



PAUL V. MORRISON, II
ATTORNEY AT LAW

Received & Inspected

AUG 26 2019

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FCC Mailroom

August 20, 2019

Marlene H. Dortch
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: Petition to Deny
Application for Renewal of License
File Nos. 0000072288; 0000072263
Call Signs: W241AL, W295AI
FRN: 0002148864

Dear Ms. Dortch:

On behalf of my client, Joseph Stuart Staley, Jr., we would respectfully request that your office deny the pending applications for license renewal filed by Positive Alternative Radio, Inc., which are hereby referenced above. In support of said request, the Petitioner represents as follows:

1. That the Petitioner, Joseph Stuart Staley, Jr., is the owner of a tract of land lying in Smyth County, Virginia, lying in the North Fork Magisterial District, and identified as Tax Id No. 21-A-64, consisting of 796 acres, more or less, (assessed as 791.67 acres). Please see Petitioner's Exhibit No. 1 attached hereto.
2. That the Petitioner acquired the property referenced in Paragraph No. 1, by deed dated March 1, 1973, wherein the Petitioner's parents, J. Stuart Staley and Dorothy T. Staley, his wife, did bargain, sell, grant and convey all of their interest in said property to the Petitioner, Joseph Stuart Staley, Jr. Said deed being of record in the Office of the Circuit Clerk for Smyth County, Virginia, in Deed Book No. 290 at page 329, a copy of which is attached hereto as Exhibit No. 2.
3. That the Positive Alternative Radio, Inc., seeks an application for renewal with this Office, in order to perpetuate a trespass upon property owned by the Petitioner Joseph Stuart, Jr. More specifically, as shown in a survey performed by licensed surveyor Gregory G. McGlothlin, a copy

of which is attached hereto as Exhibit No. 3 (along with a Google Map of the area), Positive Alternative Radio, Inc., is broadcasting its signal from property located upon the Petitioner's land, without justification or permission.

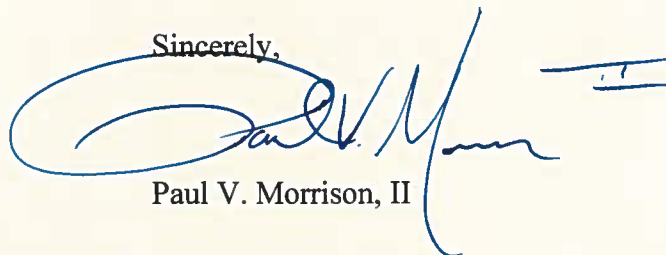
4. That no entity has the right to utilize the Petitioner's land. There exists no deed, lease, right of way, or written agreement which would justify this continual and blatant trespass upon the Petitioner's property.

5. That any oral permission given by the Petitioner, or his predecessors in title, is hereby revoked, and the Petitioner demands that any trespassers vacate the property immediately.

6. That it is not in the public interests for this governmental body to aid Positive Alternative Radio, Inc., with perpetuating a continual trespass upon the Petitioner's property.

Accordingly, for all of the above stated reasons, the Petitioner, Joseph Stuart Staley, Jr., hereby objects to the application for license renewal filed by Positive Alternative Radio, Inc., and hereby requests that the FCC deny said applications until such time as this property dispute may be resolved.

Sincerely,

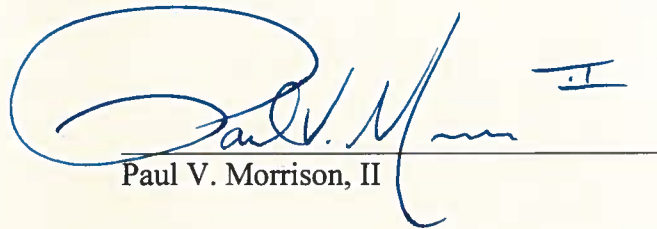
A handwritten signature in blue ink, appearing to read "Paul V. Morrison, II", with a large, stylized initial "P" and a horizontal line to the right.

Paul V. Morrison, II

Enclosures

CERTIFICATE OF SERVICE

The undersigned does hereby certify that he has this the 20th day of August, 2019, mailed a true copy of the foregoing Petition to Deny to Positive Alternative Radio, Inc., Edward A. Baker, P.O. Box 889, Blacksburg, Virginia 24063, and also to his legal representative Cary S. Tepper, 4900 Auburn Avenue, Suite 100, Bethesda, Maryland 20814-2632.


