fact, I will have to allow any  
 2 line of questioning regarding it.  
 3       Additionally, I ask that you somewhat vet  
 4 your sources. Much of the testimony and comments by  
 5 all involved has revolved around the Internet. I  
 6 understand it is a great tool, very efficient and  
 7 generally reliable. However, I'm here to tell you  
 8 that for everything you read on the Internet, there  
 9 is another Internet source that will contradict that  
 10 first source. Consider the credentials of each  
 11 source and weigh in your own mind if you feel they  
 12 would be a believable source. After all, you are  
 13 putting your own name behind your opinion as well.  
 14       As the chair of the board, I have been  
 15 charged with the responsibility to provide a good  
 16 end product. This product is a recommendation to  
 17 our county board based upon factual data, weight of  
 18 testimony, expert opinions and community census --  
 19 consensus.  
 20       As we near the homestretch in these  
 21 proceedings, I will continue to remind everyone to  
 22 remain involved in the process, continue being a  
 23 great audience for those speaking, and continue to  
 24 make the guests in our county feel welcome.

Page 2304

1 Although you may not agree with their feelings,  
 2 viewpoints or opinions, there may be an equal amount  
 3 of individuals elsewhere that completely agree.  
 4 There are two sides to every coin.  
 5       I offer that statement and I really would  
 6 like individuals to take a look at the Standards for  
 7 Special Use. That is our -- our procedural, per se,  
 8 guidelines for us to follow. And as you guys are  
 9 going to get the opportunity to speak in front of  
 10 us, if you can try to focus your efforts on how you  
 11 feel this project may or may not follow that, I  
 12 think that will help all of us. We'll get better  
 13 information instead of information that may be off  
 14 task or I think it's really a good opportunity to  
 15 focus our conversations and get through these  
 16 evenings a little bit better. All right?  
 17       **MR. LUETKEHANS:** Mr. Chairman, before we  
 18 adjourn, I just had a couple follow-up things that I  
 19 -- people reached out to me. One is I believe  
 20 Severson Exhibit 1 is now in evidence; is that  
 21 correct?  
 22       **CHAIRMAN CORNALE:** That is correct.  
 23       **MR. LUETKEHANS:** Okay. We have what Mr.  
 24 Slagel asked Mr. McCann about. Could we label that

Page 2305

1 Slagel Exhibit 1 just for reference?  
 2       **CHAIRMAN CORNALE:** We can, yeah. We'll  
 3 take it at the next meeting. We'll get it in there  
 4 for sure.  
 5       **MR. LUETKEHANS:** I just wanted to make  
 6 sure. And then at the last meeting, because it was  
 7 during Mr. McCann's cross-examination, I had  
 8 actually asked that the entire USPAP go into  
 9 evidence. I had already had copies of that made. I  
 10 would ask that the entire set of USPAP, instead of  
 11 certain provisions of it, go into evidence --  
 12       **MR. BLAZER:** No objection.  
 13       **MR. LUETKEHANS:** -- as UCLC Exhibit 40.  
 14 And I'll hand it to the board before we go, but I  
 15 just wanted to --  
 16       **CHAIRMAN CORNALE:** All right, yeah, we'll  
 17 take that.  
 18       **MR. LUETKEHANS:** Thank you.  
 19       **CHAIRMAN CORNALE:** Okay. Tomorrow when  
 20 everybody arrives, we'll have a good list of who's  
 21 going to testify tomorrow evening. If you are  
 22 represented by counsel, you may want to speak with  
 23 him to possibly get on that list.  
 24       I think that's it for the evening, isn't

Page 2306

1 it? It's kind of early, you guys. I've got a  
 2 motion by Vitzthum. Do I have a second? All right,  
 3 Kiefer seconds. All in favor.  
 4       **ALL MEMBERS:** Aye.  
 5       **CHAIRMAN CORNALE:** Opposed.  
 6 (Adjourned at 9:36 p.m.)  
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1 STATE OF ILLINOIS )  
2 COUNTY OF FORD )SS

3  
4 I, June Haeme, a Notary Public in and for  
5 the County of Ford, State of Illinois, do hereby  
6 certify that the following Livingston County Zoning  
7 Board of Appeals Case SU-7-14 hearing was taken at  
8 the Walton Centre, 100 West Locust Street, Fairbury,  
9 Illinois, on February 17, 2015.

10 That the said testimony was taken down in  
11 stenograph notes and afterwards reduced to  
12 typewriting under my instruction and that the  
13 transcript is a true record of the testimony given.

14 I do further certify that I am a  
15 disinterested person in this cause of action; that I  
16 am not a relative, or otherwise interested in the  
17 event of this action, and am not in the employ of  
18 the attorneys for either party.

19 IN WITNESS WHEREOF, I have hereunto set my  
20 hand and affixed my notarial seal this 27th day of  
21 February, 2015.

22  
23

JUNE HAEME, CSR  
NOTARY PUBLIC

24  
25

26 "OFFICIAL SEAL"  
27 June Haeme  
28 Notary Public, State of Illinois  
29 My Commission Expires:  
30 September 27, 2016

31  
32  
33  
34

	2246:6	2218:10;2219:15; 2223:20;2226:13; 2283:11;2294:9	2227:15;2249:10; 2273:16;2294:2	2244:3;2248:2; 2250:13;2258:3; 2295:19;2296:22; 2298:20
\$	A			
<b>\$10 (1)</b>	<b>A-1 (1)</b>	<b>across (1)</b>	<b>adjustments (13)</b>	<b>against (3)</b>
2227:1	2228:14	2195:5	2177:3;2196:18,24; 2197:12,21;2198:7,17,	2199:21;2261:22; 2262:19
<b>\$10,000 (2)</b>	<b>abandon (2)</b>	<b>act (1)</b>	18,21,23;2234:16; 2285:14;2294:14	<b>age (9)</b>
2209:10;2213:17	2203:6,10	2291:11	<b>administered (2)</b>	2177:5;2187:1;
<b>\$100 (1)</b>	<b>abandoned (3)</b>	<b>activity (3)</b>	2262:2,12	2197:11;2217:15;
2279:16	2203:4;2204:12;	2202:17;2204:3;	<b>administration (2)</b>	2222:1,8;2227:14;
<b>\$100,000 (1)</b>	2270:12	2211:11	2262:8;2264:18	2235:15;2236:20
<b>\$100,000 (1)</b>	<b>abandonment (4)</b>	<b>actual (2)</b>	<b>admit (3)</b>	<b>agent (1)</b>
2273:15	2203:3,19;2204:2,4	2234:11;2263:4	2260:5;2261:5,8	2228:13
<b>\$110,000 (1)</b>	<b>ability (1)</b>	<b>actually (26)</b>	<b>admitted (2)</b>	<b>ago (4)</b>
2254:24	2199:21	2168:9;2171:16;	2162:7;2169:1	2182:11;2200:17;
<b>\$127,000 (1)</b>	<b>able (5)</b>	2185:9;2188:8;2197:4;	<b>admittedly (1)</b>	2253:10;2300:11
2254:4	2187:13;2203:10;	2210:22;2219:7;	2300:9	<b>agree (32)</b>
<b>\$143,000 (2)</b>	<b>above (1)</b>	2221:14;2238:14;	<b>adopt (1)</b>	2166:17;2181:11;
2253:1;2257:4	2270:18;2271:10;	2240:9;2246:11;	2300:14	2185:17,23;2186:8,12,
<b>\$15,000 (1)</b>	<b>absolutely (4)</b>	2250:17;2251:11;	<b>adopted (1)</b>	18;2189:7,11,14,23;
2231:24	2275:23	2253:6;2254:14;	2299:23	2190:9,14,15;2191:1,8,
<b>\$15,070 (1)</b>	<b>absolute (1)</b>	2270:4,11,12;2272:10;	<b>adverse (1)</b>	9,10,18;2192:4,13,17,
2226:20	2234:20	2276:23;2286:2;	2290:19	21;2194:11,24;2195:7;
<b>\$1500 (1)</b>	<b>absolutely (4)</b>	2287:9;2292:23;	<b>adversely (2)</b>	2196:20;2198:11;
2215:12	2187:13;2191:16;	2293:21;2294:6;	2288:11;2289:17	2241:1;2247:4;2304:1,
<b>\$160,000 (2)</b>	<b>accept (3)</b>	2305:8	<b>advertise (1)</b>	3
2232:5;2233:1	2166:20;2167:3;	<b>add (4)</b>	2246:4	<b>agreement (1)</b>
<b>\$17,000 (1)</b>	2284:7	2200:5;2273:6,7;	<b>advice (1)</b>	2264:22
2259:11	<b>acceptable (1)</b>	2295:17	2291:2	<b>agreements (1)</b>
<b>\$175,000 (2)</b>	2296:16	<b>added (4)</b>	<b>advised (2)</b>	2263:3
2230:13;2232:5	<b>acceptance (1)</b>	2172:5,19;2216:14;	2162:24;2296:18	<b>agricultural (3)</b>
<b>\$191,847 (1)</b>	2275:3	2226:20	<b>advises (1)</b>	2224:5,16;2282:5
2238:14	<b>accepted (1)</b>	<b>adding (1)</b>	2272:18	<b>agriculturally-related (1)</b>
<b>\$200 (1)</b>	2259:15	2213:17	<b>Aerial (3)</b>	2278:4
2279:16	<b>accommodate (1)</b>	<b>additional (4)</b>	2282:6;2300:22;	<b>ahead (10)</b>
<b>\$215,137 (1)</b>	2299:15	2162:18;2217:24;	2301:2	2161:3;2162:14,19;
2243:21	<b>accompanies (1)</b>	2272:20;2300:15	<b>affect (1)</b>	2186:17;2201:24;
<b>\$220,000 (2)</b>	2302:3	<b>Additionally (1)</b>	2191:4	2222:24;2223:6;
2237:17;2239:16	<b>according (3)</b>	2303:3	<b>affected (7)</b>	2248:21;2264:12;
<b>\$23,000 (1)</b>	2231:11;2232:24;	<b>address (4)</b>	2190:17,20;2194:3,	2273:23
<b>\$23,500 (1)</b>	2271:21	<b>addresses (1)</b>	6;2267:20;2288:11;	<b>air (2)</b>
2209:6	<b>account (2)</b>	2271:9	2289:17	2209:10;2263:6
<b>\$237,500 (1)</b>	2208:22;2252:8	<b>addressing (3)</b>	<b>affidavit (1)</b>	<b>albeit (1)</b>
2234:5	<b>accounted (3)</b>	2167:22;2251:4;	2200:7	2299:18
<b>\$275,000 (3)</b>	2208:13;2215:11,15	2253:22	<b>afforded (1)</b>	<b>allow (5)</b>
2242:10,14,21	<b>accounting (1)</b>	<b>adjacent (2)</b>	2301:6	2188:16;2291:6;
<b>\$300,000 (2)</b>	2187:15	<b>adjourn (1)</b>	<b>ag (1)</b>	2300:14;2301:12;
2220:21;2221:8	<b>accurate (2)</b>	2304:18	2225:3	2303:1
<b>\$37,500 (1)</b>	2199:8;2260:11	<b>Adjournd (1)</b>	<b>again (45)</b>	<b>allowed (4)</b>
2216:15	<b>acoustician (1)</b>	2306:6	2162:3;2163:21;	2184:6;2260:4;
<b>\$375,000 (1)</b>	2269:23	<b>adjust (9)</b>	2167:2;2175:1;	2268:6,22
2198:7	<b>acre (11)</b>	2169:5;2236:4;	2180:11;2187:12;	<b>allowing (2)</b>
<b>\$42,300 (1)</b>	2206:20;2207:2;	2241:7;2248:17,23;	2188:12,20;2189:19;	2181:1;2267:10
2213:14	2208:23;2213:17,19,	2249:8,13;2273:14;	2190:5;2191:15;	<b>allows (1)</b>
<b>\$48,000 (1)</b>	20;2221:15;2224:11;	2294:21	2192:2,11;2194:14;	2301:17
2239:7	2279:16;2283:10;	<b>adjusted (2)</b>	2197:9;2208:4;	<b>allude (1)</b>
<b>\$5,000 (1)</b>	2294:10	2209:5;2215:12	2209:18,21;2210:16;	2255:24
2240:15	<b>acreage (4)</b>	<b>adjustment (17)</b>	2215:10,15;2219:5;	<b>alluding (1)</b>
<b>\$5800 (1)</b>	2197:13;2213:15;	2198:4;2209:8,10,	2222:14;2223:9;	2170:16
2209:14	2278:15;2280:22	13;2212:21;2213:13;	2224:17,22;2226:8,18;	<b>almost (6)</b>
<b>\$75,000 (1)</b>	<b>acres (8)</b>	2215:2;2216:18,23;	2232:7,13;2234:12;	2205:23;2213:20;
2198:6	2209:4;2216:7;	2217:4,13,24;2218:5;	2235:1,11,15;2236:12;	2278:20;2292:13,21;
<b>\$87,000 (3)</b>			2240:14,24;2241:23;	
2243:17;2244:22;				

<p>2301:1  <b>alpaca (3)</b>                  2224:1,2;2226:9  <b>altered (1)</b>                  2299:14  <b>although (3)</b>                  2209:3;2287:21;                  2304:1  <b>always (7)</b>                  2186:23;2187:3;                  2198:18;2237:4;                  2249:17;2273:10;                  2280:5  <b>Amboy (1)</b>                  2219:10  <b>amending (1)</b>                  2272:13  <b>amenities (1)</b>                  2178:20  <b>American (2)</b>                  2170:9;2189:14  <b>Amongst (3)</b>                  2196:13;2252:4;                  2291:15  <b>amount (6)</b>                  2193:16;2221:8;                  2275:13;2288:18;                  2290:24;2304:2  <b>amounts (3)</b>                  2173:8;2196:24;                  2270:18  <b>Analysis (25)</b>                  2174:5;2175:19,21,                  24;2176:10,19,24;                  2177:8;2185:24;                  2186:11,16,20;2187:9;                  2188:10;2196:7,17,21;                  2199:11,14;2205:5;                  2255:1;2285:14;                  2288:14;2290:12;                  2293:5  <b>analyzed (1)</b>                  2187:11  <b>analyzing (2)</b>                  2183:17;2184:2  <b>and/or (1)</b>                  2195:8  <b>angle (1)</b>                  2266:13  <b>animal (1)</b>                  2218:12  <b>animals (2)</b>                  2224:5;2225:3  <b>answered (1)</b>                  2276:20  <b>anticipation (4)</b>                  2251:9;2253:20;                  2257:15,20  <b>apart (1)</b>                  2210:13  <b>apologize (2)</b>                  2250:3;2266:9  <b>apparently (3)</b></p>	<p>2169:4;2221:18;                  2287:17  <b>appeal (1)</b>                  2222:8  <b>Appeals (2)</b>                  2161:7;2211:11  <b>appear (3)</b>                  2172:9;2173:13;                  2244:20  <b>appeared (1)</b>                  2168:1  <b>appears (1)</b>                  2172:8  <b>appended (1)</b>                  2164:4  <b>appendices (5)</b>                  2171:14,18,22;                  2172:2;2174:1  <b>appendix (3)</b>                  2174:4,5,14  <b>apples (2)</b>                  2199:2,2  <b>appliances (1)</b>                  2234:23  <b>applicable (2)</b>                  2174:18,22  <b>applicant (5)</b>                  2162:17;2167:10;                  2179:16;2262:12;                  2301:3  <b>application (15)</b>                  2164:3;2169:1,6;                  2261:17;2268:5;                  2269:5;2270:13,21;                  2279:5;2300:4,22;                  2301:2,15;2302:9,15  <b>applications (5)</b>                  2268:9;2269:12;                  2299:12,15;2302:1  <b>Applicators (1)</b>                  2282:6  <b>applied (2)</b>                  2176:9;2237:6  <b>applies (5)</b>                  2192:2;2194:14,21;                  2206:14;2302:3  <b>apply (4)</b>                  2186:3;2192:11;                  2293:18;2294:11  <b>applying (1)</b>                  2272:20  <b>Appraisal (13)</b>                  2169:17;2184:12,24;                  2193:17,20;2270:19;                  2284:22;2285:6,18;                  2293:16,19,20;2294:11  <b>appraisals (1)</b>                  2252:10  <b>appraise (2)</b>                  2252:11;2276:21  <b>appraised (3)</b>                  2262:22;2270:24;                  2271:17</p>	<p><b>appraiser (5)</b>                  2170:8;2186:2,23;                  2239:2;2294:5  <b>appraisers (5)</b>                  2187:2;2222:10;                  2252:11;2293:22;                  2294:21  <b>appraiser's (1)</b>                  2193:18  <b>appearing (2)</b>                  2170:14;2197:23  <b>appears (3)</b>                  2163:14;2198:9;                  2299:22  <b>approached (1)</b>                  2296:1  <b>appropriate (2)</b>                  2196:18;2299:20  <b>approval (3)</b>                  2167:23;2264:16;                  2275:22  <b>approved (2)</b>                  2279:6;2280:23  <b>approximately (4)</b>                  2172:15;2212:19;                  2283:11;2297:12  <b>April (5)</b>                  2237:16;2239:15;                  2243:17,19;2245:10  <b>arbitrarily (1)</b>                  2293:24  <b>arbitrary (1)</b>                  2263:5  <b>arduous (1)</b>                  2299:4  <b>area (18)</b>                  2173:8;2179:3,21;                  2182:8;2194:15,20;                  2201:2;2218:7,10;                  2222:3;2229:10;                  2255:16;2263:1,15;                  2277:21;2278:24;                  2292:24;2293:2  <b>areas (6)</b>                  2194:9,21;2202:7,                  18;2214:1,11  <b>arena (1)</b>                  2219:15  <b>argue (1)</b>                  2166:21  <b>argument (1)</b>                  2269:24  <b>arm's (2)</b>                  2237:3;2239:3  <b>around (5)</b>                  2211:11;2212:7;                  2280:18;2300:21;                  2303:5  <b>arrives (1)</b>                  2305:20  <b>artificial (1)</b>                  2291:7  <b>assembled (1)</b></p>	<p>2246:20  <b>assess (1)</b>                  2260:17  <b>assessing (2)</b>                  2197:18;2198:15  <b>assessment (1)</b>                  2212:19  <b>assessments (2)</b>                  2185:10;2211:10  <b>assessor (12)</b>                  2200:9,11,12;                  2210:22;2211:6;                  2225:10,13;2230:22;                  2232:4;2234:10;                  2240:17;2241:18  <b>assessors (1)</b>                  2185:9  <b>assessors' (1)</b>                  2185:8  <b>assessor's (9)</b>                  2199:22;2225:15,21;                  2230:19;2233:1;                  2254:6,11,19;2259:9  <b>asset (3)</b>                  2190:12;2191:13;                  2281:19  <b>assignment (1)</b>                  2169:18  <b>Association (3)</b>                  2170:10;2244:14;                  2282:7  <b>assume (2)</b>                  2223:24;2224:4  <b>assumed (1)</b>                  2193:16  <b>assumes (3)</b>                  2219:2;2248:19;                  2282:9  <b>Assuming (1)</b>                  2212:18  <b>assumption (1)</b>                  2298:18  <b>assured (1)</b>                  2271:2  <b>attached (3)</b>                  2171:18,22;2174:9  <b>attempted (1)</b>                  2209:23  <b>attendance (2)</b>                  2300:18;2301:22  <b>attorney (1)</b>                  2235:4  <b>attract (1)</b>                  2188:5  <b>attractive (1)</b>                  2279:23  <b>attribute (1)</b>                  2253:19  <b>attributed (1)</b>                  2259:12  <b>auction (1)</b>                  2267:5  <b>AUDIENCE (9)</b></p>	<p>2261:13;2265:15;                  2276:6;2280:10,16;                  2284:12;2291:20;                  2292:5;2303:23  <b>August (3)</b>                  2241:15;2253:1,19  <b>authenticate (1)</b>                  2260:3  <b>authenticated (1)</b>                  2259:22  <b>author (1)</b>                  2183:18  <b>authoritative (1)</b>                  2184:14  <b>authors' (1)</b>                  2184:20  <b>automatically (1)</b>                  2185:20  <b>available (11)</b>                  2186:2,24;2187:6;                  2197:2;2241:6;2252:9;                  2285:19;2292:6;                  2293:4,13;2301:19  <b>avenue (1)</b>                  2301:14  <b>average (3)</b>                  2209:15;2227:13;                  2292:24  <b>averaged (1)</b>                  2293:2  <b>avian (1)</b>                  2300:24  <b>aviation (2)</b>                  2300:21;2301:2  <b>avoid (1)</b>                  2186:3  <b>aware (19)</b>                  2169:3;2180:5;                  2220:19;2227:18;                  2228:1,5;2229:16;                  2237:19,24;2239:4,5;                  2242:8;2243:20,24;                  2245:13,17;2246:8;                  2264:9;2279:21  <b>away (12)</b>                  2186:17;2188:3;                  2202:9;2208:6;2271:7;                  2274:16,22;2279:1;                  2286:16,16;2291:10;                  2294:4  <b>axis (1)</b>                  2172:14  <b>Aye (1)</b>                  2306:4</p>
<b>B</b>				
<p><b>back (13)</b>                  2183:10;2185:1;                  2189:3;2196:14,15;                  2203:20;2222:19;                  2229:21;2233:12;                  2245:18;2253:4;</p>				

<p>2277:23;2288:15  <b>background (1)</b>                  2270:2  <b>backtracking (1)</b>                  2293:7  <b>backup (1)</b>                  2177:11  <b>bad (1)</b>                  2203:24  <b>badly (1)</b>                  2167:16  <b>Bank (6)</b>                  2221:11;2246:2,13,                  15;2293:16,20  <b>bankruptcy (1)</b>                  2192:6  <b>bar (5)</b>                  2171:1,6;2172:12,                  19;2173:5  <b>bargain (1)</b>                  2271:11  <b>barn (5)</b>                  2209:11;2218:11;                  2219:13,16,22  <b>barns (2)</b>                  2277:11;2278:6  <b>Barton (1)</b>                  2184:21  <b>base (4)</b>                  2166:4,18;2274:5,16  <b>based (14)</b>                  2164:6;2165:15;                  2166:22;2173:5,6,6,7;                  2215:4;2217:3,15;                  2222:10;2288:17;                  2301:16;2303:17  <b>basement (11)</b>                  2226:21,22;2227:3,                  5;2230:5;2235:9,17;                  2240:23;2247:24;                  2258:22;2271:7  <b>basements (2)</b>                  2197:14  <b>basic (2)</b>                  2186:10,18  <b>basically (5)</b>                  2172:16;2199:2;                  2263:19;2266:13;                  2267:4  <b>basis (14)</b>                  2169:10;2185:7;                  2194:1;2217:4;2220:2;                  2232:5;2234:12;                  2238:7;2241:20;                  2263:7;2264:11;                  2277:14;2291:6;                  2293:24  <b>bath (1)</b>                  2215:14  <b>bathroom (3)</b>                  2198:5,5;2246:23  <b>baths (6)</b>                  2215:8,9;2216:6;</p>	<p>2229:23;2246:22;                  2247:8  <b>become (1)</b>                  2229:2  <b>becoming (1)</b>                  2189:17  <b>bedroom (1)</b>                  2240:23  <b>bedrooms (12)</b>                  2206:19;2208:11;                  2215:7,8;2216:6;                  2223:21;2229:22;                  2235:8;2236:14;                  2240:21;2246:21;                  2247:7  <b>began (4)</b>                  2180:9;2181:24;                  2189:15;2191:5  <b>behind (1)</b>                  2303:13  <b>believable (1)</b>                  2303:12  <b>bell (11)</b>                  2164:9;2166:14;                  2180:10;2183:16,24;                  2184:18;2185:18,24;                  2224:7;2239:8;                  2254:21  <b>Bell's (1)</b>                  2183:13  <b>Below (4)</b>                  2212:3,4,14;2225:7  <b>Berkeley (1)</b>                  2184:7  <b>best (12)</b>                  2186:23;2187:6;                  2197:8;2199:20;                  2211:8;2230:17;                  2232:7;2234:9;2241:6;                  2252:8;2257:5;                  2285:19  <b>better (5)</b>                  2182:20;2241:3;                  2262:7;2304:12,16  <b>beyond (10)</b>                  2173:9;2268:10,12,                  18,20,23;2271:8;                  2286:20;2288:3,19  <b>big (1)</b>                  2275:1  <b>biggest (2)</b>                  2213:13;2250:15  <b>bin (1)</b>                  2282:24  <b>Bingham (4)</b>                  2215:21;2217:7,18;                  2219:18  <b>B-I-N-G-H-A-M (1)</b>                  2215:22  <b>bins (2)</b>                  2277:11;2278:8  <b>bit (7)</b>                  2183:12;2206:4;</p>	<p>2237:24;2274:8;                  2287:10,22;2304:16  <b>Blackstone (1)</b>                  2243:13  <b>blade (4)</b>                  2166:4;2286:19,22;                  2287:1  <b>BLAKEMAN (5)</b>                  2179:10;2298:7,13,                  15,21  <b>Blazer (51)</b>                  2163:17,18,20;                  2168:7;2174:10;                  2179:8,11;2180:16;                  2181:2,18,19;2201:22;                  2205:21;2206:5,6;                  2212:6;2222:13,23;                  2223:2,5,7;2250:3;                  2258:14,18,19;2259:1,                  20;2260:5;2261:4,8,                  14;2265:11;2266:8;                  2268:10,13;2269:24;                  2282:9,13;2288:1,3,19;                  2289:20,24;2296:17;                  2297:15;2298:9,11,14,                  17,24;2305:12  <b>blowing (1)</b>                  2168:11  <b>blowup (1)</b>                  2168:13  <b>Board (14)</b>                  2161:7;2163:2;                  2195:5;2268:7;                  2269:10;2271:22;                  2299:10,10,13;                  2301:23;2302:17;                  2303:14,17;2305:14  <b>boarding (3)</b>                  2218:16,24;2219:17  <b>bodies (2)</b>                  2284:22;2299:23  <b>body (1)</b>                  2284:23  <b>book (2)</b>                  2186:15;2251:17  <b>books (1)</b>                  2183:13  <b>boom (3)</b>                  2192:17,19,21  <b>bordered (1)</b>                  2216:10  <b>borne (1)</b>                  2195:15  <b>both (5)</b>                  2194:21;2218:2,13;                  2227:13;2267:4  <b>bother (1)</b>                  2291:14  <b>bothers (1)</b>                  2291:13  <b>bottom (7)</b>                  2172:22;2212:13;                  2221:3;2225:23;</p>	<p>2228:13;2260:13;                  2267:7  <b>bought (2)</b>                  2218:11;2255:5  <b>Brad (2)</b>                  2284:13;2285:10  <b>brand-new (4)</b>                  2180:7;2217:9,10,12  <b>break (4)</b>                  2205:23;2206:2;                  2247:2;2297:17  <b>brick (2)</b>                  2235:7;2240:20  <b>brief (1)</b>                  2284:16  <b>briefly (2)</b>                  2271:16;2301:3  <b>bringing (1)</b>                  2260:1  <b>broad (1)</b>                  2203:6  <b>broader (1)</b>                  2190:7  <b>broken (1)</b>                  2195:23  <b>broker (1)</b>                  2228:20  <b>brokers (3)</b>                  2255:16,22;2293:9  <b>bubble (2)</b>                  2189:17,20  <b>build (5)</b>                  2265:24;2266:11,23;                  2289:18;2290:2  <b>builders (4)</b>                  2192:6;2193:4;                  2239:7,14  <b>building (6)</b>                  2212:13,15;2215:18;                  2221:19;2233:11;                  2277:19  <b>buildings (1)</b>                  2282:24  <b>buildup (1)</b>                  2193:3  <b>built (30)</b>                  2176:23;2180:7;                  2206:19;2208:11,16,                  18;2214:22,24;                  2216:16,17;2220:17;                  2229:16,20;2230:4;                  2233:11;2235:22;                  2246:20;2250:16;                  2251:11,13,16;2271:2;                  2274:13;2275:8;                  2278:18;2279:6;                  2281:5,5,12;2283:9  <b>Bullard (2)</b>                  2255:9,12  <b>B-U-L-L-A-R-D (1)</b>                  2255:12  <b>bundle (1)</b>                  2175:3</p>	<p><b>burst (1)</b>                  2189:21  <b>business (1)</b>                  2189:1  <b>businesses (1)</b>                  2299:17  <b>buy (1)</b>                  2203:11  <b>buyer (16)</b>                  2188:1,5;2191:21,                  23;2200:7;2203:11;                  2217:8;2218:11;                  2219:24;2235:4;                  2244:13;2256:11;                  2267:8,18,21;2272:4  <b>buyers (3)</b>                  2234:22;2257:8;                  2258:4  <b>buyer's (2)</b>                  2219:21;2295:4  <b>buying (2)</b>                  2195:16;2257:3  <b>buyout (1)</b>                  2262:22</p>
<b>C</b>				
<p><b>Cabery (1)</b>                  2229:11  <b>call (10)</b>                  2161:4;2178:17;                  2187:24;2252:5;                  2267:9;2274:4;                  2276:13;2286:9;                  2294:24;2297:23  <b>called (12)</b>                  2175:18;2179:3,21;                  2187:15;2188:21;                  2199:19;2239:5,7;                  2245:11,23;2250:18;                  2251:8  <b>calling (2)</b>                  2168:12;2259:15  <b>came (3)</b>                  2192:5;2211:3;                  2282:1  <b>Can (51)</b>                  2166:20;2167:3;                  2174:17;2176:17;                  2179:6,8;2181:16;                  2182:14;2187:22;                  2189:16;2194:1;                  2197:8;2198:2;2201:8,                  9;2203:6,19;2205:23;                  2219:12;2222:24;                  2238:24;2242:11;                  2247:12;2254:17;                  2259:8;2262:1;                  2263:15;2265:14;                  2267:23;2268:21;                  2270:1,15;2281:7,11,                  13,15;2282:5;2286:10;                  2287:9,22;2290:2,5;</p>				

