CLAY TOWNSHIP

MONTGOMERY COUNTY

REGULAR AUDIT

FOR THE YEARS ENDED DECEMBER 31, 2005 - 2004



Mary Taylor, CPA Auditor of State

January 8, 2007

The attached audit report was completed and prepared for release prior to the commencement of my term of office on January 8, 2007. Thus, I am certifying this audit report for release under the signature of my predecessor.

Mary Jaylor

MARY TAYLOR, CPA Auditor of State

88 E. Broad St. / Fifth Floor / Columbus, OH 43215-3506 Telephone: (614) 466-4514 (800) 282-0370 Fax: (614) 466-4490 www.auditor.state.oh.us This Page is Intentionally Left Blank.



Auditor of State Betty Montgomery

Board of Trustees Clay Township 8207 Arlington Road Brookville, Ohio 45309

We have reviewed the *Report of Independent Auditors*' of Clay Township, Montgomery County, prepared by Manning & Associates CPAs, LLP for the audit period January 1, 2004 through December 31, 2005. Based upon this review, we have accepted these reports in lieu of the audit required by Section 117.11, Revised Code. The Auditor of State did not audit the accompanying financial statements and, accordingly, we are unable to express, and do not express an opinion on them.

The financial statements in the attached report are presented in accordance with a regulatory basis of accounting prescribed or permitted by the Auditor of State's Office (AOS). Due to a February 2, 2005 interpretation from the American Institute of Certified Public Accountants (AICPA), modifications were required to the *Report of Independent Auditors*' on your financial statements. While the AOS does not legally require your government to prepare financial statements pursuant to Generally Accepted Accounting Principles (GAAP), the AICPA interpretation requires auditors to formally acknowledge that you did not prepare your financial statements in accordance with GAAP. The attached report includes an opinion relating to GAAP presentation and measurement requirements, but does not imply the statements are misstated under the non-GAAP regulatory basis. The *Report of Independent Auditors*' also includes an opinion on the financial statements using the regulatory format the AOS permits.

Our review was made in reference to the applicable sections of legislative criteria, as reflected by the Ohio Constitution, and the Revised Code, policies, procedures and guidelines of the Auditor of State, regulations and grant requirements. Clay Township is responsible for compliance with these laws and regulations.

Betty Montgomeny

BETTY MONTGOMERY Auditor of State

December 22, 2006

88 E. Broad St. / P.O. Box 1140 / Columbus, OH 43216-1140 Telephone: (614) 466-4514 (800) 282-0370 Fax: (614) 466-4490 www.auditor.state.oh.us This Page is Intentionally Left Blank.

TABLE OF CONTENTS

TITLE	PAGE	
Report of Independent Auditors'	1 - 2	
Combined Statement of Cash Receipts, Cash Disbursements and Changes in Fund Cash Balances – All Governmental Fund Types - For the Year Ended December 31, 2005	4	
Combined Statement of Cash Receipts, Cash Disbursements and Changes in Fund Cash Balances – All Governmental Fund Types	·	
- For the Year Ended December 31, 2004	5	
Notes to the Financial Statements	6 – 11	
Independent Accountants' Report on Internal Control Over Financial Reporting And on Compliance and Other Matters Required By <i>Government Auditing Standards</i>	13	
Schedule of Prior Audit Findings	14	

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MANNING & ASSOCIATES CPAS, LLC 6105 NORTH DIXIE DRIVE DAYTON, OHIO 45414

REPORT OF INDEPENDENT AUDITORS'

Board of Trustees Clay Township 8207 Arlington Rd. Brookville, Ohio 45309

We have audited the accompanying financial statements of Clay Township, Montgomery County, (the Township), as of and for the years ended December 31, 2005 and 2004. These financial statements are the responsibility of the Township's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in the Comptroller General of the United States' *Government Auditing Standards*. Those standards require that we plan and perform the audit to reasonably assure whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

As described more fully in Note 1, the Township has prepared these financial statements using accounting practices the Auditor of State prescribes or permits. These practices differ from accounting principles generally accepted in the United States of America (GAAP). Although we cannot reasonably determine the effects on the financial statements of the variances between these regulatory accounting practices and GAAP, we presume they are material.