Paul V. Morrison, II

AFFIDAVIT

STATE OF VIRGINIA,
COUNTY OF SMYTH, to-wit:

This day, personally appeared before me, a Notary Public in and for the City/County aforesaid, the undersigned, and being duly sworn on their oaths, did say that:

1. That his name is Joseph Stuart Staley, Jr., and that he is a resident of Smyth County, Virginia;
2. That he is the property owner of land lying in Smyth County, Virginia, and identified as lying in the North Fork Magisterial District, and identified as Tax Id No. 21-A-64, consisting of 796 acres, *more or less*.
3. That he has reviewed the Petition to Deny the Application for License Renewal dated August 20, 2019, and that he has personal knowledge of the facts stated in said Petition to Deny, and he hereby swears and attests that the facts stated in said Petition to Deny are true and accurate.

This **Affidavit** is given, made and executed as of this 20th day of August, 2019.

Joseph Stuart Staley Jr (SEAL)
JOSEPH STUART STALEY, JR.

Executed, subscribed and sworn to before me this 20th day of August, 2019, by Joseph Stuart Staley, Jr.

My commission expires: 7/31/21

Kristen S. Leaman
Notary Public

Notary Registration No. 7723443



THIS DEED, made this the 1st day of March, 1973, by and between J. STUART STALEY and DOROTHY T. STALEY, his wife, parties of the first part and JOSEPH STUART STALEY, JR., party of the second part.

: W I T N E S S E T H :

That for and in consideration of the sum of Fifty-One Thousand Four Hundred Thirty-Seven Dollars (\$51,437) paid and to be paid as hereinafter set forth, the parties of the first part do hereby BARGAIN, SELL, GRANT and CONVEY unto the party of the second part with Covenants of General Warranty of Title and with the English Covenants that certain real estate situated in the old Rich Valley District of Smyth County, Virginia, and known as the Luther D. and J. H. Buchanan lands containing 796 acres more or less and being the same property conveyed the parties of the first part by deed of George L. Buchanan et ux bearing date of January 17, 1963, and recorded in the Clerk's Office for the Circuit Court of Smyth County in Deed Book 189, page 197.

Reference is made to the aforesaid deed for a more particular description of the property conveyed hereby.

This conveyance is subject to the water rights mentioned in the deed referenced to above.

The aforesaid consideration is represented by ten notes of even date in the principal sum of \$5,000.00 each, bearing interest at the rate of 5% per annum, due one, two, three, four, five, six, seven, eight, nine and ten years after date and an eleventh note in the amount of \$1,437.00, bearing interest at the rate of 5% per annum payable 11 years after date.

WITNESS the following signatures and seals:

Dr. J. Stuart Staley (SEAL)
DR. J. STUART STALEY

Dorothy T. Staley (SEAL)
DOROTHY T. STALEY

Joseph Stuart Staley, Jr. (SEAL)
JOSEPH STUART STALEY, JR.

STATE OF VIRGINIA:
: to-wit;
COUNTY OF SMYTH :

I, Oliver K. Lamin, a Notary Public in and for the County and State aforesaid do hereby certify that Dr. J. Stuart Staley, Dorothy T. Staley, his wife, and Joseph Stuart Staley, Jr., whose names are signed to the foregoing writing, bearing date of March 1, 1973, this day personally appeared before me in my county and state aforesaid and acknowledged the same.