<p>2291:11,13;2296:15; 2297:11,19,20; 2299:22;2304:10; 2305:2 <b>Canadian (1)</b> 2267:17 <b>cancellations (1)</b> 2195:8 <b>capabilities (1)</b> 2290:8 <b>car (2)</b> 2246:22;2247:10 <b>care (4)</b> 2162:6,14;2222:21; 2258:1 <b>careful (1)</b> 2302:22 <b>carefully (2)</b> 2168:1;2198:8 <b>carved (1)</b> 2278:16 <b>Case (13)</b> 2161:8;2163:24; 2175:16;2179:17; 2183:21;2197:21; 2199:5,6,7,11,14; 2215:1;2275:19 <b>cases (10)</b> 2190:6;2192:7; 2194:8;2195:10; 2199:23,24;2230:20; 2233:12;2263:9; 2302:3 <b>catch (2)</b> 2244:5,5 <b>catching (1)</b> 2193:5 <b>category (1)</b> 2294:17 <b>caused (2)</b> 2261:23;2262:19 <b>Caybery (1)</b> 2229:11 <b>CDOM (3)</b> 2193:22;2292:6,9 <b>cedar-sided (1)</b> 2208:10 <b>census (1)</b> 2303:18 <b>central (1)</b> 2196:8 <b>certain (7)</b> 2228:3,5;2273:13; 2277:9;2290:23; 2302:7;2305:11 <b>Certainly (31)</b> 2162:1;2164:3; 2175:2;2176:5; 2182:12,18;2183:18; 2186:15;2188:7; 2189:12,19;2190:4; 2192:9;2197:20; 2213:24;2228:20;</p>	<p>2233:9;2239:1;2248:5; 2255:21;2262:7; 2264:17;2266:20; 2269:24;2272:6; 2273:13;2275:4,12,21; 2278:16;2279:22 <b>certainty (1)</b> 2165:8 <b>certificate (1)</b> 2184:11 <b>certified (1)</b> 2170:7 <b>chair (1)</b> 2303:14 <b>CHAIRMAN (70)</b> 2161:2,12;2162:1, 20,23;2163:6,16,18; 2181:11;2201:24; 2205:22;2206:3; 2222:17,23;2223:3,6; 2248:21;2258:5,8,12, 15,24;2260:7,10,16,23; 2261:2,7,11;2264:20; 2265:12,13;2268:13, 16,20;2273:21;2276:5; 2280:12;2282:14; 2283:4,17,20;2284:4,7, 11;2288:24;2289:5,8, 10,12;2290:6;2291:19; 2292:2;2295:8,13; 2296:6,12;2297:10,14, 16;2298:3,6,10; 2299:1;2304:17,22; 2305:2,16,19;2306:5 <b>chance (1)</b> 2180:23 <b>chances (1)</b> 2287:1 <b>change (1)</b> 2262:24 <b>changes (2)</b> 2263:15;2293:9 <b>changing (1)</b> 2301:18 <b>character (2)</b> 2263:1,15 <b>characteristics (2)</b> 2222:11;2302:7 <b>characterize (1)</b> 2235:19 <b>characterized (1)</b> 2191:12 <b>charged (1)</b> 2303:15 <b>chart (5)</b> 2171:1,6,10; 2172:19;2173:5 <b>charts (1)</b> 2172:12 <b>check (2)</b> 2202:22;2254:19 <b>checked (1)</b> 2199:21</p>	<p><b>checking (1)</b> 2232:21 <b>Chenoa (1)</b> 2247:17 <b>Chicago (1)</b> 2190:22 <b>children (1)</b> 2257:23 <b>Chuck (2)</b> 2161:4;2301:19 <b>chunk (1)</b> 2286:23 <b>circulated (1)</b> 2272:15 <b>circumstances (5)</b> 2257:3,11;2258:3; 2285:4;2301:18 <b>cited (1)</b> 2269:11 <b>cites (2)</b> 2181:9;2190:21 <b>citizen (1)</b> 2302:11 <b>city (1)</b> 2279:8 <b>claim (1)</b> 2269:14 <b>clarified (1)</b> 2172:21 <b>class (3)</b> 2225:11,19;2279:15 <b>classification (1)</b> 2225:24 <b>clear (6)</b> 2172:17;2207:3,17; 2210:17;2266:1; 2279:6 <b>clearly (2)</b> 2172:14;2176:22 <b>client (1)</b> 2272:19 <b>climbed (1)</b> 2265:9 <b>close (14)</b> 2188:14,17;2194:15; 2197:10;2198:16; 2199:4;2210:10; 2220:24;2235:15; 2236:19,20;2245:7; 2266:23;2272:8 <b>closely (4)</b> 2177:5;2198:12; 2199:2;2286:3 <b>closer (5)</b> 2202:17;2207:4; 2220:13;2293:2; 2294:6 <b>closest (3)</b> 2169:7;2272:9; 2274:5 <b>code (2)</b> 2167:14;2168:2 <b>coin (1)</b></p>	<p>2304:4 <b>collapse (1)</b> 2190:1 <b>collapsed (1)</b> 2286:22 <b>column (2)</b> 2242:13;2244:4 <b>coming (2)</b> 2287:1;2297:24 <b>Commencing (1)</b> 2161:1 <b>comment (1)</b> 2274:4 <b>comments (2)</b> 2300:5;2303:4 <b>Commission (1)</b> 2163:1 <b>commissioner (1)</b> 2264:20 <b>committee (2)</b> 2300:4;2301:12 <b>commodity (1)</b> 2195:24 <b>common (1)</b> 2263:11 <b>communities (1)</b> 2190:18 <b>community (1)</b> 2303:18 <b>comp (5)</b> 2252:11;2273:10,11, 14;2294:4 <b>companies (1)</b> 2281:10 <b>company (3)</b> 2239:5,7;2245:14 <b>comparable (1)</b> 2197:5 <b>comparables (1)</b> 2187:5 <b>compare (5)</b> 2176:13;2199:1; 2210:7;2212:21; 2215:6 <b>compared (5)</b> 2178:12;2190:7; 2202:7,18;2217:11 <b>comparing (3)</b> 2194:18;2207:9; 2222:4 <b>comparison (4)</b> 2190:24;2222:6; 2229:19;2277:22 <b>comparisons (2)</b> 2207:12;2278:23 <b>compatibility (1)</b> 2169:23 <b>compensate (7)</b> 2281:2,8,10;2282:2, 3,17,18 <b>compensated (1)</b> 2281:11 <b>compensation (1)</b></p>	<p>2281:19 <b>competed (1)</b> 2257:7 <b>competing (3)</b> 2257:7,8;2258:4 <b>compiled (1)</b> 2199:20 <b>completed (1)</b> 2295:10 <b>completely (1)</b> 2304:3 <b>compliance (1)</b> 2276:17 <b>comply (1)</b> 2269:15 <b>components (1)</b> 2246:20 <b>comprehensive (1)</b> 2164:5 <b>comps (6)</b> 2222:10;2236:19; 2271:17;2273:4; 2278:10;2294:1 <b>computer (2)</b> 2198:24;2252:7 <b>concentrated (1)</b> 2283:1 <b>concept (1)</b> 2262:21 <b>concepts (4)</b> 2189:5;2190:16; 2193:14,21 <b>concerned (2)</b> 2268:4;2302:11 <b>conclude (1)</b> 2169:21 <b>concludes (1)</b> 2288:5 <b>conclusion (2)</b> 2165:6;2257:19 <b>Conclusions (3)</b> 2165:2;2186:6; 2201:8 <b>concrete (1)</b> 2248:1 <b>condition (19)</b> 2176:3,14;2185:20; 2187:10,23;2197:18; 2198:14;2208:14; 2209:15;2216:22; 2217:11,12,13,16; 2227:12,16;2229:3; 2257:24;2302:8 <b>conditioned (1)</b> 2209:11 <b>conditions (12)</b> 2183:13,17;2184:3; 2186:1;2188:10; 2189:4;2194:12; 2195:1;2200:4; 2266:22;2267:22; 2289:17 <b>confines (1)</b></p>
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<p>2197:3  <b>confirm (1)</b>                  2200:3  <b>confirmed (2)</b>                  2203:16;2264:21  <b>consecutive (1)</b>                  2190:9  <b>consensus (1)</b>                  2303:19  <b>consider (13)</b>                  2182:23;2185:3,7;                  2188:7;2197:19;                  2198:7;2234:24;                  2251:23;2286:4;                  2287:7;2288:7;                  2302:13;2303:10  <b>consideration (5)</b>                  2278:22;2279:14;                  2280:15;2282:23;                  2302:6  <b>considerations (1)</b>                  2301:9  <b>considered (6)</b>                  2182:18;2189:16;                  2196:23;2237:3;                  2302:5,16  <b>consistent (7)</b>                  2197:22;2203:2;                  2251:21;2257:16,17;                  2275:21;2302:4  <b>consistently (1)</b>                  2258:21  <b>constructed (1)</b>                  2235:9  <b>constructing (1)</b>                  2288:22  <b>construction (9)</b>                  2175:16;2186:21;                  2192:5;2196:22;                  2216:20;2220:20;                  2221:11;2288:13;                  2289:22  <b>consumer (1)</b>                  2191:2  <b>Consumers (1)</b>                  2270:21  <b>consumes (1)</b>                  2301:1  <b>contaminated (1)</b>                  2184:15  <b>content (1)</b>                  2291:15  <b>context (1)</b>                  2204:3  <b>continuation (1)</b>                  2161:6  <b>continue (6)</b>                  2163:17;2204:11;                  2222:24;2303:21,22,23  <b>continued (2)</b>                  2191:4;2257:21  <b>contraction (1)</b>                  2190:10</p>	<p><b>contradict (1)</b>                  2303:9  <b>contradiction (1)</b>                  2228:20  <b>contrary (1)</b>                  2257:19  <b>contributed (1)</b>                  2195:13  <b>contribution (1)</b>                  2184:8  <b>control (49)</b>                  2173:8;2188:17;                  2201:2;2207:21;                  2208:6,24;2209:5,14,                  23;2212:20;2213:14,                  18;2214:17;2215:8;                  2216:1,16;2217:1,21;                  2222:1,9;2224:11;                  2226:12,23;2227:4;                  2230:8,9;2231:16;                  2234:1;2236:3,8;                  2239:18;2241:1,8,11;                  2242:9,23,24;2243:1;                  2247:16;2248:10,23;                  2249:3;2250:1;2268:7;                  2269:10;2278:1;                  2285:24;2286:5;                  2293:2  <b>controlled (1)</b>                  2294:20  <b>conversation (2)</b>                  2300:23;2302:15  <b>conversations (5)</b>                  2300:1,20;2302:14,                  23;2304:15  <b>converted (2)</b>                  2235:17,22  <b>convertible (1)</b>                  2233:12  <b>cooperative (1)</b>                  2248:8  <b>copied (1)</b>                  2168:24  <b>copies (4)</b>                  2254:14,15;2301:20;                  2305:9  <b>co-presenter (1)</b>                  2184:23  <b>copy (1)</b>                  2301:23  <b>CORNALE (71)</b>                  2161:2,11,12;                  2162:1,23;2163:6,16;                  2181:3,11;2201:24;                  2205:19;2206:3;                  2222:13,17,23;2223:3,                  6;2248:21;2258:5,8,12,                  15,24;2260:7,10,16,23;                  2261:2,4,7,11;2265:13;                  2268:13,16,20;                  2273:21;2276:5;                  2280:12;2282:14;                  2283:4,17,20;2284:4,7,</p>	<p>11;2288:24;2289:5,8,                  10,12;2290:6;2291:19;                  2292:2;2295:8,13,24;                  2296:6,12,17;2297:10,                  14,16;2298:3,6,10;                  2299:1;2304:22;                  2305:2,16,19;2306:5  <b>corner (3)</b>                  2211:17;2219:6;                  2224:23  <b>correctly (4)</b>                  2166:11;2171:15;                  2172:4;2292:16  <b>corresponding (1)</b>                  2171:11  <b>cost (7)</b>                  2215:19;2220:2;                  2283:7,18,23;2288:16,                  21  <b>counsel (8)</b>                  2231:17;2239:22;                  2240:24;2242:16;                  2248:2;2252:4;                  2265:16;2305:22  <b>count (1)</b>                  2215:15  <b>Counties (2)</b>                  2200:13;2205:6  <b>country (4)</b>                  2265:23;2272:13;                  2277:10;2280:2  <b>counts (1)</b>                  2270:24  <b>County (76)</b>                  2161:7,8;2164:7;                  2169:2;2174:19;                  2188:15;2190:23;                  2196:12;2199:15,22;                  2200:6;2201:17;                  2202:4,5,8,20;2203:4;                  2204:7,14,16,18;                  2205:1;2206:7,16;                  2208:19;2209:20;                  2210:1,4,22;2211:5,6,                  12;2212:21;2219:5;                  2222:21,21;2223:4,9;                  2224:21;2229:6;                  2232:3,13;2238:9;                  2244:16;2251:7;                  2253:11;2260:22;                  2263:24;2264:7,16,18,                  20;2265:4;2271:20;                  2275:20;2277:2,5,16;                  2279:2,4,4;2281:7,16,                  16;2282:23;2291:22;                  2292:15;2295:9;                  2299:10,13,22;                  2300:14;2301:5,10;                  2303:17,24  <b>county's (2)</b>                  2169:10;2175:8  <b>county-wide (2)</b>                  2271:21;2282:20</p>	<p><b>couple (17)</b>                  2177:9;2200:16;                  2204:10;2207:21;                  2223:10;2253:14;                  2265:17;2270:15;                  2276:9,19;2277:4,23;                  2280:20;2291:23,24;                  2296:1;2304:18  <b>course (5)</b>                  2270:24;2285:16;                  2288:14;2291:23;                  2292:5  <b>courthouse (1)</b>                  2300:12  <b>courts (1)</b>                  2284:21  <b>cover (2)</b>                  2170:20,21  <b>coverage (1)</b>                  2272:20  <b>covered (1)</b>                  2273:1  <b>covers (1)</b>                  2187:18  <b>crawl (2)</b>                  2235:7;2240:20  <b>create (1)</b>                  2263:16  <b>created (1)</b>                  2300:5  <b>credentials (2)</b>                  2184:6;2303:10  <b>credit (3)</b>                  2191:21;2192:22,23  <b>credits (1)</b>                  2245:15  <b>Creek (6)</b>                  2236:6;2241:9;                  2248:18;2249:1,9;                  2274:18  <b>cresting (1)</b>                  2281:14  <b>crisis (1)</b>                  2190:1  <b>Criteria (6)</b>                  2167:22;2241:6;                  2257:6,9;2275:22;                  2302:17  <b>critique (1)</b>                  2179:17  <b>Crop (1)</b>                  2245:7  <b>cross-referenced (1)</b>                  2214:20  <b>cross-examination (3)</b>                  2181:1;2302:22;                  2305:7  <b>cross-section (2)</b>                  2210:16;2252:12  <b>crowd (1)</b>                  2162:4  <b>cul-de-sac (2)</b>                  2236:5;2241:8</p>	<p><b>cumulative (5)</b>                  2193:22,24;2194:18;                  2292:10;2293:1  <b>curb (1)</b>                  2222:8  <b>curious (1)</b>                  2273:8  <b>current (3)</b>                  2191:10;2272:1;                  2300:10  <b>currently (1)</b>                  2219:17  <b>curriculum (1)</b>                  2184:10  <b>cut (2)</b>                  2195:5;2205:19  <b>cut-off (1)</b>                  2201:2</p> <hr/> <p style="text-align: center;"><b>D</b></p> <hr/> <p><b>data (20)</b>                  2165:15;2178:23,23;                  2181:8;2186:5;                  2188:22;2194:1;                  2197:1;2198:2;2199:7,                  10,13,18;2200:2;                  2251:22;2275:13;                  2285:22;2287:12;                  2293:13;2303:17  <b>database (10)</b>                  2188:14,15;2199:16,                  18,22;2200:5;2238:4,                  20;2277:19,19  <b>databases (1)</b>                  2202:7  <b>date (10)</b>                  2193:16,17,19;                  2197:10,10;2216:20;                  2221:6;2232:18;                  2235:14;2248:5  <b>dated (1)</b>                  2164:8  <b>dates (3)</b>                  2187:20;2188:13;                  2241:4  <b>daughter (1)</b>                  2218:11  <b>daunting (1)</b>                  2211:13  <b>David (2)</b>                  2256:18,23  <b>day (1)</b>                  2245:3  <b>days (12)</b>                  2193:22,24;2194:18;                  2245:6;2271:19;                  2277:4;2292:10,17,19;                  2293:1,1,3  <b>deadline (1)</b>                  2291:8  <b>deal (3)</b>                  2258:15;2261:10;</p>
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<p>2275:9  <b>dealing (2)</b>                  2264:1;2290:18  <b>decades (1)</b>                  2190:3  <b>December (4)</b>                  2189:10;2239:6;                  2243:21;2244:10  <b>decide (2)</b>                  2274:19;2291:12  <b>decided (1)</b>                  2183:8  <b>decision (1)</b>                  2302:19  <b>decisions (1)</b>                  2257:10  <b>declaration (1)</b>                  2235:5  <b>declarations (1)</b>                  2200:6  <b>decline (3)</b>                  2176:23;2189:8,14  <b>declines (1)</b>                  2190:12  <b>declining (2)</b>                  2194:11;2195:1  <b>decrease (1)</b>                  2275:2  <b>decreased (1)</b>                  2275:18  <b>deed (5)</b>                  2237:20;2238:2,14,                  22;2243:20  <b>deep (1)</b>                  2265:1  <b>Deer (1)</b>                  2179:15  <b>defaults (1)</b>                  2245:18  <b>deficient (1)</b>                  2261:17  <b>define (1)</b>                  2192:19  <b>defined (2)</b>                  2203:7,8  <b>definitely (4)</b>                  2186:22;2201:14;                  2277:23;2278:14  <b>degree (4)</b>                  2192:12;2193:15;                  2251:12;2281:13  <b>DeKalb (15)</b>                  2194:17;2200:13;                  2204:18;2205:6;                  2222:14,19;2223:1,2,3,                  9;2224:21;2263:24;                  2264:7;2265:4;                  2293:11  <b>DeLacy (1)</b>                  2184:21  <b>D-E-L-A-C-Y (1)</b>                  2184:22  <b>demand (2)</b></p>	<p>2191:24;2193:3  <b>demolished (1)</b>                  2220:20  <b>demonstrated (1)</b>                  2203:15  <b>demonstrates (1)</b>                  2275:14  <b>denial (1)</b>                  2264:10  <b>density (1)</b>                  2288:17  <b>dependent (1)</b>                  2294:18  <b>Depending (3)</b>                  2189:11,12;2287:6  <b>depends (2)</b>                  2189:19;2192:19  <b>depreciate (1)</b>                  2276:3  <b>deprivation (1)</b>                  2269:22  <b>derive (1)</b>                  2194:1  <b>derived (2)</b>                  2173:10;2200:6  <b>describe (1)</b>                  2268:8  <b>described (4)</b>                  2166:18;2204:10;                  2217:18;2227:12  <b>describes (1)</b>                  2176:5  <b>describing (1)</b>                  2250:12  <b>description (10)</b>                  2176:4;2225:11,13,                  14,15,18,19,21,22;                  2246:17  <b>designed (1)</b>                  2262:1  <b>despite (1)</b>                  2262:24  <b>detached (2)</b>                  2246:22;2247:10  <b>detailed (1)</b>                  2270:20  <b>details (5)</b>                  2205:14;2300:10,18;                  2301:7,12  <b>determinations (2)</b>                  2197:17;2198:13  <b>determine (2)</b>                  2169:18;2277:8  <b>determined (1)</b>                  2214:11  <b>determining (2)</b>                  2198:23;2301:24  <b>detrimental (8)</b>                  2176:3,14;2183:13,                  17;2184:2;2185:19;                  2186:1;2187:23  <b>devaluation (2)</b>                  2281:3;2293:17</p>	<p><b>devaluations (1)</b>                  2293:18  <b>devalued (1)</b>                  2294:8  <b>develop (2)</b>                  2255:19;2289:2  <b>developed (3)</b>                  2172:24;2176:18;                  2264:2  <b>developer (5)</b>                  2262:9,12;2263:19;                  2264:22;2268:8  <b>developers (1)</b>                  2263:3  <b>development (5)</b>                  2191:4;2236:5;                  2241:9;2288:22;                  2301:14  <b>Diana (1)</b>                  2161:17  <b>difference (18)</b>                  2167:18;2176:2;                  2197:17;2198:14;                  2202:13,14;2213:15;                  2214:5;2215:3,14,15;                  2216:21;2217:14,15;                  2254:7;2277:15;                  2281:23;2294:22  <b>differences (6)</b>                  2176:13;2177:4;                  2178:22,24;2191:22;                  2197:12  <b>different (15)</b>                  2165:14;2176:16;                  2203:7;2204:23;                  2207:22,22;2221:18;                  2261:9;2262:5,6;                  2263:2;2278:24;                  2282:17;2288:6;                  2302:6  <b>differential (2)</b>                  2202:13;2216:19  <b>difficult (2)</b>                  2168:10,17  <b>digit (2)</b>                  2211:17;2224:22  <b>dilapidated (1)</b>                  2217:2  <b>diminish (2)</b>                  2263:17;2275:24  <b>diminished (2)</b>                  2191:23;2274:13  <b>directly (1)</b>                  2234:14  <b>discerning (1)</b>                  2292:11  <b>disclaimer (1)</b>                  2212:14  <b>disclose (1)</b>                  2267:18  <b>disclosure (2)</b>                  2267:8,15  <b>disconnect (1)</b></p>	<p>2269:16  <b>discounting (1)</b>                  2293:22  <b>discounts (2)</b>                  2267:21,24  <b>discrepancy (1)</b>                  2240:16  <b>discuss (4)</b>                  2255:16;2300:5,12;                  2301:18  <b>discussed (2)</b>                  2189:6;2240:15  <b>discussion (3)</b>                  2250:22;2285:11;                  2299:22  <b>discussions (1)</b>                  2299:21  <b>dispute (7)</b>                  2224:8,9;2234:13;                  2255:7;2258:2;                  2265:10;2274:9  <b>disputing (3)</b>                  2169:11;2232:6;                  2241:20  <b>disqualified (1)</b>                  2238:7  <b>distance (4)</b>                  2177:3;2285:24;                  2286:5,10  <b>distances (3)</b>                  2172:11;2173:5;                  2266:21  <b>distinctly (1)</b>                  2254:21  <b>distinguishing (1)</b>                  2169:2  <b>distressed (1)</b>                  2191:13  <b>document (7)</b>                  2196:7;2230:2;                  2232:17;2260:17;                  2301:23;2302:2,14  <b>documents (1)</b>                  2164:4  <b>dollar (6)</b>                  2172:11,13;2215:2;                  2220:1,2;2273:14  <b>done (13)</b>                  2163:10;2175:14,18;                  2188:13;2196:14;                  2206:1;2208:3;                  2222:13;2251:6;                  2259:2;2281:12;                  2290:12;2293:23  <b>door (3)</b>                  2217:7,19;2253:9  <b>double (2)</b>                  2292:13,21  <b>double-check (1)</b>                  2200:16  <b>double-checking (1)</b>                  2241:22  <b>doubt (1)</b></p>	<p>2220:23  <b>down (23)</b>                  2171:12;2172:13;                  2195:23;2212:12;                  2225:23;2227:19,21,                  24;2228:13,15,19;                  2229:20;2230:22;                  2232:15,16;2261:9;                  2273:7,15;2275:5;                  2277:17;2296:15,23;                  2298:20  <b>downturn (1)</b>                  2190:3  <b>downturns (1)</b>                  2190:20  <b>downward (4)</b>                  2191:1;2212:20;                  2215:12;2217:24  <b>downwind (1)</b>                  2286:15  <b>dozen (1)</b>                  2298:11  <b>Dr (2)</b>                  2183:23;2184:13  <b>draw (2)</b>                  2167:15;2201:8  <b>drawn (1)</b>                  2171:11  <b>drive (2)</b>                  2253:4;2280:1  <b>drop (2)</b>                  2250:15;2253:19  <b>dropped (1)</b>                  2251:16  <b>dropping (3)</b>                  2195:4,6;2251:11  <b>drops (1)</b>                  2251:19  <b>drummed (1)</b>                  2203:13  <b>due (6)</b>                  2191:20,24;2201:6;                  2202:14;2203:4;                  2251:19  <b>duplex (11)</b>                  2233:6,8,10,11,22;                  2235:9,13,16,22;                  2236:15,18  <b>during (6)</b>                  2179:15;2181:5;                  2270:7;2277:22;                  2301:3;2305:7  <b>Dwight (3)</b>                  2233:14;2243:14;                  2279:10</p>
<b>E</b>				
<p><b>earlier (8)</b>                  2199:17;2242:9;                  2245:22;2250:5;                  2270:16;2274:4;                  2292:4,7</p>				

