

CIVIL ACTION NO. \_\_\_\_\_

**12CI05674**

JEFFERSON CIRCUIT COURT

DIVISION \_\_\_\_\_ ( )

JUDGE \_\_\_\_\_

JEFFERSON CIRCUIT COURT  
DIVISION THIRTEEN (13)

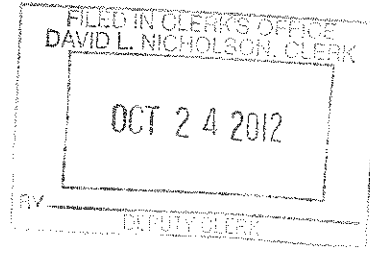
ROBERT D. WALKER, II

MOVANT

v.

CHRIS THIENEMAN

Serve: Chris Thieneman  
2411 Brownsboro Road, Unit 407  
Louisville, KY 40206



-and-

JEFFERSON COUNTY BOARD OF ELECTIONS

Serve: Bobbie Holsclaw  
Chair, Jefferson County Board of Elections  
527 West Jefferson Street  
Louisville, KY 40202

-and-

ALISON LUNDERGAN GRIMES, in her official capacity as SECRETARY OF STATE

Serve: The Honorable Jack Conway  
Attorney General of Kentucky  
700 Capitol Avenue  
Frankfort, KY 40601

The Honorable Alison Lundergan Grimes  
Secretary of State for the Commonwealth of Kentucky  
700 Capitol Avenue, Suite 150  
P.O. Box 718  
Frankfort, KY 40601

-and-

STATE BOARD OF ELECTIONS FOR THE COMMONWEALTH OF KENTUCKY

Serve: The Honorable Jack Conway  
Attorney General of Kentucky  
700 Capitol Avenue  
Frankfort, KY 40601

The Honorable Alison Lundergan Grimes  
Secretary of State for the Commonwealth of Kentucky  
700 Capitol Avenue, Suite 150  
P.O. Box 718  
Frankfort, KY 40601

RESPONDENTS

\*\*\*\*\*

**MOTION TO DISQUALIFY CANDIDATE PURSUANT TO KRS 118.176**

**NOTICE**

Please take notice that the following motion will come on for hearing on \_\_\_\_\_, 2012, at \_\_\_\_\_ .m. in the Courtroom of Division \_\_\_\_\_ of the Jefferson Circuit Court, 700 West Jefferson Street, Louisville, Kentucky.

**MOTION**

Movant, Robert D. Walker, II, by counsel, moves this Court pursuant to KRS 118.176 to determine that Respondent, Chris Thieneman, candidate for the office of State Senate, 37<sup>th</sup> District, is not a bona fide candidate for that office for the 2012 General Election. Further, Movant moves this Court to certify its findings to the Jefferson County Board of Elections, Alison Lundergan Grimes, in her official capacity as Secretary of State, and the State Board of Elections for the Commonwealth of Kentucky, and order that Chris Thieneman's name be removed from the ballot or, alternatively, votes cast for Chris Thieneman in the November 6, 2012 General Election not be counted.

In support of this Motion, Movant states:

1. Movant, Robert D. Walker, II, resides at 4417 Stone Wynde Drive, Louisville, Kentucky 40272 and is a citizen and qualified voter in the 37<sup>th</sup> State Senate District.

2. Respondent, Chris Thieneman (“Respondent”), resides in Louisville, Kentucky. Respondent is the Republican Party nominee for the State Senate from the 37th District and is currently seeking election in the November 6, 2012 General Election.

3. This Court has jurisdiction pursuant to KRS 118.176 to conduct a summary proceeding without delay to determine whether Respondent is a bona fide candidate for the 2012 General Election.

4. Section 32 of the Kentucky Constitution sets forth minimum qualifications for the office of State Senator as follows:

No person shall be a Senator who, at the time of his election, is not a citizen of Kentucky, has not attained the age of thirty years, and has not resided in this State six years next preceding his election, and the last year thereof in the district for which he may be chosen.

Thus, a candidate for State Senate must have resided within the district for one year prior to the General Election.

5. The General Election is November 6, 2012. Accordingly, any candidate for the State Senate in Kentucky for the 2012 General Election must have resided in the district since November 5, 2011.

6. Respondent purchased a condominium located at 2411 Brownsboro Road, Unit 407, Louisville, Kentucky 40206 on June 30, 2011. See Exhibit 1, a true and accurate copy of the deed. This residence is located in the 33rd Senate District.