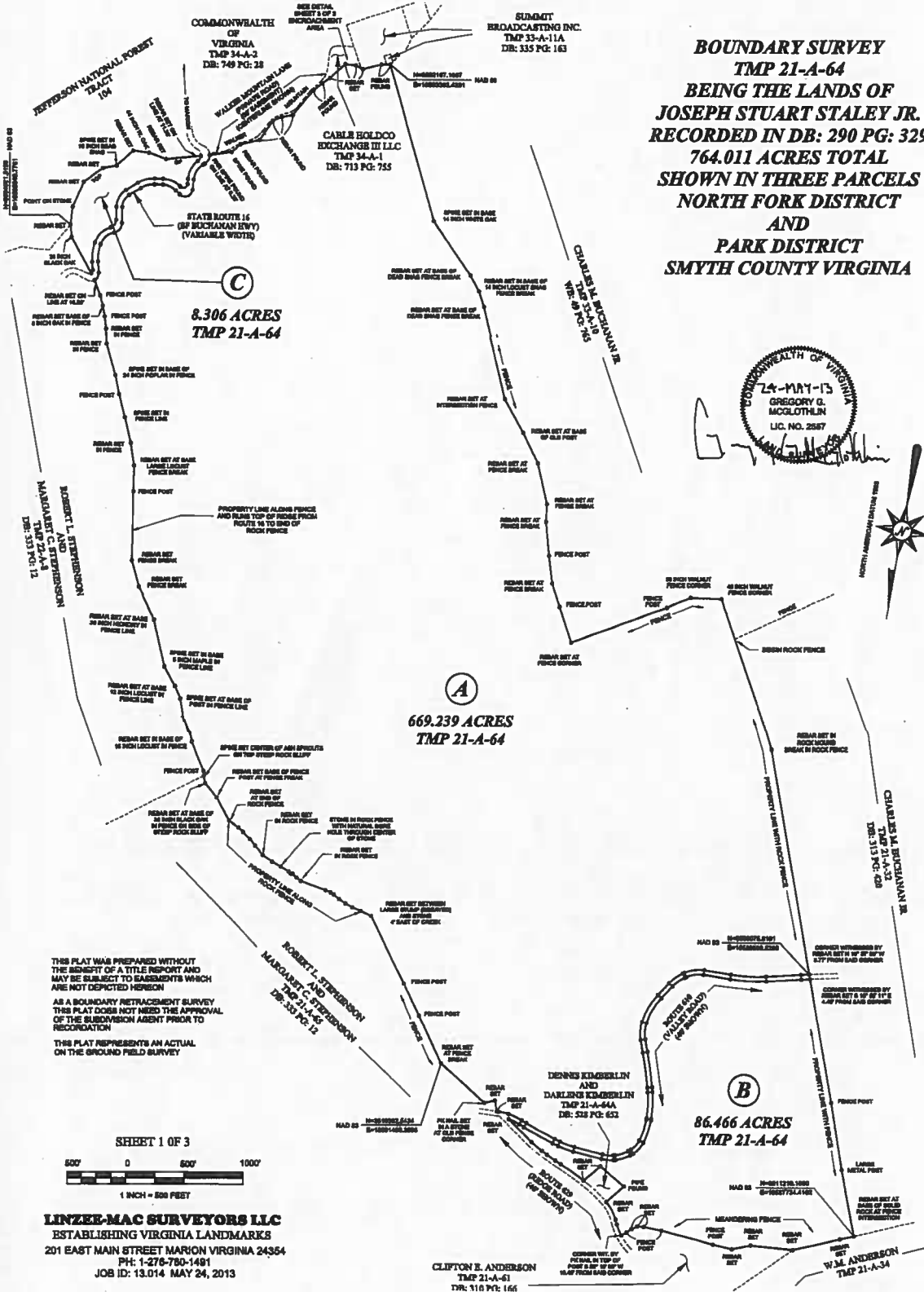
Given under my hand this 9th day of April, 1973.
My commission expires April 12, 1978.

Oliver K. Lamin
NOTARY PUBLIC

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office at the Clerk's Office of the Circuit Court of Smyth County, this 5 day of April, 1973.
At 1:59 o'clock P. M. after payment of \$ 5.00 fee imposed by Sec. 55-54 (a).
Teste: Oliver K. Lamin Notary Public

**BOUNDARY SURVEY
TMP 21-A-64
BEING THE LANDS OF
JOSEPH STUART STALEY JR.
RECORDED IN DB: 290 PG: 329
764.011 ACRES TOTAL
SHOWN IN THREE PARCELS
NORTH FORK DISTRICT
AND
PARK DISTRICT
SMYTH COUNTY VIRGINIA**