Revisions to GAAP would require the Township to reformat its financial statement presentation and make other changes effective for the years ended December 31, 2005 and 2004. Instead of the combined funds the accompanying financial statements present for 2005 and 2004, the revisions require presenting entity wide statements and also to present its larger (i.e major) funds separately for 2005 and 2004. While the Township does not follow GAAP, generally accepted auditing standards requires us to include the following paragraph if the statements do not substantially conform to the new GAAP presentation requirements. The Auditor of State permits, but does not require governments to reformat their statements. The Township has elected not to reformat its statements. Since this Township does not use GAAP to measure financial statement amounts, the following paragraph does not imply the amounts reported are materially misstated under the accounting basis the Auditor of State permits. Our opinion on the fair presentation of the amounts reported pursuant to its non-GAAP basis is in the second following paragraph.

In our opinion, because of the effects of the matter discussed in the preceding two paragraphs, the financial statements referred to above for the years ended December 31, 2005 and 2004, do not present fairly, in conformity with accounting principles generally accepted in the United States of America, the financial position of the Township as of December 31, 2005 and 2004, or its changes in financial position for the years then ended.

Also, in our opinion, the financial statements referred to above present fairly, in all material respects, the combined fund cash balances of Clay Township, Montgomery County, as of December 31, 2005 and 2004, and its combined cash receipts and disbursements for the years then ended on the accounting basis Note 1 describes.

Clay Township Montgomery County Independent Accountants' Report Page 2

The aforementioned revision to generally accepted accounting principles also requires the Township to include Management's Discussion and Analysis for the years ended December 31, 2005 and 2004. The Township has not presented Management's Discussion and Analysis, which accounting principles generally accepted in the United States of America has determined is necessary to supplement, although not required to be part of, the financial statements.

In accordance with *Government Auditing Standards*, we have also issued a report dated October 6, 2006, on our consideration of the Township's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grants agreements and other matters. While we did not opine on the internal control over financial reporting or on compliance, that report describes the scope of our testing of internal control over financial reporting and compliance, and the results of that testing. That report is an integral part of an audit performed in accordance with *Government Auditing Standards*. You should read it in conjunction with this report in assessing the results of our audit.

Manning & Associates CPAs, LLC Dayton, Ohio

October 6, 2006

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CLAY TOWNSHIP

MONTGOMERY COUNTY

COMBINED STATEMENT OF CASH RECEIPTS, CASH DISBURSEMENTS, AND CHANGES IN FUND CASH BALANCES - ALL GOVERNMENTAL FUND TYPES FOR THE YEAR ENDED DECEMBER 31, 2005

	G	OVERNME	NTA	L FUND TYPE	S			
		General		Special Revenue		Capital Projects	(1	Total Memorandum Only)
Cash Receipts:						<u> </u>		
Taxes	\$	34,975	\$	759,192	\$	0	\$	794,167
Changes for Services		0		224,852		0		224,852
Licenses, Permits and Fees		13,492		47,086		0		60,578
Fines and Forfeitures		13,232		125		0		13,357
Intergovernmental Receipts		68,720		217,180		0		285,900
Special Assessments		0		4,712		0		4,712
Earnings on Investments		10,867		6,086		0		16,953
Miscellaneous		85,427		58,253		0		143,680
Total Cash Receipts	_	226,713	_	1,317,486	_	0	_	1,544,199
Cash Disbursements:								
Current:								
General Government		176,067		2,996		0		179,063
Public Safety		0		704,239		0		704,239
Public Works		0		458,636		0		458,636
Health		0		48,806		0		48,806
Debt Service:								
Redemption of Principal		124,000		6,000		0		130,000
Interest and Fiscal Charges		6,000		0		0		6,000
Capital Outlay	_	643	_	6,439	_	80		7,162
Total Cash Disbursements		306,710	_	1,227,116	_	80		1,533,906
Total Receipts Over/(Under) Disbursements		(79,997)		90,370	_	(80)		10,293
Other Financing Receipts/(Disbursements):								
Sale of Notes		100,000		0		0		100,000
Transfers-In		0		(6,023)		0		(6,023)
Transfers-Out		0		6,023		0		6,023
Total Other Financing Receipts (Disbursements)	_	100,000	_	0	_	0		100,000
Excess of Cash Receipts and Other Financing Receipts Over/(Under) Cash								
Disbursements and Other Financing Disbursements		20,003		90,370	_	(80)		110,293
Fund Cash Balances, January 1, 2005	_	193,861		313,809		1227	_	508,897
Fund Cash Balances, December 31, 2005	\$	213,864	\$	404,179	\$_	1,147	\$	619,190