7. Upon information and belief, Respondent has made that condominium his primary residence since approximately September 2011. See Exhibit 2, Affidavit of J.P. Davis (“Davis Aff’d.”), ¶ 7.

8. Upon information and belief, Respondent continues to receive his mail at 2411 Brownsboro Road, Unit 407, Louisville, Kentucky 40206. (Davis Aff’d, ¶ 8.)

9. Upon information and belief, Respondent continues to sleep each night at 2411 Brownsboro Road, Unit 407, Louisville, Kentucky. (Davis Aff'd, ¶ 9.)

10. Upon information and belief, Respondent's family has and continues to regularly visit him at 2411 Brownsboro Road, Unit 407, Louisville, Kentucky. (Davis Aff'd, ¶ 10.)

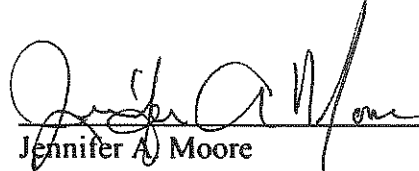
11. Upon information and belief, Respondent is a member of the Cliff View Homeowners Association and has been actively involved in the Cliff View Homeowners Association since purchasing the units. (Davis Aff'd, ¶ 11.)

12. Based upon the foregoing, Respondent has actually lived in the condominium he owns at 2411 Brownsboro Road, Louisville, Kentucky 40206 within one year of the 2012 General Election. Such address is located in the 33<sup>rd</sup> State Senate District. As such, Respondent does not meet the constitutional residency requirements.

Therefore, Movant respectfully requests pursuant to KRS 118.176 that this Court find that Respondent, Chris Thieneman, is not a bona fide candidate for the office of State Senate from the 37th District for the 2012 General Election. Further, Movant moves this Court to certify its findings to the Jefferson County Board of Elections, Alison Lundergan Grimes, in her official capacity as Secretary of State, and the State Board of Elections for the Commonwealth of Kentucky, and order that Chris Thieneman's name be removed from the ballot and he be declared an unqualified candidate for the 2012

General Election or, alternatively, votes cast for Chris Thieneman in the November 6,  
2012 General Election not be counted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer A. Moore", is written over a horizontal line.

Jennifer A. Moore  
GROSSMAN & MOORE, PLLC  
401 W. Main Street, Suite 1810  
Louisville, KY 40202  
(502) 657-7100

and

Randy Ratliff  
RANDALL RATLIFF, PLLC  
312 South Fourth Street, 6<sup>th</sup> Floor  
Louisville, Kentucky 40202  
(502) 882-6000

*Counsel for Movant*

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201106042  
AFTER RECORDING RETURN TO:  
American Title Company, Inc.  
2244 Taylorsville Road  
Louisville, KY 40205

**GENERAL WARRANTY DEED**

THIS DEED made and entered into this 30th day of June, 2011 by and between

**PBI BANK, aka PBI BANK, INC., Party of the First Part**, whose mailing address is 2500 Eastpoint Parkway  
Louisville KY 40223

AND

**CHRIS THIENEMAN, LLC, a Kentucky Limited Liability Company, Party of the Second Part**, whose  
mailing address is 10101 Grand Avenuc, Apt 101 Louisville KY 40299 (in-care-of address for taxes)

WITNESSETH: That in consideration of \$258,000.00, which the parties hereto certify is the full consideration paid for the property, the receipt of which is hereby acknowledged, the Party of the First Part hereby conveys to the Party of the Second Part in fee simple, with Covenant of GENERAL WARRANTY, the following described property located in Jefferson County, Kentucky, to-wit:

BEING Unit 407, Condominium Units in CLIFF VIEW TERRACE CONDOMINIUMS, according to the Master Deed dated June 22, 2007 and recorded on June 25, 2007, in Deed Book 9058, Page 342, and by Amendment to Master Deed dated September 12, 2007 and recorded October 11, 2007, in Deed Book 9120, Page 220, and by Amendment to Master Deed dated August 7, 2008 and recorded August 11, 2008, in Deed Book 9271, Page 93, all in the Office of the Clerk of Jefferson County, Kentucky, and as shown on the Plat of same of record in Apartment Ownership Book 120, Page 61, Clerk File No. 2455, Apartment Ownership Book 122, Page 27, and Apartment Ownership Book 125, Page 25, all in the Office of the Clerk of the County Court of Jefferson County, Kentucky.