24-MAY-13
GREGORY G. MCLOUTY, JR.
LIC. NO. 2587

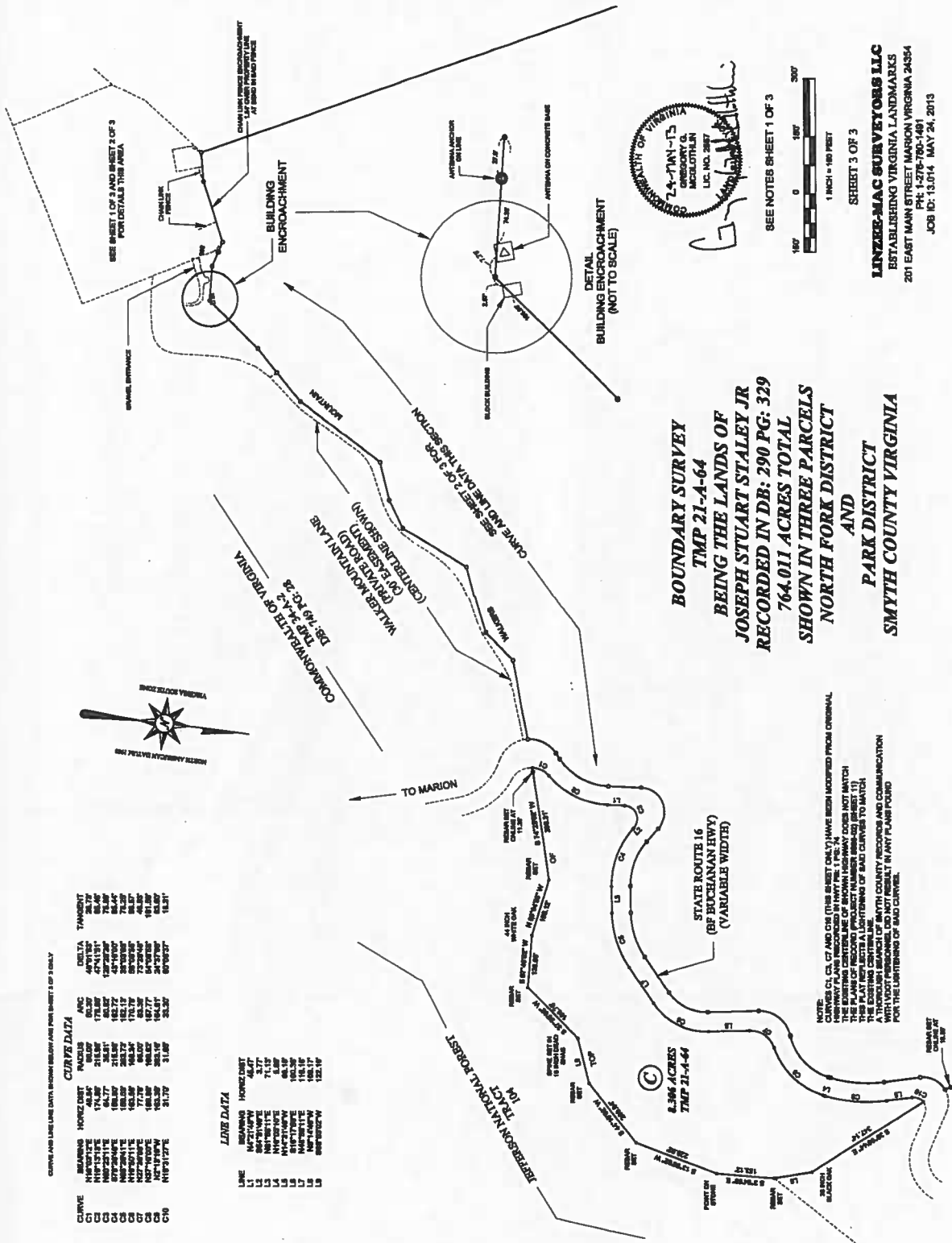


LINZEE-MAC SURVEYORS LLC
ESTABLISHING VIRGINIA LANDMARKS
201 EAST MAIN STREET MARION VIRGINIA 24364
PH: 1-276-780-1491
JOB ID: 13.014 MAY 24, 2013

CURVE DATA

[illegible]

LINE	BEARING	HORIZ DIST
L1	N47°21'49"W	46.47
L2	S64°13'46"E	3.77
L3	N81°08'11"E	71.15
L4	N16°02'07"E	3.89
L5	N47°21'49"W	68.19
L6	S16°17'08"E	100.39
L7	N48°28'11"E	118.16
L8	N17°42'49"W	103.17
L9	S88°52'02"W	132.16



**BOUNDARY SURVEY
TMP 21-A-64
BEING THE LANDS OF
JOSEPH STUART STALEY JR
RECORDED IN DB: 290 PG: 329
764.011 ACRES TOTAL
SHOWN IN THREE PARCELS
NORTH FORK DISTRICT
AND
PARK DISTRICT
SMYTH COUNTY VIRGINIA**

NOTE: RECORDS CL, CL, C7 AND C16 (THIS SHEET ONLY) HAVE BEEN MODIFIED FROM ORIGINAL
 -NEW MARY PLAINS RECORDED IN MAY 1961, P. 16: 74
 -THE EXISTING CENTERLINE OF BROWN HOLLOW DOES NOT MATCH
 -THE EXISTING CENTERLINE OF THE BROWN HOLLOW
 -THIS PLANT NETS A LIGHTENING OF SAND CURVES TO MATCH
 -THE EXISTING CENTERLINE
 -A THOROUGH SEARCH OF BATHY COLUMN RECORDS AND COMMUNICATION
 WITH VISITING PERSONNEL DID NOT RESULT IN ANY PLAINS FOUND