The Notes to the Financial Statements are an integral part of this statement.

COMBINED STATEMENT OF CASH RECEIPTS, CASH DISBURSEMENTS, AND CHANGES IN FUND CASH BALANCES - ALL GOVERNMENTAL FUND TYPES FOR THE YEAR ENDED DECEMBER 31, 2004

	(GOVERNMENT	TAL FUND TYP	ES	
	_	General	Special Revenue	Capital Projects	Total (Memorandum Only)
Cash Receipts:					
Taxes	\$	27,736 \$	757,555 \$	0 \$,
Charges for Services		0	225,739	0	225,739
Licenses, Permits and Fees		13,894	42,624	0	56,518
Fines and Forfeitures		11,154	175	0	11,329
Intergovernmental Receipts		271,447	207,097	271,514	750,058
Special Assessments		0	1,029	0	1,029
Earnings on Investments		3,135	1,512	0	4,647
Miscellaneous		111,088	46,661	0	157,749
Total Cash Receipts	-	438,454	1,282,392	271,514	1,992,360
Cash Disbursements:					
Current:					
General Government		315,142	0	0	315,142
Public Safety		0	684,340	0	684,340
Public Works		0	398,169	0	398,169
Health		0	25,516	0	25,516
Debt Service:					
Redemption of Principal		11,865	21,870	0	33,735
Interest and Fiscal Charges		4,711	3,616	0	8,327
Capital Outlay	_	1,881	8,969	271,514	282,364
Total Cash Disbursements	_	333,599	1,142,480	271,514	1,747,593
Total Receipts Over/(Under) Disbursements	_	104,855	139,912	0	244,767
Fund Cash Balances, January 1, 2004	_	89,006	173,897	1,227	264,130
Fund Cash Balances, December 31, 2004	\$_	193,861 \$	313,809 \$	1,227 \$	508,897

The Notes to the Financial Statements are an integral part of this statement.

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEARS ENDED DECEMBER 31, 2005 AND 2004

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Description of the Entity

Clay Township of Montgomery County, (the Township) is a body corporate and politic established to exercise the rights and privileges conveyed to it by the constitution and laws of the State of Ohio. The Township is directed by a publicly elected three-member Board of Trustees. The Township provides road and bridge maintenance, cemetery maintenance, fire protection and emergency services.

The Township's management believes these financial statements present all activities for which the Township is financially accountable.

B. Basis of Accounting

These financial statements follow the basis of accounting prescribed or permitted by the Auditor of State, which is similar to the cash receipts and disbursements basis of accounting. Receipts are recognized when received in cash rather than when earned, and disbursements are recognized when a payment is made rather than when a liability is incurred. Budgetary presentations report budgetary expenditures when a commitment is made (i.e., when an encumbrance is approved).

These statements include adequate disclosure of material matters, as prescribed or permitted by the Auditor of State.

C. Cash and Investments

Investments are reported as assets. Accordingly, purchases of investments are not recorded as disbursements, and sales of investments are not recorded as receipts. Gains or losses at the time of sale are recorded as receipts or disbursements, respectively.

Certificates of deposit are valued at cost or fair value when donated. Money market mutual funds (including STAR Ohio) are recorded at share values reported by the mutual fund.

D. Fund Accounting

The Township uses fund accounting to segregate cash and investments that are restricted as to use. The Township classifies its funds into the following types:

General Fund:

The General Fund is the general operating fund. It is used to account for all financial resources except those required by law or contract to be restricted.