<p><b>early (3)</b> 2189:15;2287:18; 2306:1</p> <p><b>easements (2)</b> 2263:3;2267:16</p> <p><b>easier (1)</b> 2173:21</p> <p><b>easily (2)</b> 2235:17,21</p> <p><b>East (18)</b> 2229:10;2230:9; 2233:14,17;2234:2; 2236:9;2237:14; 2239:19;2240:7,8; 2241:12;2243:12,15; 2247:16;2248:11; 2249:3,21;2252:20</p> <p><b>easy (1)</b> 2192:22</p> <p><b>economic (5)</b> 2189:8;2190:3,10; 2191:3;2192:1</p> <p><b>economically (1)</b> 2278:24</p> <p><b>education (2)</b> 2170:12,16</p> <p><b>effect (4)</b> 2187:16;2280:5; 2285:21;2300:3</p> <p><b>effective (1)</b> 2193:19</p> <p><b>effects (3)</b> 2271:8;2290:19; 2300:24</p> <p><b>efficient (1)</b> 2303:6</p> <p><b>effort (1)</b> 2300:19</p> <p><b>efforts (1)</b> 2304:10</p> <p><b>eight (3)</b> 2215:20;2240:22; 2300:11</p> <p><b>either (5)</b> 2165:19;2168:16; 2273:12,12;2296:20</p> <p><b>elects (1)</b> 2262:23</p> <p><b>element (2)</b> 2176:9;2188:9</p> <p><b>elements (1)</b> 2187:19</p> <p><b>elevated (1)</b> 2202:16</p> <p><b>eliminates (2)</b> 2196:23;2198:12</p> <p><b>eliminating (1)</b> 2197:16</p> <p><b>else (4)</b> 2276:6;2291:20,20; 2294:19</p> <p><b>elsewhere (1)</b> 2304:3</p>	<p><b>email (1)</b> 2296:3</p> <p><b>empirical (1)</b> 2277:14</p> <p><b>encourage (1)</b> 2301:22</p> <p><b>end (3)</b> 2205:15;2228:11; 2303:16</p> <p><b>ended (4)</b> 2181:23;2271:6; 2285:16,17</p> <p><b>Energy (3)</b> 2161:9,10;2270:22</p> <p><b>engineers (1)</b> 2271:9</p> <p><b>enjoyment (1)</b> 2175:1</p> <p><b>enough (4)</b> 2263:15;2265:1; 2291:11;2295:2</p> <p><b>enter (2)</b> 2264:6,15</p> <p><b>entire (4)</b> 2175:12;2227:9; 2305:8,10</p> <p><b>entirety (1)</b> 2176:5</p> <p><b>entitled (2)</b> 2165:1,24</p> <p><b>environment (1)</b> 2267:20</p> <p><b>Environmental (1)</b> 2183:7</p> <p><b>equal (1)</b> 2304:2</p> <p><b>equals (1)</b> 2167:10</p> <p><b>equitable (1)</b> 2296:24</p> <p><b>ES-2 (1)</b> 2171:15</p> <p><b>essence (2)</b> 2261:18,20</p> <p><b>essentially (3)</b> 2171:10;2173:7; 2200:7</p> <p><b>establish (1)</b> 2175:15</p> <p><b>estate (17)</b> 2169:22;2170:8; 2179:3,22;2180:21; 2188:22;2189:9,13; 2190:12;2192:11,13; 2199:17;2230:24; 2246:2;2254:9; 2255:15;2272:17</p> <p><b>esthetics (1)</b> 2294:24</p> <p><b>estimate (1)</b> 2193:18</p> <p><b>evacuation (2)</b> 2286:12,21</p>	<p><b>evaluate (2)</b> 2279:20;2280:17</p> <p><b>evaporated (1)</b> 2191:24</p> <p><b>even (12)</b> 2169:3;2180:20; 2246:11;2269:17; 2270:22;2272:3; 2279:11;2283:2; 2286:20;2287:22; 2292:6;2302:7</p> <p><b>evening (7)</b> 2162:3,12;2245:22; 2250:5;2295:16; 2305:21,24</p> <p><b>evenings (1)</b> 2304:16</p> <p><b>everybody (9)</b> 2162:2,4;2175:23; 2204:1;2275:11; 2284:2;2296:5;2299:2; 2305:20</p> <p><b>everybody's (1)</b> 2295:2</p> <p><b>everyone (3)</b> 2215:16;2298:15; 2303:21</p> <p><b>everyone's (1)</b> 2298:14</p> <p><b>everywhere (3)</b> 2189:13;2192:12; 2195:6</p> <p><b>evidence (12)</b> 2162:8;2219:3; 2248:20;2258:6; 2267:16;2276:2; 2282:10,12;2302:23; 2304:20;2305:9,11</p> <p><b>evident (2)</b> 2189:17;2299:5</p> <p><b>evolution (1)</b> 2301:9</p> <p><b>exact (2)</b> 2190:15;2274:6</p> <p><b>exactly (4)</b> 2186:7;2198:18; 2242:1;2273:5</p> <p><b>example (12)</b> 2166:11;2176:21; 2194:9;2201:11; 2206:15;2218:5; 2230:20;2252:1; 2275:7;2282:6; 2288:17;2294:8</p> <p><b>examples (8)</b> 2190:21;2205:20; 2207:15;2223:10; 2270:10;2281:9; 2282:1,3</p> <p><b>exceed (1)</b> 2271:3</p> <p><b>excellent (1)</b> 2281:21</p>	<p><b>except (3)</b> 2187:10;2263:4; 2266:2</p> <p><b>exception (1)</b> 2191:20</p> <p><b>excerpt (1)</b> 2175:11</p> <p><b>excess (1)</b> 2190:11</p> <p><b>exclude (2)</b> 2234:23;2273:12</p> <p><b>excluded (3)</b> 2231:17;2236:23; 2279:7</p> <p><b>excludes (1)</b> 2272:22</p> <p><b>excluding (2)</b> 2230:23;2272:24</p> <p><b>exclusion (2)</b> 2242:1;2272:20</p> <p><b>exclusively (3)</b> 2202:14;2251:19; 2301:1</p> <p><b>excuse (6)</b> 2178:7;2205:11; 2212:6;2228:15; 2239:5;2285:10</p> <p><b>Exhibit (36)</b> 2162:10;2164:7,12; 2168:4,12;2169:3; 2171:5,13,16;2173:18; 2179:13;2189:7; 2195:19;2211:15; 2219:5;2221:2; 2224:20;2228:7; 2238:8;2239:10,11; 2241:24;2242:2; 2244:2;2245:10; 2254:11,23;2256:5,6; 2259:21;2260:1,6; 2261:10;2304:20; 2305:1,13</p> <p><b>exhibits (2)</b> 2260:2;2299:19</p> <p><b>exist (1)</b> 2177:4</p> <p><b>expect (1)</b> 2267:12</p> <p><b>expectation (1)</b> 2175:4</p> <p><b>experience (8)</b> 2197:19,22;2198:22; 2255:22;2262:9; 2271:5;2272:3;2287:9</p> <p><b>expert (6)</b> 2183:16,19;2184:2, 4;2185:3;2303:18</p> <p><b>expertise (4)</b> 2268:11;2288:4,20; 2293:19</p> <p><b>experts (1)</b> 2268:8</p> <p><b>explain (1)</b> 2242:18</p>	<p><b>explained (2)</b> 2214:9;2240:24</p> <p><b>explore (1)</b> 2300:14</p> <p><b>exposure (6)</b> 2193:10,15;2194:1, 3;2195:11,14</p> <p><b>expression (1)</b> 2193:24</p> <p><b>extend (2)</b> 2287:9,22</p> <p><b>extent (1)</b> 2197:1</p> <p><b>exterior (1)</b> 2229:4</p>
<b>F</b>				
				<p><b>face (1)</b> 2200:8</p> <p><b>facilities (3)</b> 2165:8;2218:1; 2219:22</p> <p><b>facility (4)</b> 2218:17,24;2219:10, 16</p> <p><b>fact (23)</b> 2169:9;2181:12; 2183:5,21;2185:14,18; 2211:6;2218:6;2232:4; 2234:20;2235:3; 2237:5;2238:6;2239:9; 2241:8;2248:24; 2250:13;2258:20; 2264:19,21;2271:23; 2294:15;2303:1</p> <p><b>factor (2)</b> 2188:7;2201:10</p> <p><b>factors (3)</b> 2197:13;2269:17</p> <p><b>Facts (6)</b> 2165:2;2200:3,3; 2219:2;2248:19; 2282:9</p> <p><b>factual (2)</b> 2164:17;2303:17</p> <p><b>fair (2)</b> 2193:14;2201:13</p> <p><b>fairly (5)</b> 2176:4;2234:22; 2250:24;2284:2; 2294:13</p> <p><b>Falcon (2)</b> 2239:7,14</p> <p><b>fall (1)</b> 2190:2</p> <p><b>falls (2)</b> 2204:3;2266:20</p> <p><b>false (1)</b> 2259:7</p> <p><b>familiar (6)</b> 2174:15,16;2180:1;</p>

<p>2188:21;2229:2; 2245:21 <b>familiarity (1)</b> 2182:20 <b>family (3)</b> 2235:18,23;2267:12 <b>Fannie (5)</b> 2237:20;2238:2; 2239:6;2244:14; 2246:13 <b>far (7)</b> 2189:20;2204:11; 2219:21;2260:14; 2275:16;2286:16; 2287:18 <b>farm (31)</b> 2175:17;2178:13; 2180:8;2181:23; 2201:18,19;2202:20; 2204:22;2224:1,2; 2226:9;22251:7,9,20; 2252:2;2253:20; 2257:15;2272:5; 2278:20;2280:3,23; 2288:11,12,16,23; 2289:1,2,19,22;2290:8, 19 <b>farmer (1)</b> 2279:16 <b>farmhouse (4)</b> 2206:18;2210:7; 2214:21;2222:5 <b>farming (1)</b> 2279:24 <b>farmland (7)</b> 2213:22;2214:2,4,8; 2279:20;2281:4,17 <b>farms (9)</b> 2185:1,6;2201:7; 2202:15;2203:5; 2263:9;2278:11,17,21 <b>farmstead (3)</b> 2278:9,17;2280:9 <b>farmsteads (1)</b> 2277:8 <b>farther (2)</b> 2208:6;2212:12 <b>fast (5)</b> 2206:22;2239:21; 2240:2,4;2276:19 <b>faster (2)</b> 2208:4;2244:6 <b>favor (1)</b> 2306:3 <b>feasibility (1)</b> 2290:9 <b>February (4)</b> 2161:6;2162:9; 2163:1;2254:3 <b>federal (3)</b> 2191:20;2244:13; 2284:21 <b>feel (4)</b></p>	<p>2283:19;2303:11,24; 2304:11 <b>feeling (1)</b> 2270:4 <b>feelings (1)</b> 2304:1 <b>feels (2)</b> 2203:23;2290:18 <b>feet (28)</b> 2166:5,19,20; 2167:9,10,11;2168:18, 19;2169:9,9;2207:7; 2209:6;2210:2,5,9,19, 23;2212:16,19;2227:6, 10;2265:4,7;2274:7,16, 22;2286:13,23 <b>felt (1)</b> 2285:2 <b>fencing (1)</b> 2219:23 <b>few (13)</b> 2162:6;2164:15,15; 2189:5;2205:20; 2206:1;2207:15; 2271:18;2284:15; 2287:20;2288:14; 2298:1;2300:17 <b>field (3)</b> 2183:16;2184:2; 2185:4 <b>figuratively (1)</b> 2223:8 <b>figure (4)</b> 2163:14;2167:10; 2171:9,15 <b>figures (4)</b> 2172:11,13,15,16 <b>file (1)</b> 2200:16 <b>filed (1)</b> 2270:22 <b>filing (1)</b> 2192:6 <b>filled (1)</b> 2235:5 <b>finally (6)</b> 2192:4;2203:10; 2242:22;2270:17; 2271:10;2272:4 <b>financial (3)</b> 2190:1;2272:13; 2290:8 <b>financially (2)</b> 2283:10;2290:16 <b>financing (1)</b> 2289:22 <b>find (10)</b> 2164:18;2171:23; 2188:1;2201:22; 2203:11;2248:6; 2273:4,10,11;2291:13 <b>finding (3)</b> 2188:4;2251:10;</p>	<p>2275:23 <b>fine (4)</b> 2216:14;2229:24; 2269:1;2297:22 <b>finished (3)</b> 2197:14;2226:21; 2227:3 <b>fire (2)</b> 2186:17;2286:14 <b>first (20)</b> 2168:5;2177:1; 2181:3;2197:9;2217:8; 2226:9;2233:24; 2235:13;2239:18; 2247:16;2250:20; 2251:3;2252:17; 2259:21;2264:9; 2277:16;2284:19; 2296:3;2298:22; 2303:10 <b>firsthand (1)</b> 2287:7 <b>Fisherman's (3)</b> 2179:3,21;2180:21 <b>fit (3)</b> 2241:3,3,6 <b>fits (1)</b> 2204:1 <b>five (20)</b> 2167:17;2208:23; 2212:24;2213:19; 2214:14;2216:19; 2218:10;2221:15; 2223:4,5,20,21; 2226:13,22;2241:19; 2244:22;2248:4; 2279:1;2286:1;2294:9 <b>Flanagan (1)</b> 2252:21 <b>flesh (1)</b> 2301:8 <b>flexibility (2)</b> 2301:5,13 <b>flexible (1)</b> 2300:19 <b>flicker (5)</b> 2267:5,10,19,23; 2300:23 <b>flight (1)</b> 2263:16 <b>Florida (3)</b> 2264:2,5;2265:3 <b>fly (1)</b> 2282:8 <b>focus (3)</b> 2302:14;2304:10,15 <b>focused (1)</b> 2245:9 <b>focussing (3)</b> 2250:8;2256:21; 2279:11 <b>follow (4)</b> 2206:21;2302:4;</p>	<p>2304:8,11 <b>followed (1)</b> 2291:2 <b>following (4)</b> 2185:17;2189:23; 2254:18;2295:20 <b>follow-up (2)</b> 2271:6;2304:18 <b>foot (7)</b> 2167:18;2227:2,11; 2266:15,15,16;2272:10 <b>footage (3)</b> 2199:23;2215:11,16 <b>footprint (4)</b> 2178:13,13;2179:2; 2227:9 <b>foreclosure (12)</b> 2200:21;2201:1,11, 17;2202:3,17,19; 2203:22;2237:7; 2238:21,23;2244:19 <b>foreclosures (5)</b> 2199:22;2201:6; 2202:23;2236:23; 2237:2 <b>Forgive (1)</b> 2229:24 <b>formal (1)</b> 2170:15 <b>Forrest (2)</b> 2296:10;2297:1 <b>forth (8)</b> 2164:6;2177:6; 2184:19;2208:22; 2211:11;2219:23; 2269:22;2277:23 <b>forum (1)</b> 2299:20 <b>forward (4)</b> 2162:17;2299:4; 2300:7;2302:10 <b>Fosdick (10)</b> 2276:8,8,11; 2280:12;2282:14; 2283:5,19;2284:1,6,9 <b>F-O-S-D-I-C-K (1)</b> 2276:9 <b>found (6)</b> 2194:17;2217:14; 2237:6;2248:3;2272:4; 2275:7 <b>founded (1)</b> 2302:19 <b>four (13)</b> 2208:10;2209:17; 2210:3,4;2214:18; 2215:8;2219:14; 2223:5;2240:22; 2246:22;2247:10; 2279:1;2298:9 <b>frame (3)</b> 2220:17;2229:13; 2290:22</p>	<p><b>framed (2)</b> 2236:16;2240:22 <b>framework (2)</b> 2187:12;2204:2 <b>Franklin (6)</b> 2207:10;2208:5,9; 2209:3,14;2213:18 <b>frankly (4)</b> 2185:6;2293:4; 2294:1;2300:20 <b>frequency (2)</b> 2270:6;2287:21 <b>front (3)</b> 2241:2;2299:9; 2304:9 <b>frustrated (1)</b> 2299:6 <b>fulfillment (1)</b> 2301:17 <b>full (8)</b> 2227:4;2230:5; 2235:9;2240:23; 2246:22;2247:8,24; 2299:10 <b>fully (2)</b> 2267:21,22 <b>Fund (5)</b> 2245:11;2246:7,8, 12,14 <b>fundamentals (1)</b> 2175:23 <b>further (6)</b> 2194:17;2202:18; 2287:10,15,22;2294:6</p>
<b>G</b>				
				<p><b>gain (1)</b> 2283:10 <b>garage (3)</b> 2246:23;2247:10; 2259:15 <b>garages (1)</b> 2230:5 <b>gave (3)</b> 2217:9;2219:5; 2254:14 <b>GE (2)</b> 2165:20,20 <b>general (6)</b> 2189:18;2194:5; 2204:9;2208:5;2273:3; 2298:18 <b>Generally (6)</b> 2176:11;2189:9; 2190:14;2191:3; 2237:4;2303:7 <b>generate (1)</b> 2301:15 <b>Gibs (1)</b> 2161:22 <b>given (4)</b> 2201:13;2220:24;</p>

<p>2254:10;2281:9  <b>goes (5)</b>                  2251:12;2272:23;                  2274:18;2289:21;                  2291:10  <b>Good (15)</b>                  2186:9;2188:20;                  2203:23;2235:8;                  2236:14;2240:21;                  2247:24;2251:24;                  2252:12;2281:16;                  2286:6;2298:11;                  2303:15;2304:14;                  2305:20  <b>good-sized (1)</b>                  2162:4  <b>governing (1)</b>                  2299:23  <b>grab (1)</b>                  2265:18  <b>grandfathered (6)</b>                  2227:19,20,23;                  2228:14,15,18  <b>granted (2)</b>                  2274:21;2302:5  <b>great (4)</b>                  2219:10;2275:9;                  2303:6,23  <b>greater (1)</b>                  2177:3  <b>Green (10)</b>                  2216:2,2,5,9;2217:2,                  18,21;2218:1,6,16  <b>Gridley (1)</b>                  2236:9  <b>gross (1)</b>                  2267:17  <b>ground (4)</b>                  2166:5;2274:17;                  2280:23;2283:10  <b>grounds (1)</b>                  2280:3  <b>group (2)</b>                  2285:24;2294:12  <b>grouped (1)</b>                  2177:5  <b>groups (1)</b>                  2284:22  <b>Grove (1)</b>                  2251:6  <b>guarantee (9)</b>                  2261:19,22;2262:8,                  11,19;2264:13;2289:7;                  2291:5,10  <b>guarantees (5)</b>                  2261:16;2262:3;                  2263:8;2264:7;                  2290:14  <b>guess (10)</b>                  2162:21;2163:5;                  2171:17;2181:14;                  2218:12;2247:22;                  2249:16;2286:8;</p>	<p>2294:7;2296:13  <b>guests (1)</b>                  2303:24  <b>guide (1)</b>                  2301:23  <b>guidelines (2)</b>                  2302:4;2304:8  <b>guys (4)</b>                  2162:5;2187:4;                  2304:8;2306:1</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>habitat (1)</b>                  2183:2  <b>half (11)</b>                  2169:9;2226:16;                  2229:23;2235:16,17;                  2247:24;2286:23;                  2287:11;2297:18;                  2298:1,11  <b>halfway (1)</b>                  2232:16  <b>hand (4)</b>                  2171:3;2211:14;                  2224:19;2305:14  <b>handed (7)</b>                  2174:12;2179:12;                  2195:18;2221:2;                  2232:11;2254:23;                  2256:6  <b>handled (1)</b>                  2262:7  <b>hang (1)</b>                  2252:6  <b>happened (2)</b>                  2182:5,8  <b>happens (1)</b>                  2274:15  <b>hard (3)</b>                  2190:23;2273:4,11  <b>hat (1)</b>                  2252:6  <b>HAYES (4)</b>                  2273:24,24;2274:2;                  2276:4  <b>hazards (1)</b>                  2300:21  <b>head (7)</b>                  2164:2;2169:12;                  2226:3;2231:22;                  2242:12;2255:4;                  2265:18  <b>heading (1)</b>                  2205:21  <b>health (2)</b>                  2269:22;2300:24  <b>hear (2)</b>                  2182:6;2302:3  <b>heard (5)</b>                  2199:12;2268:8;                  2287:10;2299:7;                  2302:12</p>	<p><b>hearing (7)</b>                  2161:7;2181:5;                  2264:8,10;2266:7;                  2269:14;2275:11  <b>hearings (4)</b>                  2179:15;2183:9;                  2300:17;2301:8  <b>heated (1)</b>                  2209:10  <b>heed (1)</b>                  2301:11  <b>Height (6)</b>                  2166:4,18;2167:8,9;                  2172:12;2286:9  <b>held (1)</b>                  2300:12  <b>hello (3)</b>                  2163:21,22;2284:14  <b>help (8)</b>                  2186:14;2245:11,14;                  2246:7,8,12,14;                  2304:12  <b>helps (1)</b>                  2301:23  <b>herein (1)</b>                  2260:17  <b>Hernandez (1)</b>                  2256:23  <b>hesitate (2)</b>                  2283:13;2291:1  <b>Hi (1)</b>                  2284:15  <b>higher (4)</b>                  2273:7,12;2279:22;                  2285:23  <b>highly (1)</b>                  2287:23  <b>Hinman (2)</b>                  2251:5,8  <b>Hinman's (1)</b>                  2253:20  <b>hired (1)</b>                  2293:15  <b>historic (1)</b>                  2300:12  <b>history (8)</b>                  2221:4;2237:24;                  2239:12;2242:5;                  2244:3,9;2256:11;                  2258:16  <b>hit (1)</b>                  2190:22  <b>hog (3)</b>                  2278:3,7;2282:24  <b>home (15)</b>                  2191:21;2203:2,10;                  2215:5;2219:18;                  2228:12;2235:18,23;                  2239:7,14;2260:18;                  2266:24;2267:13;                  2281:2;2294:9  <b>home-based (1)</b>                  2299:17</p>	<p><b>homeowner (4)</b>                  2281:6,7;2282:20;                  2290:18  <b>homeowners (3)</b>                  2281:22;2282:2,17  <b>homes (14)</b>                  2177:4;2180:7;                  2181:23;2192:5,24;                  2193:2;2195:16;                  2203:4;2204:12;                  2248:4,9;2270:12;                  2283:21,22  <b>homestretch (1)</b>                  2303:20  <b>honest (1)</b>                  2267:8  <b>hope (1)</b>                  2184:23  <b>horizontal (1)</b>                  2171:10  <b>horse (5)</b>                  2218:7,16,24;                  2219:10,13  <b>horses (3)</b>                  2219:17;2224:6;                  2225:3  <b>hour (4)</b>                  2297:16,18;2298:1,4  <b>hours (5)</b>                  2267:5,10;2270:7,8;                  2299:19  <b>house (69)</b>                  2198:6,7;2208:10;                  2209:3,22;2210:2,18,                  22;2216:5;2217:1,9,10,                  19;2218:6,22;2220:17,                  20;2221:15,17,19;                  2222:4;2223:20;                  2226:13,23;2227:10,                  18;2229:9,13;2230:4;                  2235:7,21;2236:1,13;                  2240:20,23;2242:23;                  2243:2,4;2244:21;                  2245:6;2246:17,18,19;                  2247:4,24;2248:1;                  2253:3,7;2255:6;                  2257:3,13,24;2265:23;                  2266:16,19;2269:4,5,7;                  2270:20;2272:8;                  2273:5,6,7,15;2278:23;                  2279:1;2280:22,24;                  2281:10  <b>housekeeping (2)</b>                  2162:13,22  <b>houses (14)</b>                  2227:13;2266:2;                  2267:3;2270:10;                  2277:2,10;2278:3,7,12,                  14,18;2280:2,4;2283:2  <b>housing (2)</b>                  2189:15;2190:12  <b>Howard (1)</b>                  2161:19</p>	<p><b>Huisman (2)</b>                  2161:20,21  <b>human (1)</b>                  2183:2  <b>hundred (2)</b>                  2180:22;2181:3</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>ice (1)</b>                  2286:20  <b>idea (5)</b>                  2182:4,7,10;                  2218:20;2246:12  <b>ideal (3)</b>                  2187:1,2;2274:18  <b>identical (2)</b>                  2171:13;2267:4  <b>identifiable (2)</b>                  2191:3,6  <b>identified (4)</b>                  2165:7,19;2174:5;                  2296:4  <b>identify (1)</b>                  2177:17  <b>ie (1)</b>                  2191:22  <b>IEPA (1)</b>                  2269:10  <b>Illinois (5)</b>                  2192:10;2195:23;                  2199:18;2268:6;                  2269:10  <b>illustrate (1)</b>                  2198:19  <b>immediate (1)</b>                  2165:17  <b>immediately (1)</b>                  2202:5  <b>impact (16)</b>                  2165:13;2167:21;                  2176:14;2185:21;                  2187:22;2189:13;                  2190:7;2198:17;                  2203:18;2252:2;                  2266:18;2276:16,18;                  2293:12;2294:3;                  2300:24  <b>impacted (3)</b>                  2185:19;2190:6;                  2207:6  <b>impacting (1)</b>                  2201:12  <b>impacts (13)</b>                  2165:10,16;2167:19;                  2170:15;2185:14;                  2255:17;2266:21;                  2269:22;2279:12;                  2287:6,14,17;2301:24  <b>impaired (1)</b>                  2271:14  <b>important (4)</b>                  2167:15;2186:1;</p>
---	--	--	--	--