LINZEE-MAC SURVEYORS LLC
ESTABLISHING VIRGINIA LANDMARKS
201 EAST MAIN STREET MARION VIRGINIA 24354
PH: 1-278-760-1491
JOB ID: 13.0714 MAY 24, 2013

SEE NOTES SHEET 1 OF 3

SHEET 3 OF 3

SHEET 3 OF 3

LINZEE-MAC SURVEYORS LLC
ESTABLISHING VIRGINIA LANDMARKS
 201 EAST MAIN STREET MARION VIRGINIA 24364
 PH: 1-278-780-1481
 JOB ID: 13.014 MAY 24, 2013

CURVE AND LINE DATA SHOWN BELOW ARE FOR SHEET 2 OF 3 ONLY

CURVE DATA

CURVE	BEARING	HORIZ DIST	RADIUS	ARC
C1	N82°54'30"E	388.35	1447.89	388.89
C2	N72°33'30"E	171.07	388.89	174.89
C3	N44°38'11"E	143.89	388.89	144.89
C4	N38°38'03"E	288.29	613.79	288.39
C5	N6°18'20"E	192.85	328.41	188.89
C6	N17°38'11"W	261.25	321.82	261.24
C7	N9°21'38"W	218.21	378.89	214.77
C8	N4°42'30"E	191.29	388.89	188.89
C9	N32°38'18"E	188.19	182.13	184.89
C10	N68°32'43"E	112.89	243.41	113.89
C11	N68°38'20"E	81.27	387.39	81.79
C12	S78°54'42"E	131.89	348.87	132.17
C13	S71°18'20"E	274.84	388.41	274.87
C14	S78°12'30"E	127.89	388.82	127.84
C15	S18°18'30"W	75.25	68.89	77.39
C16	S72°18'18"E	142.89	323.19	145.13
C17	S38°38'18"W	147.81	148.82	144.29
C18	S38°18'45"W	194.89	82.39	113.23
C19	S19°18'11"W	114.89	113.34	138.89
C20	N0°28'40"W	123.11	188.89	135.89
C21	S89°23'18"W	118.29	68.89	148.89
C22	S21°18'11"W	148.44	188.89	188.89
C23	S18°18'18"W	82.39	88.89	88.49
C24	S32°54'30"W	388.89	1447.89	388.81
C25	S72°38'45"W	143.29	388.89	191.29
C26	S44°38'31"W	127.29	314.89	128.81
C27	S38°38'18"W	348.89	673.79	348.89
C28	S8°18'20"E	138.89	388.41	138.89
C29	S17°38'11"E	284.89	328.89	288.89
C30	S7°18'20"E	228.14	314.89	228.77
C31	S2°42'30"E	184.89	388.82	184.89
C32	S38°38'18"W	134.89	223.13	138.39
C33	S82°38'45"W	131.17	388.41	132.37
C34	S88°38'20"E	194.89	227.39	194.89
C35	S78°54'42"E	148.89	388.41	148.32
C36	S71°18'20"E	278.84	388.41	278.17
C37	S74°18'20"E	181.31	488.82	181.71
C38	S38°18'11"E	118.89	348.89	118.89
C39	S88°18'34"E	88.11	178.27	88.13
C40	S31°18'20"E	182.13	388.19	182.39
C41	S87°18'18"E	88.89	488.82	88.12
C42	S37°48'23"E	188.89	388.32	174.89
C43	S8°48'30"E	243.17	278.17	243.24

