

Commonwealth Of Kentucky

Court of Appeals

NO. 2003-CA-002591-MR

DAVID WILLOUGHBY AND
TERESA WILLOUGHBY

APPELLANTS

v. APPEAL FROM MONTGOMERY CIRCUIT COURT
HONORABLE BETH LEWIS MAZE, JUDGE
ACTION NO. 99-CI-90035

CHARLES JONES

APPELLEE

OPINION
AFFIRMING

** ** * * *

BEFORE: DYCHE, HENRY, AND TACKETT, JUDGES.

DYCHE, JUDGE: David and Teresa Willoughby appeal a second time in this bitter property dispute, filing a *pro se* brief; Charles Jones, the appellee, has filed no brief. The opinion in the first appeal sets out the applicable facts in detail. We will say no more than that the parties are next door neighbors who share a common driveway; this dispute is over the fact that the Willoughbys, despite multiple hearings and orders forbidding such an action, have on multiple occasions blocked the Joneses' easement over the common area.

As best we can interpret the Willoughbys' brief, they have two contentions on appeal: that the trial court should have appointed a different surveyor to determine the line between the parties' properties; and that the trial court is biased against them. The second contention was decided adversely to the Willoughbys in the first appeal. We find no evidence in the record of any bias, nor are we directed to any such evidence. We will not revisit that issue.

The remaining contention of the Willoughbys is that the trial court should not have appointed the firm of J.D Williams to do the surveying following remand from this court. The Williams firm performed the surveying work when the Urban Renewal Agency reconveyed the parties' tracts to them following renovation. The Willoughbys seem to think that this somehow taints the Williams firm, or prejudices it against them. We find no such infirmity. The selection of the Williams firm was logical and probably the lowest cost for the parties, who split the fee.

The order of the Montgomery Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANTS *PRO SE*: NO BRIEF FOR APPELLEE

David Willoughby
Teresa Willoughby
Mt. Sterling, Kentucky