Special Revenue Funds:

These funds are used to account for proceeds from specific sources (other than from trusts or for capital projects) that are restricted to expenditure for specific purposes. The Township had the following significant Special Revenue Funds:

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEARS ENDED DECEMBER 31, 2005 AND 2004

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

D. Fund Accounting (Continued)

Special Revenue Funds: (Continued)

Police Fund – This fund accounts for monies received from a tax levy for the purpose of maintaining the police department.

Fire Fund – This fund accounts for monies received from a tax levy for the purpose of maintaining the fire department.

Capital Projects Funds:

These funds are used to account for receipts that are restriced for the acquisiotn or construction of major capital projects (except those financed through enterprise or trust funds). The Township had the following significant capital projects funds:

Issue II Fund – The Township received a grant from the State of Ohio, during 2004, to repair roads within the Township.

E. Budgetary Process

The Ohio Revised Code requires that each fund be budgeted annually.

Appropriations

Budgetary expenditures (that is, disbursements and encumbrances) may not exceed appropriations at the fund, function or object level of control, and appropriations may not exceed estimated resources. The Board of Trustees must annually approve appropriation measures and subsequent amendments. The County Budget Commission must also approve the annual appropriation measure. Appropriations lapse at year-end.

Estimated Resources

Estimated resources include estimates of cash to be received (budgeted receipts) plus the cash balance as of January 1. The County Budget Commission must also approve estimated resources.

Encumbrances

The Ohio Revised Code requires the Township to reserve (encumber) appropriations when individual commitments are made. Encumbrances outstanding at year-end are cancelled, and reappropriated in the subsequent year. The township did not encumber all commitments required by Ohio law.

A summary of 2005 and 2004 budgetary activity appears in Note 3.

F. Property, Plant and Equipment

Acquisitions of property, plant and equipment are recorded as disbursements when paid. These items are not reflected as assets on the accompanying financial statements.

NOTES TO THE FINACIAL STATEMENTS FOR THE YEARS ENDED DECEMBER 31, 2005 AND 2004

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

G. Accumulated Leave

In certain circumstances, such as upon leaving employment, employees are entitled to cash payments for unused leave. Unpaid leave is not reflected as a liability under the Township's basis of accounting.

2. EQUITY IN POOLED CASH AND INVESTMENTS

The Township maintains a cash and investments pool used by all funds. The Ohio Revised Code prescribes allowable deposits and investments.

The carrying amount of cash and investments at December 31 was as follows:

	2005	2004
Demand Deposits	\$ 467,198	\$ 360,940
Certificates of Deposit	45,830	45,000
Total Deposits	513,029	405,940
STAR Ohio	106,162	102,957
Total deposits and investments	<u>\$ 619,190</u>	<u>\$ 508,897</u>

Deposits: Deposits are either insured by the Federal Depository Insurance Corporation or collateralized by the financial institution's public entity deposit pool.

Investments: Investments in STAR Ohio and mutual funds are not evidenced by securities that exist in physical or book-entry form.

3. BUDGETARY ACTIVITY

Budgetary activity for the years ending December 31, 2005 and 2004 follows:

2005 Budgeted vs. Actual Receipts

	Budgeted	Actual	
Fund Type	Receipts	Receipts	Variance
General	\$ 251,963	\$ 326,713	\$ 74,750
Special Revenue	1,426,966	1,323,509	(103,457)
Capital Projects	189,000	0	(189,000)
Total	<u>\$1,867,929</u>	<u>\$1,650,222</u>	\$(217,707)

2005 Budgeted vs. Actual Budgetary Basis Expenditures

		Appropriation	Budgetary	
Fund Type		Authority	Expenditures	Variance
General		\$ 438,590	\$ 306,710	\$ 131,880
Special Revenue		1,737,723	1,233,139	504,584
Capital Projects		189,000	80	188,920
	Total	<u>\$2,365,313</u>	<u>\$1,539,929</u>	<u>\$ 825,384</u>