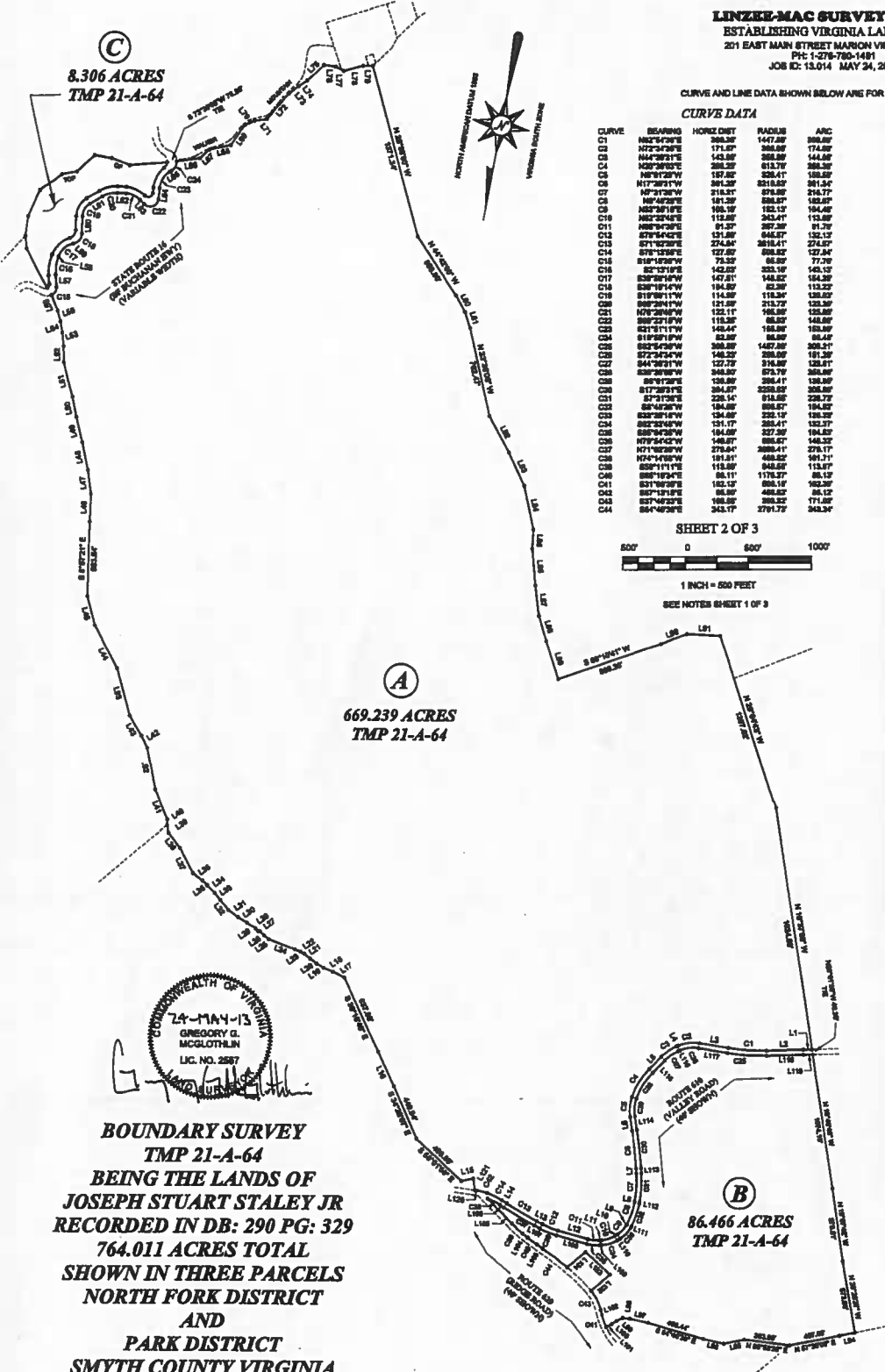
LINE DATA

LINE	BEARING	HORIZ DIST
L1	N77°28'30"E	68.89
L2	N79°18'30"E	288.29
L3	N81°14'45"E	231.27
L4	N84°17'30"E	183.4
L5	N82°14'11"E	187.29
L6	N89°11'21"W	188.89
L7	N14°38'48"W	38.89
L8	N18°38'30"E	8.21
L9	N48°18'30"E	27.21
L10	N74°38'30"E	18.89
L11	N74°38'30"E	262.89
L12	S89°48'30"E	53.17
L13	S88°38'30"E	46.87
L14	N87°18'30"E	68.79
L15	S89°48'30"E	288.89
L16	S74°38'30"E	103.42
L17	S78°38'30"E	78.39
L18	S78°38'45"E	88.39
L19	S89°48'30"E	88.19
L20	S89°48'30"E	88.84
L21	S89°48'30"E	23.72
L22	S78°38'30"E	47.89
L23	S78°38'45"E	238.47
L24	S89°48'30"E	47.89
L25	S89°48'30"E	43.39
L26	N88°27'30"E	18.44
L27	S89°48'30"E	27.42
L28	S89°48'30"E	78.39
L29	S78°38'30"E	62.84
L30	S89°48'30"E	88.44
L31	S48°18'30"E	181.89
L32	S48°18'30"E	71.39
L33	S48°18'30"E	88.44
L34	S89°48'30"E	82.32
L35	S89°48'30"E	88.19
L36	S89°48'30"E	238.12
L37	S48°18'30"E	188.89
L38	S21°18'30"E	82.37
L39	S2°48'30"E	42.89
L40	S12°48'30"E	287.29
L41	S38°18'30"E	188.89
L42	S38°18'30"E	78.89
L43	S42°18'30"E	253.89
L44	S38°18'30"E	238.89
L45	S38°18'30"E	238.19
L46	S18°48'30"E	188.14
L47	S22°18'30"E	221.89
L48	S24°18'30"E	281.89
L49	S21°48'30"E	181.79
L50	S24°18'30"E	277.44
L51	S12°48'30"E	188.21
L52	S18°28'30"E	184.19
L53	S38°18'30"E	88.84
L54	S38°18'30"E	87.77
L55	S38°18'30"E	188.89
L56	S14°18'30"E	88.39
L57	S18°18'30"E	8.89
L58	S8°18'30"E	2.84
L59	S8°18'30"E	134.89
L60	S48°18'30"E	118.19
L61	S11°18'30"E	71.13
L62	N84°18'30"E	48.89
L63	S48°18'30"E	47.89
L64	S48°18'30"E	18.79
L65	S71°18'30"E	188.89
L66	S71°18'30"E	188.89
L67	S71°18'30"E	188.89
L68	S88°18'30"E	178.31