<p>2196:21;2301:9  <b>impossible (4)</b>                  2267:3;2288:13;                  2289:2,18  <b>improved (6)</b>                  2178:19;2192:14;                  2224:15;2225:11,18,19  <b>improvements (1)</b>                  2219:23  <b>inception (1)</b>                  2299:13  <b>include (9)</b>                  2172:1;2177:20;                  2178:4;2238:20;                  2272:23;2273:12;                  2278:3;2293:9;                  2302:22  <b>included (3)</b>                  2230:21;2231:18;                  2282:4  <b>includes (3)</b>                  2196:11;2267:16,23  <b>including (5)</b>                  2184:10;2240:21;                  2260:12;2277:5;                  2299:18  <b>inconsistency (1)</b>                  2168:1  <b>inconsistent (1)</b>                  2167:13  <b>increased (2)</b>                  2193:4;2270:2  <b>increasing (1)</b>                  2191:12  <b>incremental (1)</b>                  2214:5  <b>indeed (1)</b>                  2214:20  <b>independent (7)</b>                  2177:18;2181:12;                  2182:19;2197:5;                  2260:15;2261:6;                  2294:17  <b>independently (3)</b>                  2230:15;2255:8,19  <b>index (2)</b>                  2214:2;2279:23  <b>indexes (2)</b>                  2263:4;2280:18  <b>indicate (2)</b>                  2237:16;2275:4  <b>indicated (2)</b>                  2247:23;2289:21  <b>indicating (1)</b>                  2252:24  <b>indication (9)</b>                  2172:12;2201:10,13;                  2216:24;2228:24;                  2237:6;2239:1;                  2252:14;2297:11  <b>indications (1)</b>                  2191:11  <b>individual (3)</b></p>	<p>2178:4;2179:16;                  2257:10  <b>individuals (6)</b>                  2284:12;2295:19,21;                  2297:19;2304:3,6  <b>industrial (2)</b>                  2170:3;2174:6  <b>industry (1)</b>                  2267:9  <b>infiltration (1)</b>                  2258:22  <b>inflation (1)</b>                  2293:18  <b>information (25)</b>                  2164:8;2172:5,19;                  2173:11;2177:11;                  2180:12;2186:23;                  2187:6;2198:9;2212:3,                  14;2225:16;2232:9,13;                  2238:9;2252:9;                  2254:19;2260:11,17;                  2285:19;2287:15;                  2293:4;2302:18;                  2304:13,13  <b>informed (2)</b>                  2267:21,22  <b>infrasound (2)</b>                  2270:5;2300:24  <b>infrastructure (1)</b>                  2192:8  <b>initial (2)</b>                  2194:13;2195:2  <b>injurious (2)</b>                  2283:15,22  <b>input (2)</b>                  2282:21;2294:20  <b>inserted (1)</b>                  2173:11  <b>inside (3)</b>                  2236:1;2253:6;                  2279:8  <b>inside-the-footprint (3)</b>                  2178:17;2180:6;                  2181:22  <b>inspected (1)</b>                  2182:1  <b>instances (2)</b>                  2286:19;2292:13  <b>instead (3)</b>                  2299:10;2304:13;                  2305:10  <b>Institute (2)</b>                  2184:24;2285:6  <b>insulated (1)</b>                  2209:10  <b>insurance (2)</b>                  2200:21;2263:11  <b>insure (3)</b>                  2261:22;2262:19;                  2269:19  <b>intended (1)</b>                  2219:21  <b>intending (2)</b></p>	<p>2296:19;2297:2  <b>intensive (1)</b>                  2263:12  <b>intention (1)</b>                  2203:12  <b>interchangeable (1)</b>                  2236:21  <b>interested (2)</b>                  2265:15;2273:22  <b>interior (1)</b>                  2229:2  <b>Internet (3)</b>                  2303:5,8,9  <b>interrupt (1)</b>                  2266:6  <b>interviewed (3)</b>                  2185:9;2203:15;                  2211:9  <b>interviews (1)</b>                  2271:6  <b>into (21)</b>                  2162:7;2173:11;                  2192:17;2198:20;                  2205:21;2208:22;                  2217:9;2220:1;                  2235:22;2252:8;                  2264:6,15;2278:22;                  2279:14;2280:3,4,15;                  2282:11;2289:22;                  2305:8,11  <b>introduced (1)</b>                  2171:4  <b>Invenergy (1)</b>                  2165:19  <b>Invenergy's (1)</b>                  2261:17  <b>invent (1)</b>                  2187:4  <b>inventory (1)</b>                  2193:4  <b>investing (1)</b>                  2281:18  <b>investment (1)</b>                  2275:16  <b>invited (1)</b>                  2285:7  <b>involved (3)</b>                  2301:11;2303:5,22  <b>IPCB (2)</b>                  2268:7;2269:7  <b>Ireland (1)</b>                  2286:22  <b>irrevocable (1)</b>                  2301:13  <b>issue (3)</b>                  2174:22;2273:1;                  2283:18  <b>issued (1)</b>                  2243:21  <b>issues (1)</b>                  2302:9  <b>ISU (1)</b>                  2251:7</p>	<p><b>ISU/Hinman (1)</b>                  2257:18  <b>item (1)</b>                  2162:13  <b>items (1)</b>                  2162:6  <b>Iverson (2)</b>                  2161:17,18</p> <p style="text-align: center;"><b>J</b></p> <p><b>Jackson (2)</b>                  2183:23;2184:13  <b>Jennifer (1)</b>                  2251:8  <b>Joan (3)</b>                  2161:19;2255:9,12  <b>job (1)</b>                  2192:1  <b>John (4)</b>                  2161:13;2265:22;                  2266:10;2273:24  <b>judgment (2)</b>                  2197:20;2198:22  <b>July (7)</b>                  2189:15,20;2234:4;                  2237:21;2238:2,14;                  2242:5  <b>jumped (1)</b>                  2292:4  <b>jumping (1)</b>                  2242:15  <b>June (10)</b>                  2220:21;2221:6;                  2240:1;2242:10,13;                  2248:14;2249:6;                  2253:14,19;2270:20</p> <p style="text-align: center;"><b>K</b></p> <p><b>keep (3)</b>                  2206:3;2222:19;                  2259:21  <b>keeping (1)</b>                  2188:16  <b>Kiefer (3)</b>                  2161:15,16;2306:3  <b>Kielisch (8)</b>                  2178:4,6,7,12;                  2181:13,14,15,17  <b>K-I-E-L-I-S-C-H (1)</b>                  2178:5  <b>Kielisch's (7)</b>                  2178:16;2179:17,21;                  2180:7;2181:8,22;                  2182:8  <b>kill (1)</b>                  2290:16  <b>kilometers (2)</b>                  2173:9;2286:2  <b>kind (8)</b>                  2180:24;2190:20;                  2198:19;2250:8;</p>	<p>2273:11;2297:8,19;                  2306:1  <b>kinds (2)</b>                  2192:9;2277:11  <b>knew (2)</b>                  2185:5;2220:7  <b>knock (2)</b>                  2217:19;2253:9  <b>knocked (1)</b>                  2217:6  <b>knowing (1)</b>                  2259:16  <b>knowledge (7)</b>                  2234:9;2258:20;                  2259:6;2260:15;                  2261:6;2288:21;                  2289:21  <b>knowledgeable (1)</b>                  2186:2  <b>known (2)</b>                  2188:22;2193:21  <b>knows (1)</b>                  2215:17</p> <p style="text-align: center;"><b>L</b></p> <p><b>label (1)</b>                  2304:24  <b>labeled (1)</b>                  2174:8  <b>lack (4)</b>                  2191:2;2195:15;                  2197:14;2299:8  <b>lacked (1)</b>                  2185:6  <b>lake (1)</b>                  2179:22  <b>land (24)</b>                  2169:22;2170:6,7,                  12,15,15,16;2178:12,                  13,18;2187:24;                  2195:22;2196:1;                  2201:12;2214:10;                  2221:15;2225:16,18;                  2275:9;2279:23;                  2280:18;2281:15,18;                  2283:23  <b>landfill (3)</b>                  2201:12;2202:11;                  2274:14  <b>landfills (1)</b>                  2263:10  <b>landowner (5)</b>                  2278:17;2282:18,19;                  2283:7;2284:3  <b>landowners (3)</b>                  2282:3;2283:9,24  <b>language (1)</b>                  2272:14  <b>Lansink (3)</b>                  2174:5;2182:16;                  2183:1  <b>L-A-N-S-I-N-K (1)</b></p>
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<p>2182:17  <b>large (6)</b>                  2176:23;2235:18;                  2263:12;2275:13;                  2281:17;2302:7  <b>larger (5)</b>                  2165:15;2166:12;                  2209:4;2215:18;                  2287:13  <b>largest (1)</b>                  2179:22  <b>Larkin (1)</b>                  2181:16  <b>Larry (1)</b>                  2276:8  <b>last (25)</b>                  2162:15;2163:3,8;                  2170:2,22;2171:4,4;                  2183:4,12;2192:14;                  2196:16;2206:24;                  2228:10;2230:13;                  2232:14;2242:4;                  2244:3,9;2256:8,9;                  2271:18;2290:17;                  2293:10;2296:20;                  2305:6  <b>lasts (1)</b>                  2291:11  <b>late (1)</b>                  2191:19  <b>later (5)</b>                  2244:22;2253:14;                  2257:13;2270:17;                  2284:8  <b>lawyer (1)</b>                  2171:23  <b>LBNL (1)</b>                  2285:20  <b>leading (1)</b>                  2193:16  <b>leaks (1)</b>                  2189:21  <b>learned (2)</b>                  2213:12;2271:19  <b>lease (2)</b>                  2195:22;2196:1  <b>least (8)</b>                  2182:20;2191:11;                  2202:8;2207:19,21;                  2262:9;2286:11,16  <b>leave (3)</b>                  2295:22;2297:20;                  2299:1  <b>leaves (3)</b>                  2177:6;2264:23;                  2294:22  <b>leaving (2)</b>                  2203:12;2262:8  <b>led (3)</b>                  2190:1,11;2257:3  <b>Lee (19)</b>                  2200:13;2204:18;                  2205:1,5;2206:7;</p>	<p>2210:21;2211:5,6,12;                  2219:5;2220:14;                  2222:14;2253:11;                  2292:15,16,19,24,24;                  2293:11  <b>left (7)</b>                  2162:15;2172:14;                  2203:17;2212:5,6;                  2249:10;2295:22  <b>legal (1)</b>                  2301:13  <b>legally (1)</b>                  2268:6  <b>legend (3)</b>                  2168:10,11,13  <b>lend (2)</b>                  2218:13;2293:6  <b>lender (5)</b>                  2203:21,21;2221:10;                  2245:19;2246:9  <b>length (3)</b>                  2188:4;2237:3;                  2239:3  <b>lent (1)</b>                  2253:23  <b>less (7)</b>                  2211:13;2234:11;                  2236:21;2257:14;                  2271:14,24;2274:8  <b>letter (3)</b>                  2272:12,13,18  <b>letting (2)</b>                  2198:23;2203:20  <b>level (5)</b>                  2171:11,12;2198:22;                  2202:16;2270:2  <b>liberty (2)</b>                  2168:11;2301:18  <b>life (2)</b>                  2281:1,6  <b>Light (3)</b>                  2264:2,6;2265:4  <b>limitation (1)</b>                  2290:4  <b>limits (8)</b>                  2268:7;2269:7,9,15,                  18;2270:14;2271:4;                  2279:9  <b>line (14)</b>                  2167:8;2169:8;                  2197:24;2206:16;                  2208:19;2209:20;                  2210:1,4;2212:21;                  2217:13;2228:10;                  2267:7;2274:9;2303:2  <b>lines (1)</b>                  2171:11  <b>Lipe (5)</b>                  2255:2;2256:11;                  2257:3,22;2258:11  <b>L-I-P-E (1)</b>                  2255:3  <b>list (16)</b></p>	<p>2174:1;2177:14,18;                  2231:4,5;2243:23;                  2295:21;2296:2,16,22;                  2298:13,14,16,17;                  2305:20,23  <b>listed (5)</b>                  2221:20;2231:7,15;                  2244:23;2257:5  <b>listened (1)</b>                  2269:13  <b>listening (1)</b>                  2266:10  <b>listing (14)</b>                  2194:6,13;2195:2;                  2199:19;2225:5;                  2228:6;2231:2,3,23;                  2243:14;2247:11;                  2252:24;2293:7,10  <b>listings (2)</b>                  2199:24;2228:24  <b>literature (2)</b>                  2177:15;2182:15  <b>little (19)</b>                  2173:19;2178:9;                  2183:12;2190:7,7;                  2206:4,22;2211:17;                  2224:22;2229:24;                  2232:13;2237:24;                  2239:21;2274:7;                  2294:6,6;2300:22;                  2301:13;2304:16  <b>living (2)</b>                  2267:19;2291:15  <b>Livingston (32)</b>                  2161:7,8;2167:14;                  2174:19;2188:15;                  2190:23;2196:11;                  2199:15,21;2202:4,5,8;                  2203:4;2204:7,14,16;                  2222:20,21;2223:4;                  2229:5;2232:12;                  2238:9;2244:16;                  2277:2,5,16;2279:2,3,                  4;2281:16;2293:6;                  2301:5  <b>LLC (1)</b>                  2161:9  <b>loan (1)</b>                  2220:20  <b>loans (2)</b>                  2245:15,17  <b>local (3)</b>                  2255:15;2270:24;                  2279:18  <b>locally (1)</b>                  2187:24  <b>located (3)</b>                  2179:22;2263:12;                  2271:20  <b>location (9)</b>                  2187:15;2236:4;                  2248:17;2249:8,10,14,                  16,19;2275:3</p>	<p><b>locations (6)</b>                  2187:10;2190:22;                  2192:3;2193:2;                  2249:17;2266:22  <b>long (8)</b>                  2162:5;2164:19;                  2193:18;2198:20;                  2290:17,19;2291:11;                  2299:18  <b>longer (4)</b>                  2188:6;2194:19;                  2195:11,14  <b>longest (1)</b>                  2190:2  <b>look (25)</b>                  2168:16;2179:18;                  2180:13,18,23;2181:6;                  2199:22;2219:9;                  2222:6;2229:1;2230:8;                  2233:24;2237:8,23;                  2245:8;2246:16;                  2254:22;2277:9,10,12;                  2283:21;2287:12;                  2294:5,6;2304:6  <b>looked (13)</b>                  2164:3;2200:2;                  2205:8;2216:13;                  2226:10;2229:1;                  2230:19;2235:14;                  2253:18;2277:13;                  2278:12,16;2287:16  <b>looking (13)</b>                  2176:12;2205:8;                  2207:14;2212:1;                  2225:5;2229:18;                  2236:22;2247:11;                  2275:10;2277:4,24;                  2278:23;2283:14  <b>Looks (10)</b>                  2162:3,10;2166:22;                  2174:15,16;2175:24;                  2193:13;2210:1;                  2211:13;2297:17  <b>lose (3)</b>                  2281:6;2282:19,20  <b>losing (1)</b>                  2251:2  <b>loss (10)</b>                  2261:23;2262:19;                  2263:19,21;2269:8,20;                  2270:19;2272:2;                  2277:15;2284:3  <b>losses (2)</b>                  2192:1;2285:22  <b>lost (3)</b>                  2250:8;2281:8,10  <b>lot (32)</b>                  2168:17;2184:5;                  2187:18;2190:5,17,18,                  18;2197:13;2203:7;                  2208:4,23;2209:4;                  2211:13;2213:19,20;                  2214:2,5;2222:9;</p>	<p>2225:12;2247:15;                  2249:16;2260:2;                  2262:5,6;2264:23;                  2267:13;2268:3;                  2280:5;2282:19;                  2287:10;2288:6;                  2295:3  <b>lots (6)</b>                  2180:6,8;2181:21;                  2274:23;2275:5;                  2277:4  <b>louder (1)</b>                  2270:4  <b>low (2)</b>                  2270:5;2287:21  <b>lower (13)</b>                  2191:14;2211:16;                  2219:6;2224:23;                  2231:24;2227:6,12;                  2275:5;2280:7,8,8;                  2287:16;2288:9  <b>LUETKEHANS (42)</b>                  2162:20,24;2163:13;                  2166:17;2168:5;                  2174:9;2180:15,17;                  2201:20;2212:5;                  2219:2;2229:17;                  2248:19;2249:24;                  2258:7,9,13,23;                  2259:18,20;2265:18;                  2266:5,9;2268:15,18;                  2282:11;2283:13;                  2285:10;2289:23;                  2290:1;2295:24;                  2296:7,13;2297:4,20,                  22;2298:4;2304:17,23;                  2305:5,13,18  <b>LULUs (1)</b>                  2187:24</p>
<b>M</b>				
			<p><b>Mae (5)</b>                  2237:20;2238:2;                  2239:6;2244:14;                  2246:13  <b>mailing (1)</b>                  2279:9  <b>main (1)</b>                  2257:9  <b>mainly (1)</b>                  2278:12  <b>Mainstream (1)</b>                  2204:24  <b>majority (2)</b>                  2251:22;2276:23  <b>making (5)</b>                  2177:3;2196:24;                  2197:12;2203:20;                  2297:7  <b>manner (2)</b>                  2182:2;2291:12  <b>manuals (1)</b></p>	