BEING part of the same property conveyed to PBI Bank, by Deed dated September 7, 2010, of record in Deed Book 9618, Page 382, in the Office of the Clerk of the County Court of Jefferson County, Kentucky.

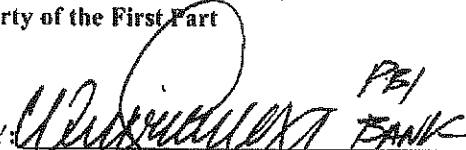
Commonly known as 2411 Brownsboro Road Unit 407, Louisville, KY 40206.

Party of the First Part further covenants that it is lawfully seized of the estate hereby conveyed, has full right and power to convey same, and that said estate is free from all encumbrances except restrictions and easements of record, zoning regulations and real estate taxes not yet due and payable.



The Party of the Second Part executes this Deed for the sole purpose of certifying the consideration pursuant to KRS Chapter 382; and IN AFFIRMATION of this conveyance, witness the signature of the Parties, on the date aforementioned.

PBI BANK, aka PBI BANK, INC.  
Party of the First Part

BY:  <sup>PBI</sup> BANK  
WILL CRUMBAUGH, SENIOR REO  
DEPARTMENT SUPERVISOR

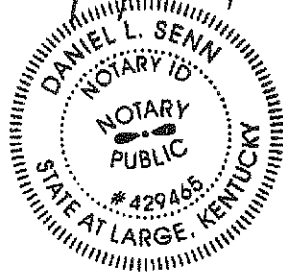
CHRIS THIENEMAN, LLC  
a Kentucky Limited Liability Company  
Party of the Second Part

BY:   
CHRIS THIENEMAN, MEMBER


STATE OF KENTUCKY  
COUNTY OF JEFFERSON

The foregoing Deed and Consideration Certificate was acknowledged and sworn to before me on June 30, 2011, by PBI Bank, aka PBI Bank, Inc., by Will Crumbaugh as Senior REO Department Supervisor on behalf of said entity, Party of the First Part; and by Chris Thieneman, LLC, a Kentucky Limited Liability Company, by Chris Thieneman as Member on behalf of said entity, Party of the Second Part.

My Commission Expires: 11/2/2014



  
NOTARY PUBLIC, State at Large, Kentucky

THIS INSTRUMENT PREPARED BY:  
  
SENN & RUMBAUGH, Attorneys  
2244 Taylorsville Road  
Louisville, KY 40205  
(502) 585-5566  
File #: 201106042

Document No.: DN2011077844  
Lodged By: senn & rumbaugh  
Recorded On: 06/30/2011 03:43:01  
Total Fees: 275.00  
Transfer Tax: 258.00  
County Clerk: BOBBIE HOLSCLOW-JEFF CO KY  
Deputy Clerk: SHESCH

END OF DOCUMENT

NO. 12-CI-\_\_\_\_\_

JEFFERSON CIRCUIT COURT  
DIVISION \_\_\_\_\_  
JUDGE \_\_\_\_\_

ROBERT WALKER

v.

CHRIS THIENEMAN, *et al.*

**AFFIDAVIT OF JOHN PAUL DAVIS**

After first being duly sworn, the affiant deposes and states as follows:

1. My name is John Paul Davis, I am over 18 years of age, I am competent to give testimony, and I make this Affidavit on my personal knowledge.
2. I am a resident of Louisville, Jefferson County, Kentucky residing at a condominium located at 2411 Brownsboro Road, Louisville, Kentucky 40206.
3. I am registered voter and I am eligible to vote in the General Election.
4. I am the President of the Cliff View Homeowners Association at 2411 Brownsboro Road, Louisville, Kentucky.
5. I have personal knowledge that Chris Thieneman also resides at 2411 Brownsboro Road, Louisville, Kentucky.
6. On or about June 30 2011, Chris Thieneman purchased four units in the Cliff View condominiums located at 2411 Brownsboro Road, Louisville, Kentucky.
7. Based upon my personal observations, Mr. Theienman has lived in one of those units (#407) since the summer of 2011.
8. Chris Thieneman continues to receive his mail at 2411 Brownsboro Road, Unit 407, Louisville, Kentucky 40206.
9. Based upon my personal observations, Chris Thieneman continues to sleep each night