L69	S88°18'30"E	187.17
L70	S88°18'30"E	81.89
L71	S88°18'30"E	188.89
L72	S88°18'30"E	288.44
L73	S48°18'30"E	87.19
L74	S48°18'30"E	88.89
L75	S24°18'30"E	178.11
L76	S24°18'30"E	81.24
L77	N72°18'30"E	188.89
L78	S89°18'30"E	188.89
L79	S78°18'30"E	78.47
L80	N89°18'30"E	181.89
L81	N88°18'30"E	138.19
L82	N89°18'30"E	288.44
L83	N89°18'30"E	288.89
L84	N22°18'30"E	88.89
L85	N18°18'30"E	188.89
L86	N18°18'30"E	287.87
L87	N18°18'30"E	288.44
L88	N74°18'30"E	288.17
L89	N84°18'30"E	218.89
L90	S24°18'30"E	238.89
L91	S82°18'30"E	288.19
L92	S21°48'30"E	87.19
L93	S38°18'30"E	88.89
L94	N89°18'30"E	138.89
L95	N89°18'30"E	188.89
L96	S89°18'30"E	188.89
L97	S89°18'30"E	188.89
L98	N89°18'30"E	88.44
L99	N89°18'30"E	48.77
L100	N89°18'30"E	48.77
L101	N89°18'30"E	48.77
L102	S23°18'30"E	48.89
L103	S89°18'30"E	88.89
L104	S89°18'30"E	88.89
L105	S89°18'30"E	278.89
L106	S89°18'30"E	48.77
L107	N74°18'30"E	81.17
L108	N89°18'30"E	288.89
L109	S78°18'30"E	18.89
L110	S48°18'30"E	27.21
L111	S18°18'30"E	8.21
L112	S9°18'30"E	13.89
L113	S18°18'30"E	38.89
L114	S38°18'30"E	188.89
L115	S24°18'30"E	137.29
L116	S21°18'30"E	13.34
L117	S28°18'30"E	231.27
L118	S78°18'30"E	288.11
L119	S77°18'30"E	73.89
L120	N89°18'30"E	18.44
L121	S18°18'30"E	88.89
L122	S38°18'30"E	188.42
L123	S89°18'30"E	288.19
L124	N89°18'30"E	188.42
L125	S89°18'30"E	188.89

SHEET 2 OF 3



SEE NOTES SHEET 1 OF 3



COMMONWEALTH OF VIRGINIA
 24-MAY-13
 GREGORY G. MCGLATHLIN
 LIC. NO. 2887

BOUNDARY SURVEY
TMP 21-A-64
BEING THE LANDS OF
JOSEPH STUART STALEY JR
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SMYTH COUNTY VIRGINIA