NOTES TO THE FINACIAL STATEMENTS FOR THE YEARS ENDED DECEMBER 31, 2005 AND 2004

3. BUDGETARY ACTIVITY (Continued)

2004 Budgeted vs. Actual Receipts

	Budgeted	Actual	
Fund Type	Receipts	Receipts	Variance
General	\$ 423,327	\$ 438,454	\$ 15,127
Special Revenue	1,316,828	1,282,392	(34,436)
Capital Projects	271,514	271,514	0
Total	\$2,011,669	\$1,992,360	\$ (19,309)

2004 Budgeted vs. Actual Budgetary Basis Expenditures

		Appropriation	Budgetary	
Fund Type		Authority	Expenditures	Variance
General		\$ 512,000	\$ 333,599	\$ 178,401
Special Revenue		1,476,613	1,142,480	334,133
Capital Projects		271,514	271,514	0
- •	Total	\$2,260,127	\$1,747,593	\$ 512,534

4. PROPERTY TAX

Real property taxes become a lien on January 1 preceding the October 1 date for which rates are adopted by Board of Trustees. The State Board of Tax Equalization adjusts these rates for inflation. Property taxes are also reduced for applicable homestead and rollback deductions. Homestead and rollback amounts are then paid by the State, and are reflected in the accompanying financial statements as Intergovernmental Receipts. Payments are due to the County by December 31. If the property owner elects to make semiannual payment, the first half is due December 31. The second half payment is due the following June 20. Tangible personal property tax is assessed by the property owners, who must file a list of such property to the County by each April 30.

The County is responsible for assessing property, and for billing, collecting, and distributing all property taxes on behalf of the Township.

5. DEBT

Debt outstanding at December 31, 2005 was as follows:

	<u>Principal</u>	<u>Interest Rate</u>
Cemetery Site Acquisition Note	80,000	4.10%
Total	80,000	

The cemetery site acquisition note was issued for the purchase of land for a cemetery in 2000. It was refinanced in June, 2005. The note is collateralized solely by the Township's taxing authority.

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEARS ENDED DECEMBER 31, 2005 AND 2004

5. **DEBT** (Continued)

Amortization of the above debt, including interest, is scheduled as follows:

Year ending December 31:	Principal	Interest	<u>Total</u>
2006	\$10,000	\$ 3,225	\$13,225
2007	10,000	2,870	12,870
2008	10,000	2,460	12,460
2009	10,000	2,050	12,050
2010	40,000	1,640	41,640
Total	<u>\$80,000</u>	<u>\$12,245</u>	<u>\$92,245</u>

6. RETIREMENT SYSTEM

The Township's full-time employees and elected officials belong to the Ohio Public Employees Retirement System (OPERS). OPERS is a cost-sharing, multiple-employer plan. This plan provides retirement benefits, including postretirement healthcare, and survivor and disability benefits to participants as prescribed by the Ohio Revised Code.

Contribution rates are also prescribed by the Ohio Revised Code. For 2005 and 2004, OPERS members contributed 8.5 percent of their gross salaries. The Township contributed an amount equal to 13.55 percent of participants' gross salaries for 2005 and 2004. The Township has paid all contributions required through December 31, 2005.

7. RISK MANAGEMENT

The Township is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees and natural disasters. During 2004 the Township contracted with the Ohio Township Association Risk Management Authority (OTARMA), a risk sharing pool available to Ohio Townships. OTAMRA provides property and casualty coverage for its members. OTAMRA is a member of the American Public Entity Excess Pool (APEEP). Member governments pay annual contributions to fund OTAMRA. OTAMRA pays judgments, settlements, and other expenses resulting from covered claims that exceed the members' deductibles. Coverage provided by OTAMRA is as follows:

Legal Liability	\$5,000,000	Per Occurrence
Automobile Liability	5,000,000	Per Occurrence
Wrongful Acts	5,000,000	Per Occurrence

There were no significant reductions in coverage from prior years and claims have not exceeded insurance coverage in any of the past three years. The Township pays the State Workers' Compensation System a premium based on a rate per \$100 of salaries. This rate is based on accident history and administrative costs.