<p>2286:11  <b>Manville (1)</b>                  2249:21  <b>many (15)</b>                  2184:19;2192:6;                  2195:10;2197:21;                  2204:6,14;2252:4;                  2255:22,22;2257:23;                  2277:24;2291:16;                  2296:6;2298:7;2299:5  <b>map (1)</b>                  2168:22  <b>margin (1)</b>                  2172:14  <b>marked (9)</b>                  2171:3,12;2174:13;                  2179:12;2192:22;                  2195:18;2211:14;                  2224:19;2232:12  <b>market (56)</b>                  2186:5;2187:5,13;                  2188:10;2189:3,9,13,                  16,24;2190:4,8,13,17;                  2191:12,19;2192:11,                  13;2193:22,24;                  2194:12,19;2195:1,15;                  2197:1,3;2210:16;                  2217:14;2220:1;                  2235:12;2236:18,21;                  2242:4;2244:3,9,24;                  2246:4;2248:3,8;                  2252:13;2257:6;                  2271:13;2273:9;                  2274:23;2275:2,12,14;                  2276:2;2279:3,18;                  2290:20,21;2292:10,                  14,17;2293:1;2295:1  <b>marketability (3)</b>                  2195:15;2263:17;                  2275:2  <b>marketing (9)</b>                  2188:4,6,7;2193:11,                  17;2194:2;2245:3;                  2255:23;2293:12  <b>markets (1)</b>                  2191:15  <b>market's (1)</b>                  2190:1  <b>MaRous (1)</b>                  2164:12  <b>MaRous's (2)</b>                  2189:6;2190:21  <b>Mason (1)</b>                  2271:19  <b>match (4)</b>                  2235:8;2236:14;                  2240:22;2248:1  <b>matched (8)</b>                  2186:11,16,19;                  2187:9;2188:10;                  2211:7,16;2236:24  <b>matching (2)</b>                  2198:11,16</p>	<p><b>material (1)</b>                  2185:21  <b>matter (7)</b>                  2162:22;2202:11;                  2249:15;2252:8;                  2269:14;2278:1;                  2279:4  <b>may (21)</b>                  2163:17;2181:2;                  2195:17;2202:23;                  2221:23;2229:21;                  2233:19;2247:19;                  2291:22;2296:9,17;                  2299:16;2302:5,7,23;                  2304:1,2,11,11,13;                  2305:22  <b>maybe (8)</b>                  2188:1,2;2243:7;                  2256:4;2274:17,17;                  2275:9;2295:22  <b>mayor (2)</b>                  2296:10;2297:1  <b>McCann (23)</b>                  2162:16,17;2163:21;                  2168:13;2174:12;                  2179:14;2181:5;                  2196:20;2207:24;                  2223:9;2228:7;                  2232:11;2242:2;                  2254:10;2258:5;                  2259:3;2260:7;                  2261:15;2265:17;                  2276:7;2295:10;                  2301:21;2304:24  <b>McCann's (2)</b>                  2295:14;2305:7  <b>McGirr (6)</b>                  2210:8,18;2211:24;                  2212:9;2214:18,21  <b>M-C-G-I-R-R (1)</b>                  2210:8  <b>McLean (2)</b>                  2251:7;2281:16  <b>mean (16)</b>                  2166:16;2185:20;                  2202:21;2212:5;                  2213:24;2242:16;                  2258:13;2266:5;                  2277:9;2282:24;                  2292:12;2296:14;                  2297:6,7,8;2298:18  <b>meaning (2)</b>                  2197:6;2294:18  <b>means (4)</b>                  2197:4;2228:17,22;                  2294:1  <b>measurable (1)</b>                  2266:21  <b>measure (3)</b>                  2176:1;2265:9;                  2269:19  <b>measured (1)</b>                  2266:22</p>	<p><b>measurement (2)</b>                  2270:19;2277:14  <b>measuring (1)</b>                  2172:16  <b>meet (1)</b>                  2302:17  <b>meeting (3)</b>                  2161:3;2305:3,6  <b>meetings (2)</b>                  2285:3;2300:11  <b>meets (1)</b>                  2302:16  <b>member (3)</b>                  2170:9;2284:23;                  2299:21  <b>MEMBERS (1)</b>                  2306:4  <b>memorized (1)</b>                  2174:16  <b>mentioned (9)</b>                  2165:18;2199:17;                  2219:20;2239:15;                  2245:22;2250:5;                  2253:10;2270:16;                  2284:19  <b>mentioning (1)</b>                  2209:19  <b>merged (1)</b>                  2199:16  <b>met (2)</b>                  2217:7;2270:11  <b>methodologies (1)</b>                  2186:4  <b>methods (5)</b>                  2179:1;2184:14;                  2207:4,22;2208:5  <b>mic (1)</b>                  2266:6  <b>Michael (1)</b>                  2161:11  <b>Michelle (2)</b>                  2255:2;2256:11  <b>Michigan (2)</b>                  2271:3,22  <b>microphone (1)</b>                  2265:19  <b>mid (3)</b>                  2190:2;2191:6,20  <b>middle (1)</b>                  2238:13  <b>Midwest (2)</b>                  2188:22;2199:17  <b>might (15)</b>                  2186:14;2203:10,12;                  2206:2;2218:18;                  2219:23;2242:18;                  2249:18;2267:20;                  2278:24;2279:16,18;                  2291:15;2294:20;                  2298:8  <b>Mike (2)</b>                  2242:16;2266:6  <b>mile (8)</b></p>	<p>2266:2;2277:21;                  2285:21,22;2286:1,24;                  2287:10,11  <b>miles (16)</b>                  2194:16;2201:4,6,                  17,18;2202:4,8,20;                  2277:18;2279:1;                  2285:24;2286:3,8;                  2287:23;2293:2;                  2294:4  <b>Miller (1)</b>                  2264:19  <b>million (1)</b>                  2273:14  <b>mince (1)</b>                  2182:21  <b>mind (7)</b>                  2250:4;2264:13;                  2275:10,11;2295:2;                  2300:22;2303:11  <b>minds (2)</b>                  2295:3,5  <b>minimum (2)</b>                  2167:14;2286:17  <b>mining (1)</b>                  2263:9  <b>Minonk (1)</b>                  2251:3  <b>minutes (4)</b>                  2222:18;2297:13,14;                  2298:2  <b>mischaracterizes (1)</b>                  2220:7  <b>misstates (1)</b>                  2201:20  <b>MLS (13)</b>                  2164:5;2188:15;                  2199:16;2217:5;                  2219:7;2221:23;                  2230:18,21;2231:2,12;                  2277:20;2279:4;                  2293:6  <b>model (4)</b>                  2165:7,15;2212:15;                  2268:23  <b>modelling (8)</b>                  2268:4,8,11;2269:4,                  6,6;2270:13;2271:9  <b>modify (1)</b>                  2169:4  <b>modular (6)</b>                  2246:18,19;2247:4;                  2248:1,4,9  <b>mold (1)</b>                  2258:22  <b>moment (2)</b>                  2184:18;2189:4  <b>money (2)</b>                  2203:23;2282:19  <b>month (1)</b>                  2163:9  <b>months (4)</b>                  2189:24;2244:22;</p>	<p>2291:8,9  <b>more (27)</b>                  2162:21;2168:17;                  2177:11;2190:19;                  2194:21;2215:17;                  2229:2;2231:14;                  2236:21;2243:8;                  2250:14;2252:13;                  2263:10,11;2279:16,                  23;2281:6,20;2282:19;                  2286:12;2287:8;                  2291:4,6,17;2294:7;                  2300:19;2302:14  <b>morning (1)</b>                  2296:4  <b>mortgage (8)</b>                  2189:24;2192:23;                  2221:4,6,8,10,11;                  2244:13  <b>most (12)</b>                  2190:2;2197:5;                  2253:4;2263:14;                  2278:9;2279:12,13;                  2285:6;2293:8;                  2296:23;2297:15;                  2300:20  <b>mostly (1)</b>                  2268:6  <b>motion (1)</b>                  2306:2  <b>move (7)</b>                  2174:17;2182:14;                  2247:12;2259:24;                  2288:8;2299:4;2300:7  <b>moveable (1)</b>                  2215:17  <b>moved (3)</b>                  2260:5;2261:5,11  <b>move-in (3)</b>                  2228:12,18,23  <b>moving (2)</b>                  2261:8;2302:10  <b>MPAC (14)</b>                  2170:21;2171:6,8,                  21;2172:5,9;2173:3,4,                  13,18;2174:6,14;                  2286:1;2293:4  <b>M-P-A-C (1)</b>                  2170:21  <b>MRED (5)</b>                  2188:22;2199:17,19;                  2219:7,8  <b>Mrs (1)</b>                  2189:6  <b>much (20)</b>                  2185:15;2187:17;                  2190:19;2215:16,17;                  2236:17;2252:13;                  2263:2;2269:13;                  2270:3;2272:2;2273:2,                  16;2281:6;2285:23;                  2287:8;2288:5;2289:3;                  2299:7;2303:4</p>
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<p><b>multiple (2)</b> 2178:24;2199:19</p> <p><b>must (2)</b> 2300:7;2301:16</p> <p><b>myself (1)</b> 2299:22</p>	<p>2263:16</p> <p><b>neighboring (4)</b> 2174:24;2175:9,18; 2276:1</p> <p><b>neighbors (3)</b> 2274:12;2280:21,21</p> <p><b>neither (1)</b> 2214:7</p> <p><b>new (1)</b> 2192:5</p> <p><b>newer (1)</b> 2209:3</p> <p><b>Next (16)</b> 2162:13;2163:9; 2188:8,9;2242:13; 2248:18;2249:1,20; 2263:13;2285:13; 2287:5;2288:8; 2293:14;2295:15; 2297:2;2305:3</p> <p><b>NextEra (3)</b> 2264:4,11;2265:2</p> <p><b>nice-looking (1)</b> 2280:2</p> <p><b>Nielsen (1)</b> 2161:22</p> <p><b>night (4)</b> 2266:18;2296:3,11; 2298:8</p> <p><b>nine (4)</b> 2206:19;2213:20; 2253:15;2256:14</p> <p><b>noise (23)</b> 2203:13,18;2204:13; 2213:12;2263:1; 2268:3,8,11,23;2269:4, 6,6;2270:1,6;2271:4,7; 2272:3,23;2273:1; 2287:6,21;2294:24; 2300:23</p> <p><b>none (3)</b> 2201:11;2204:8,16</p> <p><b>nonparticipant (1)</b> 2274:15</p> <p><b>nonparticipants (1)</b> 2289:16</p> <p><b>nonparticipant's (1)</b> 2274:8</p> <p><b>nonparticipating (3)</b> 2169:8;2261:23; 2262:20</p> <p><b>nor (1)</b> 2273:12</p> <p><b>north (20)</b> 2196:8;2216:10; 2229:9;2230:10; 2233:14,17;2234:2; 2236:9;2237:13; 2239:19;2240:7,8; 2241:12;2243:12,15; 2247:17;2248:11; 2249:4,21;2252:20</p> <p><b>northern (3)</b></p>	<p>2192:10;2199:18; 2226:16</p> <p><b>note (3)</b> 2167:9;2200:24; 2208:13</p> <p><b>notes (3)</b> 2200:20;2232:18; 2250:9</p> <p><b>notice (1)</b> 2231:23</p> <p><b>noticed (1)</b> 2282:1</p> <p><b>noticing (1)</b> 2270:3</p> <p><b>not-quite-so-pristine (1)</b> 2280:4</p> <p><b>November (6)</b> 2161:5;2230:12; 2232:20,23;2236:10; 2253:5</p> <p><b>nuisance (2)</b> 2269:17,21</p> <p><b>number (30)</b> 2173:6;2181:21; 2191:12;2201:13; 2202:6;2206:8,10; 2209:17;2212:3,24; 2214:12,14,18; 2215:20,22,24;2220:9, 11,12;2223:10,13; 2226:4;2227:7; 2232:17;2263:5; 2274:6;2288:16; 2291:14;2296:18,20</p> <p><b>numbered (2)</b> 2200:19;2211:20</p> <p><b>numbers (7)</b> 2179:18;2211:18; 2219:6;2224:22; 2232:14;2271:9; 2285:16</p>	<p><b>occurred (1)</b> 2235:2</p> <p><b>occurrence (1)</b> 2203:24</p> <p><b>October (3)</b> 2164:8;2168:7; 2216:2</p> <p><b>Odell (3)</b> 2230:10;2237:14; 2279:11</p> <p><b>off (14)</b> 2162:15;2164:2; 2169:12;2205:20; 2226:3;2231:22; 2242:11;2255:4; 2263:19;2278:17; 2280:8;2285:11; 2295:22;2304:13</p> <p><b>offer (1)</b> 2304:5</p> <p><b>offered (2)</b> 2264:13;2288:9</p> <p><b>office (1)</b> 2259:10</p> <p><b>officer (1)</b> 2264:10</p> <p><b>offset (1)</b> 2302:9</p> <p><b>often (1)</b> 2269:10</p> <p><b>old (2)</b> 2200:16;2218:10</p> <p><b>older (2)</b> 2215:5;2278:20</p> <p><b>Olita (1)</b> 2256:19</p> <p><b>O-L-I-T-A (1)</b> 2256:19</p> <p><b>omitted (1)</b> 2300:19</p> <p><b>omitting (1)</b> 2301:6</p> <p><b>once (2)</b> 2183:22;2246:2</p> <p><b>one (118)</b> 2165:22;2166:10; 2168:6,10;2171:14,22; 2173:20;2174:4; 2178:3;2179:8,9,10,11; 2180:4;2182:4,7,18; 2183:1,6;2186:12; 2187:8,17,19;2188:9; 2195:13,17;2197:5; 2200:21;2204:20,21; 2206:15;2207:7,12,14, 19;2208:1,5,9,18; 2209:19;2214:7,14,14, 17;2215:21;2217:1,2; 2218:2;2220:9,11,12, 13,13;2223:10,13,17; 2224:3,15,18;2228:24; 2229:22,23;2230:16; 2231:17,20;2233:11,</p>	<p>12;2234:8;2235:6; 2236:13;2240:9,19; 2242:9,22;2243:1,7; 2245:17;2246:18; 2247:23;2248:14; 2249:4,20,22;2250:6; 2252:4,6,7,11,16,17; 2253:10;2254:5,17,21; 2256:22;2259:5,22; 2260:3;2262:1;2264:1, 8,14,17;2265:9; 2267:5;2269:19; 2271:8;2272:7,9; 2278:23;2279:3; 2280:21;2285:6,24; 2287:5;2294:16,17; 2304:19</p> <p><b>ones (6)</b> 2177:23;2200:14; 2207:4;2265:7; 2278:20;2292:22</p> <p><b>one's (3)</b> 2168:9;2234:1; 2249:14</p> <p><b>one-size-fits-all (1)</b> 2286:7</p> <p><b>only (18)</b> 2167:10;2176:16; 2197:22;2200:5; 2207:18;2210:12; 2227:10;2230:24; 2244:22;2249:10; 2259:8;2260:19; 2263:21;2281:3; 2288:18;2294:14; 2296:7;2297:24</p> <p><b>Ontario (1)</b> 2183:3</p> <p><b>open (2)</b> 2244:24;2299:22</p> <p><b>opening (1)</b> 2235:24</p> <p><b>operating (2)</b> 2180:9;2181:24</p> <p><b>operation (1)</b> 2175:16</p> <p><b>opined (1)</b> 2251:8</p> <p><b>opinion (18)</b> 2165:10;2167:18; 2175:15;2185:8; 2196:15;2235:6; 2236:13;2240:19; 2249:15;2251:18; 2252:1;2257:12; 2260:11;2272:17; 2275:19;2284:5; 2288:12;2303:13</p> <p><b>opinions (6)</b> 2177:11;2186:5; 2255:17,19;2303:18; 2304:2</p> <p><b>opponents (1)</b></p>
		<b>O</b>		
		<p><b>object (2)</b> 2180:17;2283:13</p> <p><b>objected (1)</b> 2268:16</p> <p><b>Objection (12)</b> 2201:20;2219:2; 2248:19;2258:23; 2259:18;2268:10,19; 2282:9;2288:1,19; 2302:5;2305:12</p> <p><b>objectively (1)</b> 2285:18</p> <p><b>obvious (1)</b> 2199:6</p> <p><b>obviously (1)</b> 2252:16</p> <p><b>occur (3)</b> 2269:17;2270:6; 2279:12</p>		

<p>2177:24  <b>opportunities (2)</b>                  2300:15,20  <b>opportunity (10)</b>                  2162:2;2180:11;                  2281:23;2283:17,23;                  2295:19;2297:18;                  2302:11;2304:9,14  <b>opposed (2)</b>                  2226:22;2306:5  <b>opposite (1)</b>                  2276:3  <b>opposition (1)</b>                  2204:22  <b>ordinance (11)</b>                  2299:8;2300:2,3,5,6,                  8,10,13;2301:6,17,17  <b>ordinances (2)</b>                  2275:20;2299:13  <b>organization (1)</b>                  2245:21  <b>original (5)</b>                  2169:6;2211:12;                  2217:8;2231:4;                  2287:15  <b>originally (2)</b>                  2235:22;2278:20  <b>others (9)</b>                  2190:19;2192:3;                  2194:8;2196:13;                  2203:12;2262:7;                  2267:18;2281:8;                  2296:9  <b>otherwise (5)</b>                  2177:4;2203:12;                  2245:5;2260:2;                  2263:16  <b>out (42)</b>                  2163:14;2164:18;                  2167:12,15;2168:24;                  2171:6,24;2182:1;                  2192:12;2195:15;                  2201:22;2203:13;                  2214:1;2220:21;                  2232:10;2235:5;                  2242:15;2250:18;                  2252:5;2261:12;                  2263:6;2265:17;                  2272:4;2273:22;                  2275:13;2276:21;                  2277:20;2278:16;                  2285:9;2286:21;                  2287:18;2291:3,21;                  2292:4;2296:3,8,10,14;                  2299:3,6;2301:8;                  2304:19  <b>outbuilding (1)</b>                  2218:3  <b>outbuildings (1)</b>                  2230:7  <b>outdated (2)</b>                  2299:8;2300:1  <b>outdoor (1)</b></p>	<p>2219:15  <b>outline (2)</b>                  2186:7;2188:20  <b>output (1)</b>                  2287:17  <b>outside (4)</b>                  2178:13;2179:2;                  2219:10;2277:21  <b>outside-the-footprint (2)</b>                  2178:18;2179:20  <b>over (11)</b>                  2177:9;2204:5;                  2230:4;2235:9;                  2237:20;2238:1;                  2240:23;2255:21;                  2265:18;2281:6;                  2284:20  <b>overall (8)</b>                  2188:14;2190:8;                  2191:14;2192:1,10,20;                  2194:5;2279:2  <b>overbuilding (1)</b>                  2192:22  <b>overlay (1)</b>                  2170:3  <b>overlook (1)</b>                  2302:8  <b>overlooking (2)</b>                  2236:6;2241:9  <b>overprice (2)</b>                  2194:13;2195:2  <b>own (6)</b>                  2177:20;2182:22;                  2201:8;2269:11;                  2303:11,13  <b>owned (1)</b>                  2246:2  <b>owner (4)</b>                  2217:8;2262:23;                  2264:24;2274:15  <b>owners (7)</b>                  2175:5;2261:24;                  2262:20;2264:23;                  2281:21;2288:10;                  2300:16  <b>owner's (1)</b>                  2267:11  <b>ownership (1)</b>                  2175:3  <b>owns (4)</b>                  2280:21,23,24;                  2281:3</p>	<p>22,24;2177:12;                  2182:15;2193:6;                  2196:6;2200:18;                  2205:3;2206:8,10,11;                  2209:18;2211:17,20;                  2213:1;2214:13;                  2215:21;2219:4;                  2220:10,12;2221:3,4;                  2223:11,13;2225:1,9;                  2226:5;2228:4,7,9;                  2229:6,19;2230:9;                  2231:3;2232:14,15,15,                  16;2233:4,14,17;                  2234:1;2236:8;2237:9,                  10,11;2238:10,11,13;                  2239:10,11,19,24;                  2240:5;2241:12,24;                  2242:2,13,17,19;                  2243:1,8,9;2244:2,8;                  2245:9,9;2246:17;                  2247:16;2248:11;                  2249:21,23,24,24;                  2250:1,20;2252:17,23;                  2253:13,18;2254:1,22;                  2256:5,7,8,8,9;2261:17  <b>pages (1)</b>                  2205:16  <b>pair (29)</b>                  2186:11,19;2187:9;                  2188:10;2197:8;                  2206:8,10;2207:18;                  2209:17,23;2210:3,4;                  2212:24;2213:4;                  2214:12,14,18;                  2215:20,22,24;2220:9,                  11,12;2222:7;2223:10,                  13;2226:4,9;2241:7  <b>paired (17)</b>                  2175:19,21,24;                  2176:9,18;2183:10;                  2196:15,17,21;                  2199:11,14;2205:4,24;                  2207:18;2237:7;                  2285:14;2292:15  <b>pairing (1)</b>                  2176:24  <b>pairs (7)</b>                  2186:16;2205:10,11,                  11;2211:7,16;2236:24  <b>paper (1)</b>                  2264:3  <b>paragraph (9)</b>                  2169:17,21;2170:2;                  2200:20;2203:1;                  2250:20,23,24;2253:17  <b>paragraphs (1)</b>                  2200:19  <b>parameters (3)</b>                  2241:4;2249:18;                  2273:13  <b>parcel (4)</b>                  2175:2;2206:20;                  2207:2;2221:15</p>	<p><b>Pardon (2)</b>                  2171:20;2173:2  <b>part (15)</b>                  2167:20,21;2175:2,                  3,4;2176:4,17,18;                  2178:15;2180:6;                  2181:22;2222:10;                  2260:19;2278:19,21  <b>partial (2)</b>                  2191:11;2192:8  <b>participant (1)</b>                  2272:5  <b>particular (14)</b>                  2168:24;2175:12;                  2180:10;2198:1;                  2204:8;2207:7;                  2219:24;2222:7;                  2235:12;2253:22;                  2272:18;2299:9;                  2300:3,7  <b>parties (1)</b>                  2265:15  <b>partitions (1)</b>                  2215:17  <b>partly (1)</b>                  2264:10  <b>parts (2)</b>                  2163:23;2180:19  <b>party (1)</b>                  2273:22  <b>pass (1)</b>                  2263:18  <b>passed (2)</b>                  2282:7;2301:16  <b>passing (1)</b>                  2182:20  <b>past (5)</b>                  2183:11;2196:3;                  2253:4;2282:4;                  2290:12  <b>pasture (3)</b>                  2218:8,10;2219:15  <b>Paw (2)</b>                  2206:17,17  <b>pay (1)</b>                  2263:4  <b>payment (1)</b>                  2281:1  <b>payments (2)</b>                  2203:20;2281:4  <b>PDR (2)</b>                  2225:24;2226:2  <b>peak (2)</b>                  2190:13;2281:15  <b>peaked (1)</b>                  2189:17  <b>pen (2)</b>                  2218:7;2219:14  <b>pending (1)</b>                  2251:4  <b>people (30)</b>                  2187:24;2188:1,2;                  2203:9,14;2204:6,11;</p>	<p>2262:10;2263:4;                  2267:13;2269:21;                  2270:3,5,11;2283:16;                  2287:8,23;2291:6,11,                  14;2292:13;2294:20;                  2295:2;2296:1,4,18;                  2297:6;2298:1,22;                  2304:19  <b>people's (1)</b>                  2182:22  <b>per (2)</b>                  2213:17;2304:7  <b>percent (17)</b>                  2180:20,22;2181:4;                  2190:11;2198:3;                  2202:13,14;2216:15,                  22;2217:13;2251:16;                  2270:19;2271:14,21,                  24,24;2272:1  <b>Perfect (4)</b>                  2223:6;2241:3;                  2273:10,11  <b>perfectly (4)</b>                  2192:2;2197:22;                  2251:21;2291:15  <b>perform (1)</b>                  2293:16  <b>performing (1)</b>                  2186:16  <b>perhaps (1)</b>                  2221:19  <b>period (2)</b>                  2189:16;2192:21  <b>periods (1)</b>                  2191:23  <b>perpendicular (1)</b>                  2166:5  <b>person (4)</b>                  2185:15;2255:5;                  2267:2;2279:17  <b>personal (14)</b>                  2230:20,22,23;                  2231:18;2232:9;                  2234:17,24;2254:8;                  2258:3;2259:6,9,12,16;                  2260:20  <b>perspective (2)</b>                  2169:23;2286:8  <b>Pete (1)</b>                  2184:21  <b>photo (1)</b>                  2229:4  <b>photos (2)</b>                  2222:7;2229:2  <b>physical (1)</b>                  2222:11  <b>physically (1)</b>                  2276:20  <b>pick (3)</b>                  2198:24;2273:6;                  2301:22  <b>picked (1)</b>                  2236:19</p>
	<b>P</b>			
	<p><b>paddocks (3)</b>                  2218:7;2219:14,22  <b>page (103)</b>                  2162:11;2164:22;                  2165:23;2166:23;                  2167:4;2169:13;                  2170:1,17,24;2171:1,9;                  2172:5,23;2173:17,20,</p>			