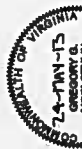
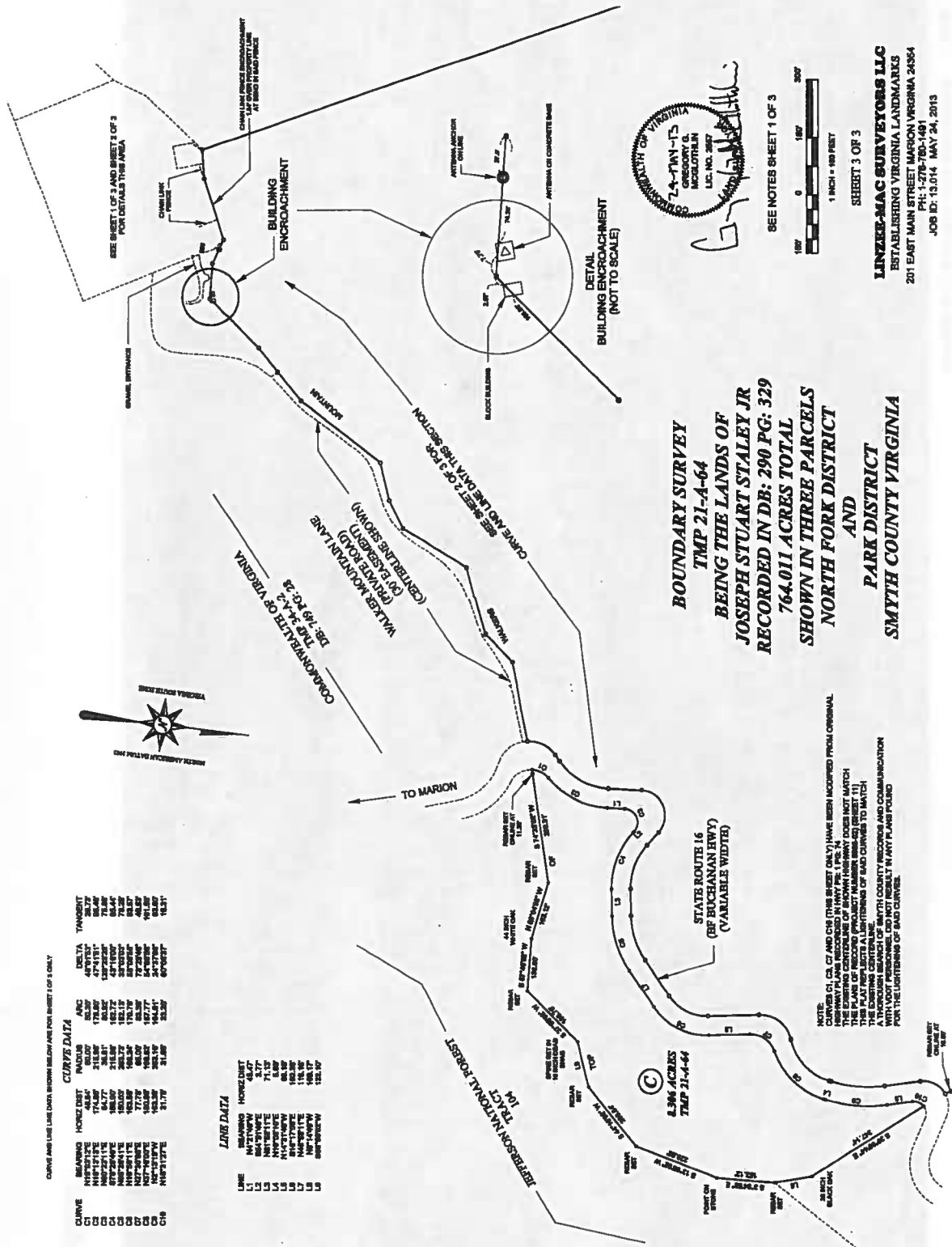
CURVE AND LINE DATA SHOWN BELOW ARE FOR SHEET 1 OF 3 ONLY

CURVE DATA

CURVE	BEARING	HORIZ DIST	ARC	DELTA	TANGENT
C1	N81°12'E	174.89	48.47	47°43'11"	88.47
C2	N81°12'E	174.89	48.47	47°43'11"	88.47
C3	N81°12'E	174.89	48.47	47°43'11"	88.47
C4	N81°12'E	174.89	48.47	47°43'11"	88.47
C5	N81°12'E	174.89	48.47	47°43'11"	88.47
C6	N81°12'E	174.89	48.47	47°43'11"	88.47
C7	N81°12'E	174.89	48.47	47°43'11"	88.47
C8	N81°12'E	174.89	48.47	47°43'11"	88.47
C9	N81°12'E	174.89	48.47	47°43'11"	88.47

LINE DATA

LINE	BEARING	HORIZ DIST
L1	N81°12'E	48.47
L2	N81°12'E	48.47
L3	N81°12'E	48.47
L4	N81°12'E	48.47
L5	N81°12'E	48.47
L6	N81°12'E	48.47
L7	N81°12'E	48.47
L8	N81°12'E	48.47
L9	N81°12'E	48.47



SEE NOTES SHEET 1 OF 3



SHEET 3 OF 3

LINZEE-MAC SURVEYORS LLC
ESTABLISHING VIRGINIA LANDMARKS
201 EAST MAIN STREET MARION VIRGINIA 24364
PH: 1-276-780-1491
JOB ID: 13.014 MAY 24, 2013