



ACKERSON KAUFFMAN FEX

ATTORNEYS, PC

212092

September 29, 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

SEP 29 2004

Part of  
Public Record

Re: Docket No. AB-563 (Sub-No.1X),  
Kansas Eastern Railroad, Inc.—Abandonment Exemption—In Butler and  
Greenwood Counties, KS

Dear Secretary Williams:

On September 22, 2004, David Murfin filed a Petition to Intervene, Petition for Denial of Trail Use Request, and Petition for Permission to Conduct Limited Discovery upon Butler County. Included in the filing, as Attachment 1, was a faxed copy of the Declaration of Diana Edmiston. At the time of the filing, Counsel had yet to receive the original declaration. Attached please find the original and ten copies of the Declaration of Diana Edmiston for filing with the Surface Transportation Board. Kindly time-stamp the 'File Copy' and return with courier.

Thank you for your consideration.

Respectfully submitted,

Cecilia Fex  
Counsel for Petitioner

Enclosure

cc: Counsel of Record



BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C. 20423

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STB Docket. No. AB-563 (Sub-No. 1X)

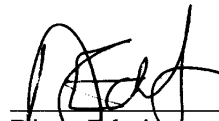
KANSAS EASTERN RAILROAD, INC.  
-ABANDONMENT EXEMPTION-  
IN BUTLER AND GREENWOOD COUNTIES, KS

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**DECLARATION OF DIANA EDMISTON**

I, Diana Edmiston, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am of lawful age, and am qualified and authorized to file this Declaration, executed on September 22, 2004.

1. I am an Attorney for David L. Murfin.
2. Exhibit A, attached hereto, is a true and correct copy of a letter provided to me by Charles J. Woodin, Attorney for Tom Devlin. Mr. Devlin owns real property in Butler County that is bisected by the railroad right of way at issue in this Docket, AB-563 (Sub 1X). This letter reflects that American Trails Association, Inc. permitted Mr. Devlin to erect barriers, *i.e.* fencing, across the railroad right of way, and to post "No Trespassing" signs, to prevent access to the railroad right of way that cuts through his property in Butler County.
3. Exhibit B, attached hereto, is a true and correct copy of a letter provided to me by Dave Egan, Attorney for Tom Devlin. Mr. Egan informed me that Tom Devlin received the letter from Butler County.

  
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Diana Edmiston