<p><b>picking (2)</b> 2273:4;2294:1</p> <p><b>picture (3)</b> 2170:21;2225:7; 2275:1</p> <p><b>pile (1)</b> 2174:11</p> <p><b>PIN (1)</b> 2212:3</p> <p><b>place (11)</b> 2183:9;2189:22,22; 2192:8;2249:14; 2274:18;2283:21; 2290:2;2291:5; 2299:12;2300:8</p> <p><b>placed (2)</b> 2302:6,8</p> <p><b>plan (2)</b> 2164:5;2297:19</p> <p><b>planner (2)</b> 2170:6,8</p> <p><b>Planning (5)</b> 2163:1;2170:10,13, 16;2264:19</p> <p><b>Pleasant (15)</b> 2161:9,9;2164:12; 2168:4;2171:4; 2174:13;2179:13; 2189:7;2195:18; 2211:14;2224:19; 2232:12;2239:11; 2254:10;2260:1</p> <p><b>please (6)</b> 2161:4;2205:4; 2221:3;2238:10; 2273:22;2276:7</p> <p><b>plucked (1)</b> 2263:6</p> <p><b>plummet (1)</b> 2257:21</p> <p><b>pm (4)</b> 2161:1;2222:22,22; 2306:6</p> <p><b>pocket (1)</b> 2265:1</p> <p><b>point (17)</b> 2163:10;2167:11; 2171:6;2214:3; 2230:18;2231:6; 2250:10,22;2253:23; 2256:23;2262:23; 2263:20;2265:14; 2270:23;2271:17; 2278:18;2296:8</p> <p><b>pointing (1)</b> 2167:12</p> <p><b>points (3)</b> 2197:24;2226:13,23</p> <p><b>pollutants (1)</b> 2272:22</p> <p><b>Pollution (2)</b> 2268:7;2269:10</p> <p><b>Pontiac (8)</b></p>	<p>2234:2;2239:19; 2240:7;2241:12; 2248:12;2249:4; 2279:8,9</p> <p><b>pool (1)</b> 2198:2</p> <p><b>poor (2)</b> 2191:24;2217:12</p> <p><b>poorer (2)</b> 2280:3,4</p> <p><b>population (1)</b> 2288:17</p> <p><b>position (1)</b> 2261:21</p> <p><b>possibility (1)</b> 2300:13</p> <p><b>possible (14)</b> 2177:5;2188:14,18; 2197:11;2198:12,17; 2199:3,4;2235:15; 2236:19,20;2245:19; 2281:2;2285:18</p> <p><b>Possibly (3)</b> 2240:11;2301:14; 2305:23</p> <p><b>potential (3)</b> 2191:4;2283:23; 2301:24</p> <p><b>potentially (1)</b> 2176:2</p> <p><b>pounds (1)</b> 2299:18</p> <p><b>Power (4)</b> 2264:2,6;2265:3; 2287:16</p> <p><b>PowerPoint (3)</b> 2162:8,11;2272:10</p> <p><b>predetermined (1)</b> 2285:15</p> <p><b>predicts (3)</b> 2269:4,5,6</p> <p><b>preeminent (1)</b> 2285:6</p> <p><b>prefer (2)</b> 2273:4,6</p> <p><b>preferences (1)</b> 2218:13</p> <p><b>preliminary (1)</b> 2164:16</p> <p><b>prepare (2)</b> 2163:24;2252:9</p> <p><b>prepared (4)</b> 2232:1;2238:18; 2290:11;2296:21</p> <p><b>present (3)</b> 2162:19;2271:13; 2285:3</p> <p><b>presentation (8)</b> 2162:8,11;2179:14; 2182:12;2282:1,16; 2295:20;2297:12</p> <p><b>presented (6)</b> 2162:11;2235:12;</p>	<p>2284:21,23;2300:4,6</p> <p><b>presents (1)</b> 2197:2</p> <p><b>pressure (1)</b> 2191:2</p> <p><b>presumed-to-be (1)</b> 2166:12</p> <p><b>presupposed (1)</b> 2188:8</p> <p><b>pretty (14)</b> 2162:4;2167:24; 2187:17;2189:20; 2200:15;2210:10; 2215:16;2236:17; 2267:23;2275:14; 2286:3;2288:5;2289:3; 2294:20</p> <p><b>prevent (1)</b> 2269:8</p> <p><b>previous (2)</b> 2268:2;2295:18</p> <p><b>price (31)</b> 2171:12;2188:5; 2195:8;2197:24; 2213:22;2216:15,22; 2230:16;2231:3,4,5,6, 24,24;2232:4,24; 2234:7,11;2240:16,17; 2241:19;2242:5; 2244:10;2251:18; 2254:3,24;2259:10; 2260:21;2267:6; 2271:11;2294:19</p> <p><b>priced (1)</b> 2280:8</p> <p><b>prices (9)</b> 2173:6;2185:14; 2188:3;2189:15; 2191:13,14;2194:6; 2260:12;2275:6</p> <p><b>pricing (1)</b> 2195:24</p> <p><b>print (1)</b> 2229:24</p> <p><b>printout (3)</b> 2168:3;2242:20; 2252:7</p> <p><b>printouts (1)</b> 2271:22</p> <p><b>prior (6)</b> 2177:20;2178:2; 2191:10;2218:19; 2238:6;2293:7</p> <p><b>private (1)</b> 2264:22</p> <p><b>probably (17)</b> 2163:9;2168:17; 2173:16,21;2178:8; 2179:19;2192:20; 2220:6,24;2245:4; 2267:13;2275:7; 2280:24;2285:5; 2297:18;2298:9,11</p>	<p><b>problems (3)</b> 2257:24;2258:22; 2270:6</p> <p><b>procedural (1)</b> 2304:7</p> <p><b>procedure (1)</b> 2294:10</p> <p><b>proceedings (2)</b> 2301:4;2303:21</p> <p><b>process (13)</b> 2162:5;2271:1; 2277:22;2288:22; 2299:5,6,11,14,16; 2301:5,8,24;2303:22</p> <p><b>processes (2)</b> 2257:10;2299:24</p> <p><b>product (2)</b> 2303:16,16</p> <p><b>productivity (2)</b> 2279:23;2280:17</p> <p><b>professional (1)</b> 2284:22</p> <p><b>program (2)</b> 2245:14,20</p> <p><b>progresses (1)</b> 2287:3</p> <p><b>Project (26)</b> 2161:10;2174:6; 2179:15;2204:21,24; 2211:12;2251:3,15; 2261:23;2262:9,20; 2263:22,23,24;2264:1; 2268:4;2270:22; 2271:2;2279:5; 2280:23;2281:1,4,7; 2283:12;2290:16; 2304:11</p> <p><b>projects (5)</b> 2177:24;2204:4; 2251:13;2255:23; 2288:11</p> <p><b>pronounces (1)</b> 2178:8</p> <p><b>pronunciation (1)</b> 2178:6</p> <p><b>proper (3)</b> 2283:2,3;2285:17</p> <p><b>properly (3)</b> 2186:3;2262:1,2</p> <p><b>properties (43)</b> 2177:2;2178:17,19; 2179:2,20;2185:10; 2186:20,24;2188:15; 2190:5;2191:5;2197:4, 23,23;2198:12,16; 2205:15;2207:4,23; 2214:8;2218:13; 2232:8;2238:5;2246:9; 2252:12;2255:23; 2257:9;2263:10,13; 2267:17;2276:3; 2277:5,6,7,9,17,20; 2278:2,9,16;2282:23;</p>	<p>2291:7;2293:17</p> <p><b>property (154)</b> 2165:10;2167:8,19, 20;2169:8;2170:14; 2174:24;2175:2,3,4,10, 18;2176:22;2183:8; 2184:15;2185:1,14,19; 2190:5,18;2193:19; 2194:13;2195:3,23; 2196:22;2198:18; 2200:3;2208:6,19; 2209:5,7,14;2211:23; 2212:2,3,4,20,22; 2213:18;2214:1; 2216:1,13;2217:19,20; 2218:1,15;2219:16; 2223:24;2224:5,12; 2225:2,11,19;2227:23; 2230:21,23,23; 2231:18;2232:9; 2234:17,24;2235:13; 2236:4,5,18,22; 2237:19,24;2238:1; 2241:8;2242:9,23; 2243:23;2245:18; 2246:3;2248:18; 2249:9;2250:12,13; 2251:11,13,15,16,23, 24;2252:2,4,15;2254:8, 12,19;2255:17;2258:4, 21;2259:9,12,16; 2260:20;2261:15,19, 22,24;2262:3,8,11,18, 20,22,23;2263:5,8; 2264:6,23,24;2266:19; 2267:2,11,14,24; 2268:21;2269:8; 2270:18,23;2271:11, 20,23;2273:1;2274:9, 12,15;2275:18;2276:1, 16,18;2279:18; 2280:18;2281:21; 2282:5,21;2287:12,14; 2288:10;2289:6,15; 2290:9,14,20;2291:5,9; 2295:14,17;2299:17; 2300:15,16</p> <p><b>property/land (1)</b> 2281:11</p> <p><b>property's (1)</b> 2185:21</p> <p><b>proposal (1)</b> 2261:18</p> <p><b>proposed (4)</b> 2165:8;2167:5; 2265:7;2275:22</p> <p><b>prospective (1)</b> 2267:8</p> <p><b>protect (1)</b> 2289:15</p> <p><b>prove (1)</b> 2275:23</p> <p><b>provide (4)</b></p>
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<p>2187:13;2248:3; 2301:13;2303:15 <b>provided (1)</b> 2187:5 <b>provisions (1)</b> 2305:11 <b>proximate (1)</b> 2187:23 <b>proximity (9)</b> 2177:7;2194:15; 2197:7;2202:14; 2204:12;2249:11; 2251:19;2279:13; 2294:22 <b>prudent (1)</b> 2291:11 <b>public (2)</b> 2300:17;2301:8 <b>published (2)</b> 2183:18;2184:13 <b>purpose (6)</b> 2167:22;2169:16,18, 21;2221:11;2255:18 <b>purposes (4)</b> 2231:19;2260:21; 2277:22;2293:12 <b>put (7)</b> 2163:12;2228:20; 2235:24;2260:2; 2264:17;2268:21; 2269:3 <b>puts (1)</b> 2274:23 <b>putting (4)</b> 2246:4;2274:19; 2282:11;2303:13</p>	<p>2161:23 <b>R</b> <b>rabbits (2)</b> 2218:12;2219:21 <b>raise (2)</b> 2218:12;2219:21 <b>ranch (8)</b> 2216:5;2223:20; 2235:7,16;2236:13; 2240:20;2242:22; 2243:2 <b>Randall (2)</b> 2183:13;2185:18 <b>range (5)</b> 2165:8,17;2204:3; 2285:22;2286:14 <b>rate (4)</b> 2201:1,2;2202:3,6 <b>rather (5)</b> 2198:23;2250:9; 2283:22;2290:8; 2299:15 <b>ratio (1)</b> 2231:1 <b>reach (1)</b> 2296:10 <b>reached (2)</b> 2296:8;2304:19 <b>reaching (2)</b> 2287:17;2296:14 <b>reaction (1)</b> 2275:14 <b>reacts (1)</b> 2275:12 <b>read (13)</b> 2167:24;2168:10,17; 2182:10,19;2184:19; 2186:15;2219:11; 2259:4;2287:20,21; 2292:15;2303:8 <b>readily (1)</b> 2241:1 <b>reading (3)</b> 2225:5;2259:2; 2292:12 <b>ready (4)</b> 2163:17;2228:12,18, 23 <b>real (20)</b> 2169:22;2170:8; 2188:22;2189:9,13; 2190:12,23;2192:10, 13;2199:17;2230:24; 2246:2;2254:9; 2255:15;2257:6; 2269:16;2271:16; 2272:17;2286:6; 2290:13 <b>real-life (1)</b> 2271:8 <b>really (20)</b></p>	<p>2167:21,24;2180:24; 2187:2;2195:5; 2215:18;2220:3; 2262:13;2263:2; 2271:11,12;2273:9; 2275:15;2287:5; 2292:4;2293:7,10,23; 2304:5,14 <b>realtor (1)</b> 2211:2 <b>realtors (2)</b> 2199:24;2271:22 <b>rear (1)</b> 2216:10 <b>reask (1)</b> 2194:24 <b>reason (7)</b> 2185:22;2203:16; 2220:23;2252:10; 2255:7;2258:1;2263:6 <b>reasonably (1)</b> 2245:5 <b>reasons (5)</b> 2202:23;2238:24; 2247:22;2252:5; 2258:17 <b>rebound (1)</b> 2290:21 <b>rebuild (5)</b> 2227:19,21,24; 2228:16,19 <b>rebuttal (3)</b> 2181:13,16;2182:12 <b>recall (17)</b> 2166:11;2171:5,15; 2178:16,20,22; 2181:20;2184:20; 2196:16;2216:12; 2221:22;2224:17; 2226:3,19;2228:3; 2231:20;2278:5 <b>received (1)</b> 2169:1 <b>recent (8)</b> 2189:8;2194:11; 2195:1;2217:6; 2250:15;2286:21; 2293:8;2299:7 <b>receptors (1)</b> 2268:5 <b>Recess (1)</b> 2222:22 <b>recession (3)</b> 2189:8;2194:4,7 <b>recognize (3)</b> 2164:10;2174:13; 2195:21 <b>recognized (5)</b> 2183:16,19;2184:1, 4;2189:10 <b>recollection (7)</b></p>	<p>2179:7;2181:7; 2211:8;2218:19; 2230:17;2232:8; 2257:5 <b>recommend (1)</b> 2296:21 <b>recommendation (5)</b> 2163:2;2264:12; 2290:23;2291:1; 2303:16 <b>recommended (2)</b> 2264:8,10 <b>record (10)</b> 2163:23;2211:23; 2212:13;2243:22; 2256:20;2258:16,16; 2260:24;2261:4; 2285:11 <b>recorded (2)</b> 2254:8;2267:17 <b>recording (3)</b> 2231:1,19;2260:21 <b>records (11)</b> 2164:5;2200:9,11, 12;2202:22;2211:6,15; 2219:5;2224:20; 2233:1;2254:11 <b>recover (1)</b> 2290:22 <b>recovery (3)</b> 2191:3,6,11 <b>red (1)</b> 2218:11 <b>reduce (5)</b> 2174:23;2175:9,17; 2188:2,5 <b>reduced (3)</b> 2185:14;2231:6; 2260:20 <b>reduces (1)</b> 2198:17 <b>reducing (1)</b> 2185:10 <b>reduction (1)</b> 2272:17 <b>reductions (1)</b> 2195:8 <b>refer (4)</b> 2181:12;2269:21; 2270:5;2286:12 <b>reference (6)</b> 2181:15;2292:7; 2299:8;2301:21; 2303:1;2305:1 <b>referred (2)</b> 2251:5;2301:20 <b>referring (2)</b> 2176:8;2285:5 <b>reflect (1)</b> 2167:7 <b>reflected (4)</b> 2181:8;2239:9; 2253:24;2260:24</p>	<p><b>reflecting (1)</b> 2232:19 <b>refresh (2)</b> 2179:6;2181:7 <b>regard (1)</b> 2167:23 <b>regarding (6)</b> 2290:11;2293:14; 2300:1,6,23;2303:2 <b>regardless (1)</b> 2260:12 <b>region (1)</b> 2196:8 <b>Regional (1)</b> 2163:1 <b>regions (3)</b> 2190:18;2195:24; 2198:2 <b>regression (1)</b> 2198:4 <b>rejected (1)</b> 2183:7 <b>relate (1)</b> 2272:16 <b>related (3)</b> 2263:21;2269:20; 2272:2 <b>relates (3)</b> 2172:13;2217:15; 2289:6 <b>relating (1)</b> 2211:15 <b>relation (1)</b> 2290:9 <b>relative (1)</b> 2294:12 <b>relevant (4)</b> 2186:5;2272:21,22; 2279:13 <b>reliable (4)</b> 2185:7;2252:13; 2287:8;2303:7 <b>re-listings (1)</b> 2195:9 <b>rely (5)</b> 2177:10;2182:16,21, 22;2260:16 <b>relying (1)</b> 2301:7 <b>remain (1)</b> 2303:22 <b>remaining (2)</b> 2177:6;2192:7 <b>remains (1)</b> 2249:15 <b>remarks (10)</b> 2213:7;2219:9; 2225:2,7;2228:10,14, 21,21;2229:3;2288:5 <b>remember (12)</b> 2165:22;2179:4; 2183:12;2194:23; 2196:18;2211:4;</p>
<p><b>Q</b> <b>qualified (2)</b> 2186:22;2239:2 <b>qualities (1)</b> 2279:21 <b>quality (3)</b> 2180:7;2181:23; 2280:8 <b>quarter (3)</b> 2213:20;2222:15; 2287:11 <b>quarters (1)</b> 2190:10 <b>quick (4)</b> 2195:17;2205:22; 2245:5;2276:9 <b>quickly (1)</b> 2245:19 <b>quiet (3)</b> 2266:3,17,17 <b>quite (6)</b> 2227:22;2228:19; 2279:19;2281:23; 2287:9,22 <b>quorum (1)</b></p>	<p>2167:24;2168:10,17; 2182:10,19;2184:19; 2186:15;2219:11; 2259:4;2287:20,21; 2292:15;2303:8 <b>readily (1)</b> 2241:1 <b>reading (3)</b> 2225:5;2259:2; 2292:12 <b>ready (4)</b> 2163:17;2228:12,18, 23 <b>real (20)</b> 2169:22;2170:8; 2188:22;2189:9,13; 2190:12,23;2192:10, 13;2199:17;2230:24; 2246:2;2254:9; 2255:15;2257:6; 2269:16;2271:16; 2272:17;2286:6; 2290:13 <b>real-life (1)</b> 2271:8 <b>really (20)</b></p>	<p>2166:11;2171:5,15; 2178:16,20,22; 2181:20;2184:20; 2196:16;2216:12; 2221:22;2224:17; 2226:3,19;2228:3; 2231:20;2278:5 <b>received (1)</b> 2169:1 <b>recent (8)</b> 2189:8;2194:11; 2195:1;2217:6; 2250:15;2286:21; 2293:8;2299:7 <b>receptors (1)</b> 2268:5 <b>Recess (1)</b> 2222:22 <b>recession (3)</b> 2189:8;2194:4,7 <b>recognize (3)</b> 2164:10;2174:13; 2195:21 <b>recognized (5)</b> 2183:16,19;2184:1, 4;2189:10 <b>recollection (7)</b></p>	<p>2185:14;2231:6; 2260:20 <b>reduces (1)</b> 2198:17 <b>reducing (1)</b> 2185:10 <b>reduction (1)</b> 2272:17 <b>reductions (1)</b> 2195:8 <b>refer (4)</b> 2181:12;2269:21; 2270:5;2286:12 <b>reference (6)</b> 2181:15;2292:7; 2299:8;2301:21; 2303:1;2305:1 <b>referred (2)</b> 2251:5;2301:20 <b>referring (2)</b> 2176:8;2285:5 <b>reflect (1)</b> 2167:7 <b>reflected (4)</b> 2181:8;2239:9; 2253:24;2260:24</p>	<p><b>relevant (4)</b> 2186:5;2272:21,22; 2279:13 <b>reliable (4)</b> 2185:7;2252:13; 2287:8;2303:7 <b>re-listings (1)</b> 2195:9 <b>rely (5)</b> 2177:10;2182:16,21, 22;2260:16 <b>relying (1)</b> 2301:7 <b>remain (1)</b> 2303:22 <b>remaining (2)</b> 2177:6;2192:7 <b>remains (1)</b> 2249:15 <b>remarks (10)</b> 2213:7;2219:9; 2225:2,7;2228:10,14, 21,21;2229:3;2288:5 <b>remember (12)</b> 2165:22;2179:4; 2183:12;2194:23; 2196:18;2211:4;</p>

<p>2220:8;2224:2; 2231:16;2254:5; 2274:6,10 <b>remembered (1)</b> 2251:5 <b>remind (3)</b> 2299:11;2300:2; 2303:21 <b>remodelled (1)</b> 2222:5 <b>remodelling (1)</b> 2208:21 <b>removed (3)</b> 2194:17;2202:18; 2259:10 <b>renovation (2)</b> 2215:4;2217:6 <b>REO (6)</b> 2203:22;2245:23; 2246:1,4,7,9 <b>report (63)</b> 2164:1,11,17,20; 2166:24;2167:5,12,20; 2168:21;2169:14; 2170:2,18;2171:7,14; 2172:9,18,23;2173:1, 11,13;2174:2;2177:10, 12;2180:20;2181:9,9; 2182:15;2183:2; 2184:7,8;2189:6; 2190:21;2193:6; 2194:10;2200:14,19; 2205:4,16;2206:9; 2214:13;2223:11; 2229:7;2231:3;2232:1, 19;2233:4;2237:9; 2238:18;2246:18; 2248:11;2250:18,20, 23;2252:5,18;2253:18; 2254:1;2255:1,24; 2261:16;2272:10; 2276:13;2286:21 <b>reported (1)</b> 2271:5 <b>reports (4)</b> 2203:2;2232:4; 2241:19;2287:8 <b>represent (4)</b> 2166:16;2168:12; 2179:13;2230:1 <b>represented (3)</b> 2172:18;2265:16; 2305:22 <b>representing (1)</b> 2167:2 <b>represents (1)</b> 2271:12 <b>require (1)</b> 2212:20 <b>required (2)</b> 2167:14;2198:22 <b>requirement (1)</b> 2169:10</p>	<p><b>requirements (5)</b> 2186:10,13,19; 2187:8;2301:16 <b>requires (1)</b> 2168:2 <b>Resale (5)</b> 2174:5;2176:16,17, 24;2251:14 <b>resales (3)</b> 2176:1,13;2250:11 <b>researched (1)</b> 2165:16 <b>reserve (1)</b> 2282:8 <b>reserved (1)</b> 2291:21 <b>residence (2)</b> 2224:18;2278:19 <b>residential (12)</b> 2189:9;2197:23; 2214:1,10;2224:15; 2225:11,19,20; 2263:13;2277:17; 2278:15;2279:12 <b>residents (2)</b> 2300:16;2301:6 <b>resilient (1)</b> 2190:19 <b>resistance (2)</b> 2195:16;2295:1 <b>resold (4)</b> 2238:5;2250:13,13, 14 <b>resolution (1)</b> 2282:7 <b>Resource (1)</b> 2221:10 <b>respect (3)</b> 2180:5;2211:5; 2236:3 <b>respond (2)</b> 2181:2;2210:24 <b>response (3)</b> 2180:1,12;2250:5 <b>responsibility (2)</b> 2300:9;2303:15 <b>responsive (1)</b> 2182:13 <b>rest (1)</b> 2277:18 <b>restate (1)</b> 2282:15 <b>result (3)</b> 2187:22;2238:22; 2285:15 <b>resulted (3)</b> 2195:7,11;2201:18 <b>resulting (1)</b> 2176:2 <b>retained (1)</b> 2179:16 <b>return (1)</b> 2192:17</p>	<p><b>revenue (1)</b> 2281:8 <b>review (15)</b> 2161:8;2164:7,13; 2174:6;2177:15; 2180:11,24;2182:15; 2183:7;2199:10,13; 2200:9;2202:19,21; 2211:6 <b>reviewed (7)</b> 2163:24;2164:4,5; 2174:18;2180:4; 2182:19;2269:12 <b>reviewing (1)</b> 2217:5 <b>revolved (2)</b> 2300:21;2303:5 <b>Rich (1)</b> 2161:15 <b>Ridge (16)</b> 2161:9,9;2164:12; 2168:4;2171:5; 2174:13;2179:13; 2189:7;2195:18; 2211:14;2224:20; 2232:12;2239:11; 2254:10;2260:1; 2279:17 <b>riding (2)</b> 2218:7;2219:15 <b>right (187)</b> 2161:2;2162:1,14, 23;2163:16;2165:16, 18,23;2166:15,15; 2168:6,24;2169:13; 2170:5;2171:3,12,16; 2172:3;2173:5,17; 2174:1,17,21;2175:6, 21;2176:3,20;2177:9, 17,21;2181:4,11; 2183:6;2184:13,15; 2188:3,11;2189:1,3; 2192:14,16;2194:3,4,7; 2195:12;2197:18; 2199:2,8;2204:6,17; 2205:3,9,14,16;2206:7, 13,20;2207:6,11,24; 2208:3,7;2209:20; 2210:12,17;2212:2,9, 22;2213:15,23;2214:7, 12;2215:20;2216:14; 2217:23;2218:23; 2219:9;2220:5;2221:6, 16;2222:23;2223:8,17, 18;2226:4,10,20,23; 2227:6,13;2229:5,23; 2230:4,6;2231:10; 2232:20,24;2233:3,13, 22;2234:14;2235:2; 2236:8,12;2237:3,8,17; 2238:21;2239:4,10,16; 2240:10,17;2241:11; 2242:8,17,23;2243:15,</p>	<p>18;2244:14,19; 2245:13;2246:5,12,16, 23;2247:5,7,12;2248:7, 10,12;2249:3,13,20; 2250:18;2252:3,23; 2253:9,13;2254:4,13, 16,17,20,24;2255:2,9; 2256:1,3;2257:12; 2258:12;2259:14; 2261:3;2264:2,5; 2265:5,6,13,23;2266:1; 2268:6,15,17;2276:5, 22;2281:14;2282:8; 2284:4;2286:23; 2291:3,21,21;2292:3, 12,23;2293:14;2295:9, 11,13;2298:3;2299:1,2, 3;2304:16;2305:16; 2306:2 <b>right-hand (3)</b> 2211:17;2219:6; 2224:23 <b>rights (1)</b> 2175:4 <b>ring (6)</b> 2164:9;2166:14; 2180:10;2184:18; 2224:7;2239:8 <b>rings (2)</b> 2183:24;2254:21 <b>ripe (1)</b> 2266:23 <b>risk (3)</b> 2263:18,21;2288:10 <b>river (1)</b> 2216:11 <b>Road (45)</b> 2206:16;2207:10; 2208:5,9,20;2209:3,14, 20;2210:2,4,8,18; 2211:24;2212:9,21; 2213:5,18;2214:15,18, 21;2215:22;2216:3,5, 9;2217:2,7,18,18,21; 2218:1,7,16;2219:18; 2220:14;2223:18; 2224:12;2226:10,13, 21,23;2227:10;2240:8; 2252:21;2261:9; 2266:17 <b>roads (1)</b> 2178:20 <b>robust (1)</b> 2191:3 <b>roll (1)</b> 2161:4 <b>roof (1)</b> 2287:1 <b>Rooks (5)</b> 2236:6;2241:9; 2248:18;2249:1,9 <b>room (2)</b> 2215:15;2240:22</p>	<p><b>rooms (12)</b> 2206:19;2208:10; 2215:7,8;2216:6; 2223:21;2229:22; 2235:8;2236:14; 2240:21;2246:21; 2247:7 <b>roughly (1)</b> 2257:14 <b>round (2)</b> 2218:7;2219:14 <b>rule (1)</b> 2237:5 <b>rules (1)</b> 2175:8 <b>Run (2)</b> 2179:15;2286:15 <b>rundown (1)</b> 2217:2 <b>rural (9)</b> 2178:18;2195:23; 2202:7;2214:1,11; 2249:17;2277:17; 2278:15;2279:11 <b>Ryerson (1)</b> 2211:10</p>
<b>S</b>				
				<p><b>safe (3)</b> 2275:15;2286:5; 2288:6 <b>safety (1)</b> 2286:17 <b>sale (106)</b> 2171:12;2175:21; 2176:21;2178:23,23; 2185:14;2187:20; 2188:12,13;2191:11, 13,18;2192:24;2197:8, 10,10,11;2200:4,4,22; 2203:11,22,22; 2206:15;2207:10,19; 2211:11;2212:22; 2213:4,21;2214:17; 2216:1,15,22;2218:3,9, 19;2220:13,19; 2221:14;2222:1,9; 2226:21;2227:4; 2229:19;2230:8,15,21, 24;2231:9,16,24; 2232:4,18,18,19; 2234:1,7;2235:14; 2236:9;2237:22; 2239:3,15,18;2240:16, 17;2241:12,19;2242:4, 5,6;2243:1;2244:1,3,9, 10;2245:5,23;2246:1,6, 7;2247:16;2248:4,23; 2249:3;2250:1,15; 2251:2,3;2253:14,23, 24;2254:3,23;2256:21; 2257:17;2258:17;</p>