Casualty Coverage

OTARMA retains casualty risks up to \$250,000 per occurrence, including loss adjustment expenses. OTARMA pays a percentage of its contributions to APEEP. APEEP reinsures claims exceeding \$250,000, up to \$1,750,000 per claim and \$5,000,000 in the aggregate per year. Governments can elect additional coverage, from \$2,000,000 to \$10,000,000, from the General Reinsurance Corporation.

If losses exhaust OTARMA's retained earnings, APEEP covers OTARMA losses up to \$5,000,000 per year, subject to a per-claim limit of \$2,000,000.

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEARS ENDED DECEMBER 31, 2005 AND 2004

7. RISK MANAGEMENT (Continued)

Financial Position

OTARMA's financial statements (audited by other accountants) conform with generally accepted accounting principles, and reported the following assets, liabilities and retained earnings at December 31, 2004 and 2003 (the latest information available):

Casualty Coverage	<u>2004</u>	2003
Assets	\$30,687,203	\$27,792,223
Liabilities	<u>(13,640,962)</u>	(11,791,300)
Retained Earnings	<u>\$17,046,241</u>	<u>\$16,000,923</u>
Property Coverage	<u>2004</u>	<u>2003</u>
Assets	\$7,799,073	\$6,791,060
Assets Liabilities	\$7,799,073 <u>(753,906)</u>	\$6,791,060 <u>(750,956)</u>

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MANNING & ASSOCIATES CPAS, LLC 6105 NORTH DIXIE DRIVE DAYTON, OHIO 45414

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

Board of Trustees Clay Township 8207 Arlington Rd. Brookville, Ohio 45309

We have audited the financial statements of Clay Township, Montgomery County (the Township), as of and for the years ended December 31, 2005 and 2004, and have issued our report thereon dated October 6, 2006, wherein we noted the Township followed accounting practices the Auditor of State prescribes rather than accounting principles generally accepted in the United States of America. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in the Comptroller General of the United States' *Government Auditing Standards*.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Township's internal control over financial reporting to determine our auditing procedures to express our opinion on the financial statements and not to opine on the internal control over financial reporting. Our consideration of the internal control would not necessarily disclose all matters in the internal control over financial reporting that might be material weaknesses. A material weakness is a reportable condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts material to the financial statements we audited may occur and not be timely detected by employees when performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses. In a separate letter to the Township's management dated October 6, 2006, we reported other matters involving internal control over financial reporting we did not deem reportable conditions.

Compliance and Other Matters

As part of reasonably assuring whether the Township's financial statements are free of material misstatement, we tested its compliance with certain provisions of laws, regulations, contracts and grants agreements, noncompliance with which could directly and materially affect the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matter we must report under *Government Auditing Standards*. In a separate letter to the Township's management dated October 6, 2006, we reported matters relating to noncompliance we deemed immaterial.

This report is intended for the information and use of the audit committee, management, the Board of Trustees, and is not intended to be and should not be used by anyone other than these specified parties.

Manning & Associates CPAs, LLC Dayton, Ohio

October 6, 2006

SCHEDULE OF PRIOR AUDIT FINDINGS FISCAL YEAR END DECEMBER 31, 2005 AND 2004

FINDING NUMBER	FINDING SUMMARY	FULLY	NOT CORRECTED, PARTIALLY CORRECTED; SIGNIFICANTLY DIFFERENT CORRECTIVE ACTION TAKEN; OR FINDING NO LONGER VALID: EXPLAIN:
2003-001	Certification of Expenditures	Partially	Reissued as management comment



88 East Broad Street P.O. Box 1140 Columbus, Ohio 43216-1140

Telephone 614-466-4514 800-282-0370 Facsimile 614-466-4490

CLAY TOWNSHIP

MONTGOMERY COUNTY

CLERK'S CERTIFICATION

This is a true and correct copy of the report which is required to be filed in the Office of the Auditor of State pursuant to Section 117.26, Revised Code, and which is filed in Columbus, Ohio.

Susan Babbett

CLERK OF THE BUREAU

CERTIFIED JANUARY 11, 2007