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**ERIC BOLTON**  
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April 6, 2004

**Via Hand Delivery**

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

ENTERED  
Office of Proceedings

APR - 6 2004

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Public Record



Re: Docket No. AB-290 (Sub-No. 168X),  
Norfolk and Western Railway Company – Abandonment Exemption –  
Between Kokomo and Rochester in Howard, Miami, and Fulton Counties, IN

Dear Secretary Williams:

On behalf of Counsel for William C. Friend, Steven Furnivall and Linda Schanlaub, attached please find one duly-executed original accompanied by eleven copies of the Affidavit of Steven D. Furnivall in Support of Petition for Reconsideration. A copy of this affidavit accompanied the original Petition for Reconsideration of William C. Friend, Steven Furnivall and Linda Schanlaub that was filed on March 30, 2004. In their cover letter, Counsel for William C. Friend, Steven Furnivall and Linda Schanlaub stated that they would file Mr. Furnivall's original affidavit upon their receipt.

Please file appropriately and time-stamp one copy of the affidavit and provide to the courier. Thank you for your consideration in this matter.

Respectfully submitted,

Eric Bolton

cc: Counsel of Record

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**BEFORE THE SURFACE TRANSPORTATION BOARD**

**STB Docket No. AB-290 (Sub-No. 168X)**

**NORFOLK AND WESTERN RAILWAY COMPANY-  
ABANDONMENT EXEMPTION- BETWEEN KOKOMO AND ROCHESTER  
IN HOWARD, MIAMI, AND FULTON COUNTIES, IN**

**AFFIDAVIT OF STEVEN D. FURNIVALL IN SUPPORT  
OF PETITION FOR RECONSIDERATION**

STATE OF INDIANA        )  
  ) ss.  
COUNTY OF FULTON     )



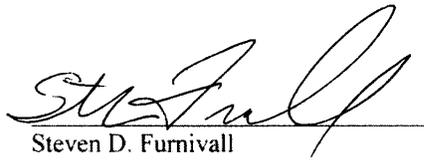
I, Steven D. Furnivall, being first duly sworn on oath, state as follows:

1. I am over the age of 21, understand the taking of an oath, and am competent to give this affidavit. The matters set forth in this affidavit are based upon my personal knowledge.
2. I own Green Oak Antiques which is in Fulton County and located at 4166 East 300 South, Rochester, Indiana 46975.
3. My property is adjacent to the portion of the Norfolk and Western Railroad line extending between milepost I-75.5 near Peru, Indiana and milepost I-95.6 near Rochester, Indiana, just south of Big Hill ("Norfolk and Western line"), which was included in the amended decision and notice of interim trail use or abandonment (NITU) that was served March 10, 2004.
4. My counsel requested I make this affidavit to confirm where the Norfolk and Western line is disconnected from the national rail system south of Big Hill.
5. The Norfolk and Western line is disconnected from the national rail system at a

point south of Big Hill in the Northeast Quarter of Section 21 of Township 30 North, Range 3 East, west of County Road 300 East (Wabash Road) where the tracks have been removed to the south.

6. The tracks in question were removed before January, 1, 2004.

IN WITNESS HEREOF, I have hereunto set my hand, this 30<sup>th</sup> day of March, 2004.

  
Steven D. Furnivall

Sworn to and subscribed before me this 30<sup>th</sup> day of March, 2004.

  
Notary Public for the State of Indiana

**My Commission Expires:**  
4/11/2009

**Harriet E. Provost, Notary Public**  
**residing in Fulton County, Indiana**