<p>2259:10;2260:21; 2262:22;2292:15,16, 19;2293:8;2294:19; 2295:4 <b>sales (53)</b> 2173:6;2174:6; 2175:19,24;2176:1,10, 12,18;2177:1;2183:10; 2188:17,17;2191:13; 2193:2,16;2196:11,15, 17,21;2197:8;2198:1; 2199:11,14;2201:11; 2202:6;2205:4,9,24; 2207:21;2209:23; 2229:6;2231:1; 2234:11;2235:14; 2237:7;2239:12; 2241:1,6;2242:4; 2243:23;2244:3,9; 2248:4;2250:17; 2251:24;2256:10; 2258:16;2277:24; 2278:1,3;2279:7; 2285:14;2292:4 <b>salesperson (1)</b> 2255:16 <b>Salient (1)</b> 2165:2 <b>same (53)</b> 2163:11;2165:17,23; 2171:10,17,21; 2176:22;2177:2; 2183:21;2186:24; 2192:12;2194:16; 2196:21;2198:3,5,6,21; 2203:1;2209:19; 2210:5;2214:14; 2215:22,24;2217:17; 2221:2;2226:9; 2235:14;2236:17; 2239:24;2240:1,9,14, 15;2242:13;2245:9; 2247:22;2248:4; 2249:18;2251:24; 2252:16;2257:7,8; 2258:4,23;2267:6; 2273:5;2275:12; 2279:19;2281:22; 2293:5,17;2299:16; 2301:11 <b>Sandwich (1)</b> 2224:12 <b>satisfaction (1)</b> 2299:9 <b>satisfied (1)</b> 2193:4 <b>satisfies (1)</b> 2301:15 <b>saw (1)</b> 2277:24 <b>saying (10)</b> 2180:19;2196:19; 2201:5,23;2202:12,16;</p>	<p>2228:16;2263:18; 2278:13;2282:7 <b>SBA (1)</b> 2245:14 <b>scale (1)</b> 2263:12 <b>SCHOPP (8)</b> 2161:5,13,15,17,19, 22;2163:7,13 <b>scope (6)</b> 2268:10,12,18,24; 2288:3,19 <b>screen (1)</b> 2172:16 <b>screened (1)</b> 2213:8 <b>se (1)</b> 2304:7 <b>search (1)</b> 2238:20 <b>seasonal (1)</b> 2191:21 <b>second (7)</b> 2165:22;2169:17; 2236:8;2241:11; 2244:3;2248:10; 2306:2 <b>seconds (1)</b> 2306:3 <b>secret (1)</b> 2190:16 <b>section (6)</b> 2165:1,24;2169:16; 2205:21,24;2239:12 <b>securitized (1)</b> 2189:24 <b>seeing (4)</b> 2228:19;2238:4; 2283:5;2292:13 <b>seem (2)</b> 2167:1;2179:9 <b>seemed (2)</b> 2167:13;2274:7 <b>seems (3)</b> 2283:1;2286:17; 2287:14 <b>select (2)</b> 2186:3;2222:10 <b>selected (1)</b> 2241:1 <b>Self (6)</b> 2245:11,13;2246:7, 8,12,14 <b>self-explanatory (1)</b> 2251:1 <b>sell (15)</b> 2193:19;2231:11; 2245:19;2267:6,14; 2270:18,23;2271:10; 2274:23;2275:5,6; 2279:18;2281:21; 2291:6,8 <b>seller (6)</b></p>	<p>2239:15;2244:16; 2245:10;2256:13,22; 2267:22 <b>sellers (2)</b> 2194:12;2195:2 <b>seller's (1)</b> 2295:5 <b>selling (1)</b> 2203:21 <b>sells (1)</b> 2246:9 <b>seminar (2)</b> 2184:24;2285:7 <b>seminars (1)</b> 2284:22 <b>send (1)</b> 2296:3 <b>sense (1)</b> 2194:5 <b>sensitive (1)</b> 2263:14 <b>separate (1)</b> 2277:20 <b>series (1)</b> 2246:24 <b>Service (1)</b> 2199:19 <b>set (2)</b> 2302:4;2305:10 <b>setback (13)</b> 2167:11;2168:18,22; 2169:5;2272:10; 2274:5;2286:1,18,21; 2288:6;2289:23; 2290:1,14 <b>setbacks (5)</b> 2167:5;2168:23; 2274:5;2287:3;2290:3 <b>setting (1)</b> 2300:7 <b>seven (9)</b> 2215:7,22,24; 2229:22;2235:8; 2236:13;2240:21; 2246:21;2247:7 <b>seventh (1)</b> 2200:20 <b>several (5)</b> 2180:8;2182:11; 2270:17;2292:12; 2301:19 <b>severe (1)</b> 2190:3 <b>Severson (2)</b> 2162:9;2304:20 <b>S-E-V-E-R-S-O-N (1)</b> 2162:10 <b>Shall (1)</b> 2204:11 <b>shed (1)</b> 2230:6 <b>sheds (1)</b> 2277:11</p>	<p><b>sheet (4)</b> 2231:2,12;2252:24; 2258:8 <b>sheriff (1)</b> 2244:16 <b>sheriff's (6)</b> 2237:20;2238:1,14, 22;2243:20;2244:1 <b>Shindeldecker (2)</b> 2203:14;2270:16 <b>short (3)</b> 2179:9;2203:11; 2212:19 <b>shortages (2)</b> 2192:23;2193:1 <b>shorter (3)</b> 2173:20;2266:20; 2287:16 <b>shot (2)</b> 2298:22,23 <b>show (10)</b> 2168:3,20;2197:4; 2210:18;2215:2; 2218:2;2231:3; 2254:23;2282:17; 2285:23 <b>showed (5)</b> 2250:15;2254:6; 2257:18;2270:13; 2282:18 <b>showing (6)</b> 2167:24;2173:7; 2195:24;2217:6; 2233:2;2293:12 <b>shown (4)</b> 2172:13;2230:21; 2232:24;2285:23 <b>shows (21)</b> 2167:10;2168:18; 2172:15;2176:22; 2179:24;2180:1; 2212:17;2231:4; 2234:11;2238:13; 2242:20;2251:14,15, 22;2254:3;2256:15,20; 2273:10;2275:13; 2276:2,2 <b>side (2)</b> 2171:13;2266:2 <b>side-by-side (1)</b> 2235:16 <b>sides (1)</b> 2304:4 <b>significant (4)</b> 2165:12;2190:11; 2196:24;2267:24 <b>sign-up (1)</b> 2298:17 <b>silly (1)</b> 2297:8 <b>silos (1)</b> 2278:8 <b>similar (12)</b></p>	<p>2186:20;2187:1,10, 20;2188:10;2193:13; 2222:1,8,8;2293:15; 2299:23;2300:11 <b>simple (1)</b> 2262:21 <b>simply (1)</b> 2181:7 <b>single (4)</b> 2235:18,23;2267:12; 2295:4 <b>sit (4)</b> 2181:20;2228:2; 2231:21;2238:3 <b>site (4)</b> 2216:9;2226:16; 2246:20;2283:11 <b>sites (1)</b> 2282:24 <b>siting (1)</b> 2300:21 <b>sits (1)</b> 2173:12 <b>sitting (1)</b> 2281:19 <b>situations (1)</b> 2192:3 <b>six (8)</b> 2190:9;2208:10; 2214:12;2216:6; 2242:9;2291:9;2298:9; 2300:11 <b>size (19)</b> 2165:7;2166:1,3,23; 2177:5;2186:20; 2187:1;2196:22; 2197:12,13;2209:8; 2210:10,18;2215:18; 2222:9;2235:15; 2236:20;2249:17; 2288:15 <b>sizes (1)</b> 2214:6 <b>slab (2)</b> 2235:17;2248:1 <b>SLAGEL (8)</b> 2265:21,22;2268:21; 2269:1,2;2273:18; 2304:24;2305:1 <b>sleep (1)</b> 2269:22 <b>sleeping (3)</b> 2270:7,8;2271:6 <b>slide (1)</b> 2179:18 <b>slides (2)</b> 2180:14;2181:6 <b>slightly (2)</b> 2165:14,15 <b>slow (1)</b> 2239:23 <b>slower (1)</b> 2173:19</p>
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<p><b>small (8)</b> 2191:19;2224:5; 2225:3;2257:23; 2265:22;2266:4; 2278:14;2280:22</p> <p><b>smaller (2)</b> 2209:6;2222:9</p> <p><b>soar (2)</b> 2251:14;2257:21</p> <p><b>soaring (1)</b> 2251:17</p> <p><b>soil (2)</b> 2163:11;2279:21</p> <p><b>soils (1)</b> 2279:15</p> <p><b>sold (37)</b> 2177:2;2221:17; 2224:18;2227:18; 2228:1,11;2230:12; 2231:14;2233:19; 2234:4;2236:9; 2237:16;2238:5; 2239:6;2241:15; 2242:9;2243:17; 2244:21,24;2245:3,6; 2247:19;2248:14; 2249:6;2250:12,14; 2251:1;2252:24; 2255:6;2256:18; 2257:13;2268:1; 2271:19,23,24;2278:2, 17</p> <p><b>solely (1)</b> 2301:16</p> <p><b>solve (4)</b> 2197:17;2198:13; 2294:15,16</p> <p><b>solves (1)</b> 2177:8</p> <p><b>solving (1)</b> 2249:12</p> <p><b>somebody (8)</b> 2203:23;2221:18; 2236:22;2251:5; 2256:18;2259:15; 2265:2;2275:9</p> <p><b>somehow (1)</b> 2256:22</p> <p><b>someone (3)</b> 2256:23;2260:2; 2297:23</p> <p><b>sometime (1)</b> 2226:18</p> <p><b>sometimes (2)</b> 2234:16;2269:17</p> <p><b>somewhat (2)</b> 2222:9;2303:3</p> <p><b>sorry (20)</b> 2173:19;2206:23; 2219:4;2220:11; 2223:12;2233:7,16; 2237:10;2239:23; 2242:24;2244:6,24;</p>	<p>2247:2;2249:23; 2255:11;2256:7; 2262:14;2266:9; 2276:14;2292:8</p> <p><b>sort (2)</b> 2177:10;2250:5</p> <p><b>sought (1)</b> 2285:8</p> <p><b>sound (3)</b> 2246:13;2270:4,13</p> <p><b>sounds (4)</b> 2186:7;2191:7; 2246:14;2265:6</p> <p><b>source (6)</b> 2164:18;2181:9; 2303:9,10,11,12</p> <p><b>sources (1)</b> 2303:4</p> <p><b>southern (2)</b> 2266:1,12</p> <p><b>space (2)</b> 2235:7;2240:20</p> <p><b>speak (5)</b> 2235:4;2295:20; 2296:19;2304:9; 2305:22</p> <p><b>speaking (2)</b> 2176:11;2303:23</p> <p><b>special (14)</b> 2165:9;2167:23; 2174:19;2219:24; 2275:22;2297:8; 2299:12,17;2301:7,21; 2302:2,13,16;2304:7</p> <p><b>species (1)</b> 2183:2</p> <p><b>specific (6)</b> 2165:7;2222:6; 2300:18;2301:7,12; 2302:8</p> <p><b>specifically (19)</b> 2165:22;2179:5; 2181:16;2216:12; 2218:9;2221:22; 2224:7;2226:19; 2228:2;2244:23; 2245:16;2250:18; 2254:5;2255:18; 2272:24;2277:12,13; 2279:20;2285:7</p> <p><b>speed (1)</b> 2240:1</p> <p><b>spend (1)</b> 2247:15</p> <p><b>spending (1)</b> 2191:2</p> <p><b>spent (1)</b> 2277:4</p> <p><b>spoke (2)</b> 2264:19;2271:9</p> <p><b>spoken (2)</b> 2255:15,21</p> <p><b>spot (1)</b></p>	<p>2225:6</p> <p><b>spots (1)</b> 2279:15</p> <p><b>sprung (1)</b> 2189:21</p> <p><b>square (14)</b> 2199:23;2209:6; 2210:2,5,9,19,23; 2212:16;2215:11,16; 2227:1,6,10,11</p> <p><b>stabilize (1)</b> 2290:21</p> <p><b>staff (2)</b> 2291:22;2295:9</p> <p><b>stalls (1)</b> 2219:13</p> <p><b>stamped (1)</b> 2184:7</p> <p><b>stand (1)</b> 2283:9</p> <p><b>Standard (14)</b> 2167:22;2174:21; 2175:7,12,13;2178:18; 2267:10,11;2269:19; 2271:3;2283:14,15; 2293:19;2294:10</p> <p><b>standards (6)</b> 2174:18;2269:11; 2301:20;2302:2,13; 2304:6</p> <p><b>standpoint (1)</b> 2165:13</p> <p><b>stands (2)</b> 2185:22;2281:5</p> <p><b>standstill (1)</b> 2192:5</p> <p><b>start (8)</b> 2179:19;2180:14; 2229:6;2252:16; 2270:3;2280:7; 2296:22;2298:19</p> <p><b>started (6)</b> 2161:4;2199:15; 2270:22;2293:22,22; 2298:21</p> <p><b>starting (2)</b> 2189:10;2230:18</p> <p><b>starts (4)</b> 2196:7;2200:21; 2286:8,13</p> <p><b>state (3)</b> 2273:22;2276:7; 2284:20</p> <p><b>stated (1)</b> 2252:6</p> <p><b>statement (5)</b> 2185:18,24;2190:15; 2193:14;2304:5</p> <p><b>statements (4)</b> 2164:19;2191:16; 2259:6,7</p> <p><b>states (2)</b> 2269:11;2285:21</p>	<p><b>statistic (1)</b> 2194:19</p> <p><b>statistical (1)</b> 2198:4</p> <p><b>statistically (1)</b> 2286:24</p> <p><b>statistics (1)</b> 2190:8</p> <p><b>status (1)</b> 2163:5</p> <p><b>statutory (3)</b> 2269:9,15,18</p> <p><b>Stay (3)</b> 2208:3;2245:8; 2262:24</p> <p><b>steered (1)</b> 2279:6</p> <p><b>Steidinger (12)</b> 2256:4;2284:13,13, 15,18;2285:12;2289:4, 13;2291:17;2295:16; 2297:11,13</p> <p><b>Steidinger's (1)</b> 2295:20</p> <p><b>Steps (1)</b> 2300:13</p> <p><b>stick (1)</b> 2258:6</p> <p><b>sticking (1)</b> 2162:4</p> <p><b>stigma (4)</b> 2251:9;2253:20; 2257:15,20</p> <p><b>still (5)</b> 2162:3;2209:5,22; 2250:21;2258:4</p> <p><b>stopping (1)</b> 2203:19</p> <p><b>storage (1)</b> 2230:6</p> <p><b>story (11)</b> 2208:10;2229:13; 2235:7;2236:13; 2240:20,22;2242:22; 2243:2,4;2246:18; 2247:24</p> <p><b>Streator (1)</b> 2279:10</p> <p><b>street (1)</b> 2266:3</p> <p><b>stretch (1)</b> 2298:5</p> <p><b>stretched (1)</b> 2189:20</p> <p><b>strike (3)</b> 2259:24;2261:3,12</p> <p><b>stuck (1)</b> 2272:3</p> <p><b>student (1)</b> 2251:7</p> <p><b>studied (1)</b> 2270:11</p> <p><b>studies (14)</b></p>	<p>2177:18,20;2178:2; 2182:19;2185:6,8; 2194:15;2198:1; 2200:13;2252:10; 2281:12;2282:5; 2286:1;2300:24</p> <p><b>study (59)</b> 2164:6;2170:21; 2171:6,8,17,22;2172:5, 9,18,20;2173:3,4,9,13, 18;2174:14;2176:17, 17;2179:1,17,21; 2180:7,18,20;2181:13, 13,14,15,17,22;2182:8, 11;2194:9,18;2195:14, 23;2197:6;2198:4; 2204:18,23;2218:21; 2219:1;2220:4,7; 2231:1;2238:7;2251:6, 10;2257:18,19; 2263:24;2276:16,18; 2277:6;2282:22; 2283:3;2293:11,23; 2294:12</p> <p><b>studying (1)</b> 2170:15</p> <p><b>stuff (5)</b> 2181:1;2183:11; 2276:21;2277:2,12</p> <p><b>style (4)</b> 2235:7;2240:20; 2242:23;2243:2</p> <p><b>SU-7-14 (1)</b> 2161:8</p> <p><b>subdivision (8)</b> 2178:19;2248:18,24; 2249:9;2274:19,20,22; 2275:15</p> <p><b>subdivisions (1)</b> 2192:6</p> <p><b>subject (5)</b> 2185:1,8;2227:3; 2287:19;2302:21</p> <p><b>subjective (3)</b> 2197:16,20;2198:13</p> <p><b>submit (2)</b> 2183:3,5</p> <p><b>submittal (2)</b> 2164:8;2168:8</p> <p><b>submitted (9)</b> 2163:3,4,8,8,9; 2164:12;2179:15; 2181:5;2268:5</p> <p><b>subprime (1)</b> 2189:24</p> <p><b>subscribe (1)</b> 2188:24</p> <p><b>subsequent (1)</b> 2195:8</p> <p><b>subsidiary (1)</b> 2264:3</p> <p><b>subsidize (1)</b> 2245:15</p>
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<p><b>substantially (4)</b> 2174:23;2175:9,17; 2191:23</p> <p><b>subtracted (1)</b> 2260:20</p> <p><b>suburban (1)</b> 2249:18</p> <p><b>suburbs (1)</b> 2190:22</p> <p><b>suffered (1)</b> 2258:21</p> <p><b>suggest (1)</b> 2294:5</p> <p><b>suggesting (1)</b> 2289:18</p> <p><b>suggestion (1)</b> 2296:19</p> <p><b>suggestions (3)</b> 2288:9,12;2289:14</p> <p><b>Summary (6)</b> 2165:2;2173:4; 2196:11;2205:5; 2232:16;2238:12</p> <p><b>summer (1)</b> 2191:22</p> <p><b>superior (2)</b> 2249:14,16</p> <p><b>Supervisor (1)</b> 2211:10</p> <p><b>supplemental (1)</b> 2164:8</p> <p><b>support (4)</b> 2175:15;2177:11; 2186:5;2192:1</p> <p><b>supporting (1)</b> 2252:1</p> <p><b>suppose (2)</b> 2167:16;2199:6</p> <p><b>supposed (6)</b> 2171:24;2197:18; 2198:14;2274:12; 2275:23;2286:15</p> <p><b>sure (20)</b> 2188:2;2190:14; 2194:23;2199:7,12,13; 2200:15;2205:19; 2206:5;2210:24; 2227:22;2232:2; 2247:3;2270:15; 2274:10;2283:7; 2291:13;2295:7; 2305:4,6</p> <p><b>surprise (1)</b> 2210:21</p> <p><b>surprised (1)</b> 2211:1</p> <p><b>surrounding (2)</b> 2165:10;2167:19</p> <p><b>susceptible (1)</b> 2287:23</p> <p><b>suspect (1)</b> 2186:4</p> <p><b>sustained (1)</b></p>	<p>2191:1</p> <p><b>swing (1)</b> 2198:3</p> <p><b>switch (1)</b> 2222:14</p> <p><b>synonymous (1)</b> 2193:23</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>T1 (4)</b> 2250:6,10;2251:2; 2252:15</p> <p><b>T10 (1)</b> 2237:8</p> <p><b>T12 (3)</b> 2233:3;2240:10,15</p> <p><b>T17 (1)</b> 2229:6</p> <p><b>T6 (5)</b> 2243:8,9;2245:1,2; 2250:2</p> <p><b>table (8)</b> 2171:1;2172:4,8,22; 2173:12,12;2196:11; 2212:13</p> <p><b>tail (1)</b> 2205:15</p> <p><b>talk (5)</b> 2165:4;2167:5; 2169:20;2223:4; 2287:7</p> <p><b>talked (6)</b> 2170:22;2183:4,12; 2263:23;2270:9; 2295:2</p> <p><b>talking (17)</b> 2166:9,23,24; 2168:23;2170:2; 2174:22;2175:7; 2193:10;2206:21; 2210:3;2254:12; 2262:10;2279:21; 2287:2;2290:3,15; 2298:1</p> <p><b>tall (1)</b> 2265:5</p> <p><b>taller (1)</b> 2265:7</p> <p><b>target (42)</b> 2176:21;2177:1; 2188:13,17;2194:15, 20;2197:11;2206:15; 2207:4,10,19;2208:19; 2209:7,19;2210:5; 2212:22;2213:5,14,21; 2214:13;2215:7,21; 2216:16;2218:9; 2219:18;2220:13; 2222:2;2223:17; 2225:2;2226:8,21; 2229:9;2233:13,16; 2237:13;2243:4,12;</p>	<p>2246:6;2251:2; 2277:24;2285:22; 2292:24</p> <p><b>task (1)</b> 2304:14</p> <p><b>tax (2)</b> 2191:21;2245:15</p> <p><b>tear (5)</b> 2227:19,21,24; 2228:15,19</p> <p><b>teardown (1)</b> 2221:21</p> <p><b>techniques (1)</b> 2184:14</p> <p><b>telling (4)</b> 2180:22;2240:3; 2257:16;2296:15</p> <p><b>tells (2)</b> 2240:1;2292:16</p> <p><b>temporary (1)</b> 2191:20</p> <p><b>ten (5)</b> 2222:17;2285:20,22; 2293:2;2294:4</p> <p><b>tend (2)</b> 2214:2;2263:14</p> <p><b>tendency (3)</b> 2194:12;2195:1,5</p> <p><b>term (3)</b> 2203:6;2204:2; 2294:21</p> <p><b>terms (7)</b> 2186:20;2208:4; 2210:18;2228:20; 2245:20;2268:21; 2272:1</p> <p><b>terribly (1)</b> 2165:12</p> <p><b>test (1)</b> 2207:22</p> <p><b>testament (1)</b> 2301:4</p> <p><b>testified (6)</b> 2177:24;2178:2; 2181:5;2183:15; 2284:20;2288:20</p> <p><b>testify (6)</b> 2259:24;2285:3; 2296:2;2297:24; 2302:21;2305:21</p> <p><b>testifying (5)</b> 2162:16;2258:14; 2259:21;2296:10; 2299:9</p> <p><b>testimonies (2)</b> 2298:5;2299:7</p> <p><b>testimony (13)</b> 2164:1;2201:16,21; 2202:2,3;2268:12; 2269:13;2274:4; 2284:8;2299:19; 2302:21;2303:4,18</p> <p><b>Thanks (1)</b></p>	<p>2272:12</p> <p><b>theory (3)</b> 2251:9;2275:4; 2289:1</p> <p><b>thereof (1)</b> 2197:14</p> <p><b>thinking (2)</b> 2166:13;2274:11</p> <p><b>Third (2)</b> 2249:3;2253:24</p> <p><b>Thomas (1)</b> 2183:23</p> <p><b>though (6)</b> 2176:12;2180:20; 2222:2;2272:3; 2279:22;2281:23</p> <p><b>thought (6)</b> 2167:15;2257:10; 2275:10;2289:1; 2297:5;2299:2</p> <p><b>three (47)</b> 2177:1;2194:16; 2201:1,4,6,17,18; 2202:3,6,8,20;2206:8, 10,19,20,24;2211:17; 2215:7;2219:15; 2223:21;2224:22; 2226:4;2229:22; 2230:7;2235:8; 2236:14;2240:21; 2246:21;2247:7; 2250:14,17;2251:1,24; 2265:24;2266:12; 2277:18,21;2285:20, 22;2286:3,8;2287:22; 2291:8;2292:15; 2294:9;2296:8;2298:9</p> <p><b>threw (1)</b> 2286:22</p> <p><b>throw (3)</b> 2286:20,20;2299:3</p> <p><b>throwing (1)</b> 2203:23</p> <p><b>thrust (1)</b> 2290:13</p> <p><b>thumb (1)</b> 2237:5</p> <p><b>Thus (1)</b> 2165:6</p> <p><b>tight (1)</b> 2192:23</p> <p><b>times (14)</b> 2167:7,9;2188:6,7; 2194:3;2195:12,14; 2201:1;2202:6; 2250:14;2251:1; 2277:23;2280:5; 2286:9</p> <p><b>timing (1)</b> 2270:16</p> <p><b>tip (2)</b> 2166:4,19</p> <p><b>tipover (1)</b></p>	<p>2286:10</p> <p><b>tired (1)</b> 2299:6</p> <p><b>title (3)</b> 2246:3;2276:12,15</p> <p><b>today (8)</b> 2163:5;2181:20; 2182:3;2192:22; 2220:8;2231:21; 2301:12,17</p> <p><b>toe (2)</b> 2265:1,1</p> <p><b>together (2)</b> 2163:12;2199:16</p> <p><b>told (9)</b> 2169:7;2203:16; 2204:7,8;2232:3; 2234:10;2241:18; 2255:5;2298:12</p> <p><b>Tom (2)</b> 2179:8;2195:17</p> <p><b>tomorrow (8)</b> 2296:2,11,19; 2297:3,5;2298:8; 2305:19,21</p> <p><b>tonight (1)</b> 2274:4</p> <p><b>took (2)</b> 2172:4;2173:10</p> <p><b>tool (1)</b> 2303:6</p> <p><b>tools (3)</b> 2186:2,3;2302:12</p> <p><b>top (11)</b> 2164:2;2169:12; 2226:3;2231:22; 2242:11;2245:7; 2255:4;2259:23; 2279:17;2296:22; 2298:19</p> <p><b>total (2)</b> 2212:15;2223:21</p> <p><b>touched (1)</b> 2301:3</p> <p><b>tough (1)</b> 2190:4</p> <p><b>tour (2)</b> 2217:10,19</p> <p><b>toward (1)</b> 2228:10</p> <p><b>Tower (4)</b> 2223:18;2226:10,21; 2227:9</p> <p><b>town (1)</b> 2279:11</p> <p><b>track (1)</b> 2250:8</p> <p><b>tracked (2)</b> 2271:23;2277:16</p> <p><b>tract (1)</b> 2281:17</p> <p><b>traffic (1)</b> 2266:17</p>
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<p><b>training (3)</b> 2218:16,24;2219:17</p> <p><b>transaction (3)</b> 2231:19;2238:6; 2252:7</p> <p><b>transactions (3)</b> 2197:3;2237:3; 2279:8</p> <p><b>transfer (2)</b> 2200:6;2235:5</p> <p><b>translate (1)</b> 2220:1</p> <p><b>translated (1)</b> 2192:16</p> <p><b>translates (1)</b> 2286:3</p> <p><b>treat (1)</b> 2284:2</p> <p><b>treating (1)</b> 2279:2</p> <p><b>treatises (1)</b> 2184:19</p> <p><b>trees (1)</b> 2274:17</p> <p><b>trend (2)</b> 2194:17;2214:2</p> <p><b>trends (5)</b> 2195:22,24;2196:1, 2;2200:22</p> <p><b>Tribunal (1)</b> 2183:7</p> <p><b>tried (1)</b> 2183:3</p> <p><b>tries (1)</b> 2176:1</p> <p><b>trips (1)</b> 2297:8</p> <p><b>troubles (1)</b> 2190:17</p> <p><b>true (8)</b> 2170:6,7;2191:17; 2212:18;2237:4; 2259:7,8,19</p> <p><b>truly (1)</b> 2301:4</p> <p><b>try (7)</b> 2164:18;2176:13; 2222:18;2262:15; 2271:7;2296:14; 2304:10</p> <p><b>trying (16)</b> 2163:14;2171:23; 2198:19;2199:1; 2201:22;2203:9; 2206:21;2207:17; 2231:16;2247:1; 2262:10;2270:23; 2283:6;2284:1; 2294:15;2297:23</p> <p><b>Turbine (30)</b> 2166:1,8,23;2167:8, 9;2169:8;2194:21; 2197:9;2202:9;</p>	<p>2203:17,18;2204:4; 2207:8;2208:7; 2220:14;2222:3; 2223:18;2245:7; 2272:11;2274:6,14,16; 2275:8;2286:5,11,13, 17,22;2292:22; 2294:23</p> <p><b>turbines (42)</b> 2165:4;2166:3; 2176:23;2177:7; 2185:11;2194:16,20; 2195:16;2197:7; 2201:1,3,6,14;2202:4, 17;2203:3,13,17; 2204:13;2207:5; 2213:8;2221:1; 2235:13;2249:11; 2250:16;2251:10; 2265:4,24;2266:12,23; 2271:12,13;2274:21; 2277:18;2283:20; 2287:13,16;2288:16; 2291:16;2293:3; 2294:1,3</p> <p><b>turn (3)</b> 2164:22;2200:18; 2261:15</p> <p><b>turned (3)</b> 2212:7;2237:20; 2238:1</p> <p><b>twice (1)</b> 2250:14</p> <p><b>Twin (1)</b> 2251:6</p> <p><b>two (30)</b> 2166:12;2169:9; 2183:3;2198:11; 2208:10;2209:4; 2214:5;2215:9;2216:6, 6;2222:20;2223:1,2,3; 2229:13;2230:5; 2233:11;2240:22; 2243:4,8;2246:22; 2247:8;2254:14,15; 2257:13;2267:3; 2275:7;2280:21; 2296:7;2304:4</p> <p><b>type (8)</b> 2165:4;2176:16; 2196:22,22;2232:18; 2236:22;2263:11; 2293:5</p> <p><b>typical (5)</b> 2234:22;2279:15; 2288:15;2294:13,14</p> <p><b>typically (3)</b> 2269:14;2280:3,6</p>	<p><b>UK (1)</b> 2287:18</p> <p><b>ultimately (1)</b> 2186:4</p> <p><b>unbiased (1)</b> 2285:18</p> <p><b>unbuilt (1)</b> 2192:7</p> <p><b>uncommon (1)</b> 2203:24</p> <p><b>under (11)</b> 2169:9;2204:4; 2207:22;2225:15; 2228:13;2267:22; 2269:7;2270:14; 2275:3;2290:2;2291:7</p> <p><b>underlying (2)</b> 2192:1;2221:15</p> <p><b>understands (1)</b> 2175:23</p> <p><b>unemployment (1)</b> 2190:10</p> <p><b>unfair (1)</b> 2258:9</p> <p><b>unfinished (3)</b> 2226:22;2227:4; 2230:5</p> <p><b>uniformly (2)</b> 2189:13;2190:6</p> <p><b>unit (1)</b> 2233:12</p> <p><b>units (1)</b> 2233:12</p> <p><b>unless (1)</b> 2197:19</p> <p><b>unlike (1)</b> 2198:1</p> <p><b>unproven (1)</b> 2186:4</p> <p><b>unusual (1)</b> 2209:22</p> <p><b>unwanted (1)</b> 2187:24</p> <p><b>up (31)</b> 2164:20;2168:11; 2176:24;2181:23; 2193:5,16;2197:8; 2205:23;2209:23; 2212:2;2229:1;2241:2; 2244:5,5;2247:2; 2254:18;2264:13; 2267:4;2271:6,21,23; 2273:6;2275:23; 2280:7;2281:24; 2282:1,2;2285:14,16, 17;2301:22</p> <p><b>updated (3)</b> 2169:3;2222:5; 2271:18</p> <p><b>upon (3)</b> 2183:22;2203:10; 2303:17</p> <p><b>upper (3)</b></p>	<p>2212:2,5,6</p> <p><b>upward (1)</b> 2209:13</p> <p><b>upwards (1)</b> 2209:5</p> <p><b>use (45)</b> 2167:23;2169:22; 2174:19,23;2175:1,8, 15;2186:21,23;2187:1, 5,7;2188:12;2197:4, 16;2198:13;2199:7; 2200:11,12;2201:12; 2205:20;2206:14; 2207:15;2219:21,22; 2221:18;2225:16,18; 2237:7;2239:2; 2249:18;2252:8,11; 2263:12;2275:22; 2293:11;2294:4,21; 2299:12;2301:7,21; 2302:2,13,16;2304:7</p> <p><b>used (29)</b> 2168:22;2169:6; 2178:24;2194:1; 2196:3;2197:21; 2199:18;2207:18; 2214:18;2219:17,18; 2220:4;2222:2,3; 2226:9;2228:6; 2237:22;2240:10; 2241:4;2243:24; 2248:5;2254:8;2263:8; 2271:17;2277:21; 2278:10;2286:1,2; 2288:18</p> <p><b>useful (2)</b> 2185:11,12</p> <p><b>uses (9)</b> 2165:9;2185:8; 2187:24;2209:19; 2213:4;2245:14; 2285:20;2299:17; 2300:15</p> <p><b>using (12)</b> 2166:11;2186:24; 2197:19;2198:3; 2204:2;2231:1;2241:5; 2246:6;2249:17; 2270:24;2279:3; 2288:15</p> <p><b>USPAP (2)</b> 2305:8,10</p> <p><b>usually (1)</b> 2270:7</p> <p><b>utilities (1)</b> 2178:20</p>	<p>2283:24</p> <p><b>valuable (1)</b> 2281:20</p> <p><b>valuation (4)</b> 2169:22;2184:15; 2275:3;2276:17</p> <p><b>value (61)</b> 2165:13;2167:21; 2171:11;2174:23; 2175:7,9,17;2185:21; 2196:1;2198:5;2200:8; 2215:19;2217:14; 2219:24;2220:1; 2251:2,16;2252:14; 2257:20,21;2260:18; 2261:16,19,22,22; 2262:3,8,11,18,19; 2263:5,8;2264:6,13; 2266:21;2267:2; 2268:22;2269:8,20; 2271:13,14,23;2273:5; 2274:22;2275:4,18; 2276:16,18;2277:15, 15;2281:10;2282:21; 2283:22;2287:12; 2289:6,15;2290:14; 2291:5,9;2294:19; 2295:17</p> <p><b>valued (3)</b> 2272:19;2273:6,7</p> <p><b>values (29)</b> 2165:11;2167:19; 2183:8;2185:1,15; 2190:5,13;2195:4,6,22; 2197:24;2198:2; 2214:2,3,4,11;2251:11, 13;2252:2;2255:17; 2266:19;2271:20; 2272:17;2274:12; 2276:1;2281:15; 2287:14;2290:10; 2295:14</p> <p><b>variable (4)</b> 2177:7;2197:6; 2294:17,18</p> <p><b>varied (1)</b> 2299:14</p> <p><b>varies (1)</b> 2189:21</p> <p><b>velocity (1)</b> 2191:14</p> <p><b>Ventures (6)</b> 2245:11,14;2246:7, 8,12,14</p> <p><b>verified (1)</b> 2182:2</p> <p><b>verify (4)</b> 2180:12;2230:15; 2234:7;2259:8</p> <p><b>version (2)</b> 2171:17,21</p> <p><b>versus (6)</b> 2191:22;2213:20;</p>
	<b>U</b>		<b>V</b>	
	<b>UCLC (2)</b> 2171:16;2305:13		<b>vacant (5)</b> 2178:12,13;2180:6; 2181:21;2192:7	<b>valid (1)</b>

<p>2220:8;2225:21; 2227:4;2294:9 <b>vertical (1)</b> 2172:14 <b>vet (1)</b> 2303:3 <b>vetted (2)</b> 2232:10;2277:20 <b>view (4)</b> 2213:8,10;2266:1,12 <b>viewpoints (2)</b> 2302:18;2304:2 <b>view's (1)</b> 2266:1 <b>vinyl-sided (1)</b> 2206:18 <b>violation (1)</b> 2275:19 <b>virtually (1)</b> 2191:5 <b>virtue (1)</b> 2241:3 <b>vis-a-vis (1)</b> 2190:23 <b>visit (1)</b> 2277:1 <b>visited (3)</b> 2226:18;2270:20; 2277:3 <b>visual (1)</b> 2294:23 <b>vitae (1)</b> 2184:10 <b>Vitzthum (3)</b> 2161:13,14;2306:2 <b>VOICE (4)</b> 2261:13;2280:10,16; 2302:12 <b>voluntarily (1)</b> 2264:11 <b>vouch (2)</b> 2180:2;2287:20</p>	<p>2245:6;2252:12; 2259:16;2264:17,21; 2269:3;2273:15; 2275:12;2280:5; 2282:18;2285:17; 2296:23,24;2298:19 <b>ways (6)</b> 2203:7;2262:5,6; 2282:17;2288:9; 2289:15 <b>weak (1)</b> 2264:14 <b>weakness (1)</b> 2264:23 <b>website (5)</b> 2169:2;2230:19; 2241:22;2254:6,6 <b>websites (1)</b> 2229:1 <b>WECS (5)</b> 2299:8,15;2300:2, 13;2301:6 <b>week (11)</b> 2162:15;2163:3,8,9; 2170:22;2171:4,4; 2183:4,12;2196:16; 2297:3 <b>weigh (1)</b> 2303:11 <b>weight (2)</b> 2302:6;2303:17 <b>weird (1)</b> 2178:9 <b>welcome (2)</b> 2162:2;2303:24 <b>well-constructed (4)</b> 2186:10,19;2187:9; 2188:9 <b>well-versed (1)</b> 2186:16 <b>Wendy (1)</b> 2211:10 <b>weren't (3)</b> 2178:24;2296:21,21 <b>west (2)</b> 2216:10;2224:12 <b>what's (19)</b> 2167:11;2168:3; 2175:18;2177:17; 2179:12;2187:15; 2195:18;2201:2; 2217:3;2224:19; 2232:11;2233:10; 2246:1,19;2276:12; 2286:10;2295:1,3,4 <b>whatsoever (2)</b> 2288:21;2289:21 <b>whereas (1)</b> 2217:6 <b>Whoa (2)</b> 2280:10,10 <b>whole (1)</b> 2271:1</p>	<p><b>who's (3)</b> 2296:10;2298:15; 2305:20 <b>widespread (2)</b> 2192:23;2193:1 <b>widow (1)</b> 2257:23 <b>wife's (1)</b> 2271:5 <b>willing (1)</b> 2272:6 <b>Wind (45)</b> 2161:9;2174:6; 2175:17;2177:7,24; 2178:12;2180:8; 2181:23;2185:1,6; 2201:7,18,19;2202:15, 20;2203:5;2204:4,22; 2207:5;2208:7; 2220:14;2223:18; 2251:6,9,20;2252:2; 2253:20;2257:14; 2263:9,24;2265:24; 2272:5;2280:23; 2281:4,9;2288:11,12, 16,22;2289:1,2,18,22; 2290:8,19 <b>windmills (1)</b> 2280:6 <b>Wing (10)</b> 2216:2,2,5,9;2217:2, 18,21;2218:1,6,16 <b>winter (1)</b> 2191:22 <b>Wisconsin (3)</b> 2178:8,9;2179:23 <b>wish (1)</b> 2296:2 <b>within (21)</b> 2178:12;2187:12; 2194:16,19;2197:3; 2201:6,17,18;2202:3,6, 20;2204:1;2266:12,20; 2269:17;2273:13; 2277:18;2286:14; 2290:14;2291:8; 2300:10 <b>without (6)</b> 2171:10;2181:15; 2198:20;2208:21; 2241:22;2291:7 <b>witness (9)</b> 2180:22,23;2259:22; 2261:9;2268:14,17,24; 2289:20;2295:15 <b>witnesses (1)</b> 2268:3 <b>witness's (3)</b> 2268:11;2288:4,20 <b>wonderful (1)</b> 2219:16 <b>wooded (2)</b> 2216:9;2226:17</p>	<p><b>Woodlawn (3)</b> 2213:5;2214:14,24 <b>woods (1)</b> 2213:8 <b>word (2)</b> 2165:21;2187:17 <b>worded (1)</b> 2167:17 <b>words (1)</b> 2182:21 <b>work (14)</b> 2182:16,22,23; 2187:3;2196:4; 2209:21;2235:11; 2262:11,13;2276:24; 2287:18;2291:3; 2296:23;2298:19 <b>worked (6)</b> 2183:2,21;2204:23; 2235:18;2236:17; 2269:12 <b>working (6)</b> 2191:15;2248:2; 2278:11,19,21;2285:19 <b>works (1)</b> 2286:8 <b>world (1)</b> 2280:16 <b>worse (1)</b> 2194:8 <b>worst (1)</b> 2268:5 <b>worth (2)</b> 2182:23;2198:6 <b>worthy (1)</b> 2285:2 <b>write (1)</b> 2276:19 <b>written (1)</b> 2262:6 <b>wrong (5)</b> 2178:12;2209:2; 2242:19;2249:24,24 <b>wrote (3)</b> 2191:7,9,16</p>	<p style="text-align: center;"><b>Z</b></p> <p><b>ZBA (1)</b> 2295:9 <b>zero (1)</b> 2215:2 <b>Zimmerman (1)</b> 2161:19 <b>zone (1)</b> 2286:12 <b>zoned (4)</b> 2224:5,15;2225:3; 2228:14 <b>Zoning (11)</b> 2161:7,8;2224:17; 2225:14,22,23; 2276:17;2279:4; 2299:13;2302:1,3</p> <hr/> <p style="text-align: center;"><b>0</b></p> <hr/> <p><b>09 (1)</b> 2253:19</p> <hr/> <p style="text-align: center;"><b>1</b></p> <hr/> <p><b>1 (4)</b> 2162:10;2176:21; 2304:20;2305:1 <b>1,041 (1)</b> 2292:17 <b>1,139 (1)</b> 2272:10 <b>1.1 (5)</b> 2167:7,9,14;2215:7; 2286:9 <b>1.72-103 (1)</b> 2165:20 <b>1.79 (2)</b> 2165:14,18 <b>1.79-100 (1)</b> 2165:20 <b>10 (6)</b> 2190:11;2216:15,22; 2217:13;2242:5; 2267:10 <b>10,000 (1)</b> 2294:9 <b>10.1 (1)</b> 2285:24 <b>100 (2)</b> 2166:19;2252:20 <b>100s (1)</b> 2168:22 <b>103 (5)</b> 2166:14,19,24; 2237:9,11 <b>103s (1)</b> 2168:23 <b>104 (3)</b> 2239:19;2240:5,6 <b>105 (2)</b></p>
<p style="text-align: center;"><b>W</b></p>			<p style="text-align: center;"><b>Y</b></p>	
<p><b>wait (3)</b> 2290:20,20,23 <b>waiving (1)</b> 2163:10 <b>wall (1)</b> 2235:24 <b>warn (1)</b> 2302:20 <b>warning (1)</b> 2301:11 <b>wash (1)</b> 2218:4 <b>water (2)</b> 2163:11;2258:21 <b>way (22)</b> 2180:4;2182:4,7; 2211:1,2;2231:20; 2235:20;2237:5;</p>			<p><b>year (11)</b> 2192:14;2194:19; 2208:11,15,16;2215:3; 2216:19;2230:13; 2232:17;2267:6; 2291:9 <b>years (15)</b> 2170:14;2182:11; 2192:17,20;2200:17; 2208:19;2209:3; 2210:13;2242:9; 2253:14;2255:21; 2257:13;2270:17; 2288:15;2300:11</p>	

<p>2241:12;2243:1  <b>1055 (2)</b>                  2206:15;2209:20  <b>10635 (1)</b>                  2248:11  <b>107 (1)</b>                  2268:5  <b>1072 (1)</b>                  2216:2  <b>10750 (4)</b>                  2234:2;2239:19;                  2240:7,8  <b>108 (3)</b>                  2233:4,14,17  <b>109 (1)</b>                  2234:1  <b>11 (1)</b>                  2253:20  <b>11/24/2014 (1)</b>                  2232:18  <b>110 (1)</b>                  2236:8  <b>110,000 (1)</b>                  2256:22  <b>1100 (1)</b>                  2247:17  <b>119 (4)</b>                  2253:14;2256:14,16,                  17  <b>12 (2)</b>                  2169:13;2215:8  <b>125-by-200 (1)</b>                  2219:15  <b>128 (1)</b>                  2229:7  <b>129 (2)</b>                  2230:9;2231:3  <b>12920 (1)</b>                  2247:16  <b>12th (1)</b>                  2242:13  <b>13 (5)</b>                  2205:8,10,11,11;                  2285:20  <b>131 (3)</b>                  2205:16;2220:10,12  <b>133 (3)</b>                  2206:8,11;2292:15  <b>134 (1)</b>                  2209:18  <b>135 (1)</b>                  2213:1  <b>136 (1)</b>                  2214:13  <b>138 (1)</b>                  2215:21  <b>13801 (1)</b>                  2223:18  <b>139 (5)</b>                  2208:18;2209:3;                  2223:11,13,14  <b>1-3-9 (1)</b>                  2223:15</p>	<p><b>14 (2)</b>                  2238:10,11  <b>1-4 (1)</b>                  2238:12  <b>141 (1)</b>                  2226:5  <b>1415 (2)</b>                  2210:7;2211:24  <b>143 (1)</b>                  2205:16  <b>1439 (2)</b>                  2227:10,11  <b>1469 (1)</b>                  2207:7  <b>15 (4)</b>                  2164:9;2271:21,24;                  2286:13  <b>15,070 (1)</b>                  2227:7  <b>1507 (1)</b>                  2227:6  <b>16 (4)</b>                  2193:6;2211:21;                  2239:10,11  <b>1-6 (2)</b>                  2193:8,9  <b>160 (2)</b>                  2231:5,7  <b>1600 (1)</b>                  2286:13  <b>165,000 (1)</b>                  2233:20  <b>17,000 (3)</b>                  2254:7;2259:9;                  2260:19  <b>1700 (3)</b>                  2241:12;2248:11;                  2249:4  <b>1720 (4)</b>                  2234:2;2239:19;                  2240:7,8  <b>175 (2)</b>                  2231:5,13  <b>175,000 (1)</b>                  2248:15  <b>1759 (1)</b>                  2207:10  <b>17670 (2)</b>                  2243:12,15  <b>17759 (1)</b>                  2241:12  <b>178,000 (1)</b>                  2249:6  <b>179 (1)</b>                  2174:9  <b>179B (2)</b>                  2174:10,13  <b>17th (1)</b>                  2161:6  <b>18 (2)</b>                  2171:9;2172:5  <b>18375 (1)</b>                  2230:9</p>	<p><b>1861 (1)</b>                  2206:19  <b>1864 (1)</b>                  2266:15  <b>18687 (1)</b>                  2252:20  <b>1880 (2)</b>                  2229:16,17  <b>1881 (1)</b>                  2266:15  <b>1886 (1)</b>                  2220:17  <b>19095 (1)</b>                  2249:3  <b>1910 (2)</b>                  2229:17,20  <b>1913 (1)</b>                  2214:22  <b>196 (2)</b>                  2195:17,19  <b>197A (3)</b>                  2171:5;2173:18,20  <b>1999 (1)</b>                  2214:24</p> <hr/> <p style="text-align: center;"><b>2</b></p> <hr/> <p><b>2 (9)</b>                  2164:7;2171:9;                  2176:21;2238:14;                  2250:6,10;2251:2;                  2252:15;2254:22  <b>2,092 (2)</b>                  2210:2,5  <b>20 (6)</b>                  2267:5,10;2297:13,                  14,15,16  <b>200 (1)</b>                  2202:13  <b>2000 (2)</b>                  2208:12,16  <b>2001 (1)</b>                  2216:16  <b>2006 (3)</b>                  2189:15,20;2216:17  <b>2007 (3)</b>                  2189:10;2242:10,13  <b>2008 (3)</b>                  2190:2;2191:19;                  2216:2  <b>2009 (9)</b>                  2190:2;2191:19;                  2243:21;2244:10;                  2251:3;2253:1;2255:6;                  2256:11;2257:4  <b>201 (2)</b>                  2179:7,13  <b>2010 (14)</b>                  2191:20;2237:21;                  2238:2,14,20;2239:1,6;                  2243:17,19;2245:10;                  2247:19;2248:14;                  2249:6;2251:6</p>	<p><b>2011 (6)</b>                  2191:5;2253:14;                  2255:6;2256:13;                  2270:21;2271:17  <b>2012 (7)</b>                  2185:2;2191:6;                  2204:19;2236:10;                  2254:4,23;2256:22  <b>2013 (7)</b>                  2184:7;2233:19;                  2234:4;2237:17;                  2239:15;2241:15;                  2242:5  <b>2014 (8)</b>                  2164:9;2219:8;                  2220:21;2221:6;                  2225:16;2232:17,20,23  <b>2015 (1)</b>                  2161:6  <b>2050 (1)</b>                  2237:13  <b>21 (4)</b>                  2170:1;2180:14;                  2232:23;2284:20  <b>215,137 (1)</b>                  2244:10  <b>2184 (2)</b>                  2210:9,19  <b>22 (6)</b>                  2228:4,7,9;2241:24;                  2242:2,3  <b>220,000 (1)</b>                  2236:10  <b>232,500 (1)</b>                  2234:11  <b>232,750 (1)</b>                  2247:19  <b>237 (1)</b>                  2234:4  <b>2391 (1)</b>                  2266:16  <b>24 (2)</b>                  2221:6;2232:20  <b>24,000 (1)</b>                  2257:14  <b>243 (1)</b>                  2211:15  <b>244 (2)</b>                  2224:20;2228:7  <b>24447 (1)</b>                  2237:13  <b>245 (5)</b>                  2232:12;2238:8;                  2239:11;2242:2;                  2244:2  <b>246 (2)</b>                  2254:11;2256:6  <b>247 (8)</b>                  2259:1;2260:1,8;                  2261:3,5,9,12,12  <b>25 (2)</b>                  2297:13,14  <b>2500 (1)</b></p>	<p>2230:10  <b>2568 (2)</b>                  2210:23;2212:15  <b>257 (1)</b>                  2241:19  <b>257,500 (1)</b>                  2242:5  <b>25834 (1)</b>                  2229:9  <b>25th (1)</b>                  2297:5  <b>26 (1)</b>                  2180:14  <b>2600 (1)</b>                  2286:23  <b>265 (1)</b>                  2241:19  <b>265,000 (1)</b>                  2241:16  <b>265[sic] (1)</b>                  2217:7  <b>27 (2)</b>                  2179:18,19  <b>27510 (2)</b>                  2233:14,17  <b>27779 (1)</b>                  2226:13  <b>28 (3)</b>                  2162:11;2200:18;                  2251:16  <b>2800 (2)</b>                  2233:14,17  <b>29 (3)</b>                  2244:10;2250:20;                  2253:18  <b>297 (1)</b>                  2293:3  <b>2T (1)</b>                  2292:16</p> <hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p><b>3 (5)</b>                  2176:21;2250:6,10;                  2251:2;2252:15  <b>30 (7)</b>                  2170:14;2173:17,20,                  23,24;2180:20;2267:5  <b>3-0 (1)</b>                  2173:20  <b>30,000 (1)</b>                  2283:11  <b>300 (3)</b>                  2198:3;2202:13;                  2236:9  <b>30596 (1)</b>                  2249:21  <b>30-by-40 (1)</b>                  2219:13  <b>3-2 (1)</b>                  2167:10  <b>3200 (3)</b>                  2229:10;2243:12,15</p>
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<p><b>33 (1)</b> 2219:4</p> <p><b>34 (2)</b> 2179:19;2232:15</p> <p><b>3495 (1)</b> 2220:14</p> <p><b>35 (1)</b> 2196:6</p> <p><b>37 (1)</b> 2196:10</p> <p><b>37,500 (1)</b> 2216:19</p> <p><b>3C (1)</b> 2292:19</p>	<p>2234:11</p> <p><b>50 (1)</b> 2267:10</p> <p><b>500 (3)</b> 2274:8,16,21</p> <p><b>52 (2)</b> 2170:17;2210:12</p> <p><b>53 (2)</b> 2170:24;2172:23</p> <p><b>544 (1)</b> 2292:19</p> <p><b>5th (1)</b> 2163:1</p>	<p>2215:3</p> <p><b>87 (3)</b> 2243:8,9;2246:17</p> <p><b>87,000 (1)</b> 2243:19</p> <p><b>88 (1)</b> 2247:16</p> <p><b>89 (1)</b> 2248:11</p>		
<b>4</b>	<b>6</b>	<b>9</b>		
<p><b>4 (6)</b> 2225:1;2244:2,8; 2245:9;2256:5,8</p> <p><b>4.18 (1)</b> 2226:13</p> <p><b>40 (6)</b> 2229:19;2270:19; 2271:14,24;2272:1; 2305:13</p> <p><b>400 (1)</b> 2212:19</p> <p><b>40-by-40 (1)</b> 2219:14</p> <p><b>41 (2)</b> 2164:12;2189:7</p> <p><b>412 (1)</b> 2209:6</p> <p><b>426.5 (1)</b> 2166:19</p> <p><b>43 (1)</b> 2205:3</p> <p><b>431.4 (3)</b> 2166:5,19;2167:9</p> <p><b>45 (3)</b> 2177:12;2182:15; 2265:7</p> <p><b>4527 (1)</b> 2224:12</p> <p><b>469 (2)</b> 2167:11;2168:18</p> <p><b>470 (1)</b> 2274:7</p> <p><b>474.54 (1)</b> 2167:10</p> <p><b>476 (3)</b> 2168:18;2169:9; 2265:4</p> <p><b>49 (2)</b> 2245:3,6</p>	<p><b>6 (7)</b> 2164:22;2166:24; 2168:4,14,16,17; 2221:3</p> <p><b>6.56 (1)</b> 2224:11</p> <p><b>6:30 (2)</b> 2161:1,3</p> <p><b>60 (1)</b> 2193:7</p> <p><b>60-foot (1)</b> 2219:14</p> <p><b>63 (2)</b> 2252:17,23</p> <p><b>635 (1)</b> 2293:1</p> <p><b>67 (1)</b> 2253:13</p> <p><b>6A (3)</b> 2168:12,13,16</p>	<p><b>9 (1)</b> 2190:11</p> <p><b>9:36 (1)</b> 2306:6</p> <p><b>90 (3)</b> 2249:21,23;2250:1</p> <p><b>965 (1)</b> 2215:21</p> <p><b>9850 (1)</b> 2236:9</p> <p><b>997 (1)</b> 2213:4</p> <p><b>9th (1)</b> 2162:9</p>		
<b>5</b>	<b>7</b>			
<p><b>5 (5)</b> 2167:22,22;2173:9; 2261:17;2286:2</p> <p><b>5,000 (1)</b></p>	<p><b>7 (1)</b> 2167:4</p> <p><b>7.68 (1)</b> 2216:6</p> <p><b>7:30 (1)</b> 2205:23</p> <p><b>7:42 (2)</b> 2222:18,22</p> <p><b>7:52 (2)</b> 2222:19,22</p> <p><b>70 (1)</b> 2173:22</p> <p><b>700 (1)</b> 2249:21</p> <p><b>74 (2)</b> 2171:17;2254:1</p>			
	<b>8</b>			
	<p><b>8 (1)</b> 2225:9</p> <p><b>8:00 (1)</b> 2222:16</p> <p><b>86 (1)</b></p>			